AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

12 367-101 G.S.A

12-4-81
Vol. 46 No. 233
Pages 59227-59526

federal register

Friday
December 4, 1981

Highlights

59494 **Housing** HUD/FHC revises prototype housing costs for one- to four-family dwelling units. (Part V of this issue)

59246 **Education** VA and DOD issue regulations on eligibility for educational assistance.

59258 **Jeeps** FTC proposes agreement with American Motors Corp. to issue warnings of maneuvering limitations.

59506, 59510 **Prisoners** Justice/PB issues rule and proposal on control, custody, care, treatment, and instruction of inmates. (2 documents) (Part VI of this issue)

59368 **Recombinant DNA** HHS/NIH proposes revision of the 1981 guidelines for research involving recombinant DNA molecules. (Part II of this issue)

59353 **Foreign Trade** Trade Representative initiates investigation into Argentine trade practices detrimental to domestic leather tanning industry.

59256 **Banking** FHLBB proposes to facilitate correspondent activities of Federally chartered associations.

59234 FHLBB authorizes Federal Home Loan Bank member institutions to invest for liquidity in obligations issued by the National Credit Union Administration.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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59243 **Employee Benefit Plans** Labor/P&WBP amends rules on suspension of pension benefit payments under certain circumstances.

59286 **Commodities Exchanges** CFTC states position on treatment of expunged criminal convictions in making fitness determinations for registration.

59249 **Railroads** ICC issues guidelines for accumulating, recording and reporting costs of repairing freight train cars.

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59428 **Minimum Wages** Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part III of this issue)

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U S C 1510
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

Federal Employees Health Benefits Program; Open Season

AGENCY: Office of Personnel Management.

ACTION: Notice of health benefits open season.

SUMMARY: FPM Bulletin 890–77, dated November 6, 1981, notified agencies that the open season which would have been scheduled from November 9, 1981 through December 11, 1981 was postponed. On November 12, 1981, interim regulations were published in the **Federal Register** (46 FR 55679) which confirmed that the open season scheduled for 1981 was postponed to a time to be announced later by a Federal Personnel Manual Bulletin. As commanded by the United States District Court for the District of Columbia, in pending lawsuits in which the United States Government is a defendant, OPM's actions postponing the 1981 open season are now rescinded.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Lauretta Hall, Issuances and Instructions Staff, (202) 632–4684.

SUPPLEMENTARY INFORMATION: Because of delays in the negotiation of 1982 benefits and rates for the Federal Employees Health Benefits Plans, it was announced by the Office of Personnel Management that the 1981 open season which would have been scheduled from November 9, 1981 through December 11, 1981, was postponed. However, the United States District Court for the District of Columbia, in *National Treasury Employees Union* v. *Donald J. Devine and the United States of America*, Civil Action No. 81–2651, and related cases, has ordered the United States Government to hold an open season for a minimum of two weeks beginning on December 7, 1981. OPM has determined, in light of all the circumstances, that the open season should be held for a further period beyond that required by the court, and therefore will conduct an open season to and including December 31, 1981. FPM Bulletin 890–80, dated December 4, 1981, announces that an open season will be held from December 7, 1981 through December 31, 1981.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 81–34956 Filed 12–3–81; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegation of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture to the Assistant Secretary for Natural Resources and Environment and from the Assistant Secretary to the Chief of the Forest Service, and removes obsolete references. This action will enable the Department to better carry out its responsibilities and serve the public.

EFFECTIVE DATE: December 4, 1981.

ADDRESS: R. Max Peterson, Chief, (5400), USDA, Forest Service, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller or William R. Boring, USDA, Forest Service, Lands Staff, P.O. Box 2417, Washington, D.C. 20013, (202) 235–8107.

SUPPLEMENTARY INFORMATION: Inadvertantly, the delegation to the Assistant Secretary for Natural Resources and Environment to render certain decisions in appeals from the Chief of the Forest Service was not changed to reflect the appeal procedures which were published in the **Federal Register** 42 FR 32781, June 28, 1977. This rule corrects that delegation.

The reservation of authority in § 2.59 to the Assistant Secretary for Natural Resources is no longer needed since the withdrawal provision of Executive Order 10355 has been superseded by the provisions of the Federal Land Policy and Management Act of 1976.

In addition, it has been determined that the functions of the Secretary of Agriculture contained in the Alaska National Interest Lands Conservation Act should be delegated to the Chief of the Forest Service to promote organizational and operational efficiencies.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. This action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act and thus is exempt from the provisions of that Act.

For the reasons set out in the preamble, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as set forth below.

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

1. The authority citation for Part 2 reads as follows:

Authority.—5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.

Subpart A—General

2. Section 2.19 is amended by revising paragraph (d)(18) to read as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Natural Resources and Environment.

* * * * *

(d) * * *

(18) Render the decisions of the Secretary in appeals from the Chief, Forest Service, pursuant to § 211.19(j)(1)(iv) and (2), Title 36 Code of Federal Regulations.

* * * * *

Subpart G—Delegations of Authority by the Assistant Secretary for Natural Resources and Environment

§ 2.59 [Amended]

3. In § 2.59 paragraph (b) is removed.

4. Section 2.60 is amended by adding new paragraph (a)(21) to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(21) Exercise the functions of the Secretary of Agriculture contained in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101–3215).

For Subpart A:

Dated: November 30, 1981.

John R. Block,

Secretary of Agriculture.

For Subpart G:

Dated: November 30, 1981.

John B. Crowell, Jr.,

Assistant Secretary for Natural Resources and Environment.

[FR Doc. 81-34880 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-11-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 335, Amdt. 1; Lemon Reg. 336]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period December 6–12, 1981, and increases the quantity of lemons that may be shipped during the period November 29-December 5, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective December 6, 1981 and the amendment is effective for the period November 29-December 5, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on December 1, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. Section 910.636 is added as follows:

§ 910.636 Lemon Regulation 336.

The quantity of lemons grown in California and Arizona which may be handled during the period December 6, 1981, through December 12, 1981, is established at 250,000 cartons.

2. Section 910.635 Lemon Regulation 335 (46 FR 58061) is revised to read as follows:

§ 910.635 Lemon Regulation 335.

The quantity of lemons grown in California and Arizona which may be handled during the period November 29, 1981, through December 5, 1981, is established at 260,000 cartons.

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

Dated: December 2, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-34899 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 928, 959, 984, 987 and 989

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the Walnut Marketing Board functioning under Marketing Order 984, the Raisin Administrative Committee functioning under Marketing Order 989, the California Date Administrative Committee functioning under Marketing Order 987, and the South Texas Onion Committee functioning under Marketing Order 959, and increases expenses of the Papaya Administrative Committee functioning under Marketing Order 928. Funds to administer these programs are derived from assessments on walnut, raisin, date, onion, and papaya handlers regulated under the orders.

EFFECTIVE DATES: August 1, 1981–July 31, 1982, for Marketing Orders 984, 989, and 959; October 1, 1981–September 30, 1982, for Marketing Order 987; January 1, 1981–December 31, 1981, for Marketing Order No. 928; §§ 984.333; 989.332; 987.326; 928.210; and 959.222.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5697.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the Board and Committees established under the respective marketing orders, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the rate of assessment for a particular fiscal period shall apply to all assessable walnuts, raisins, dates, onions and papayas handled from the beginning of such period. To enable the Board and Committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the act to make these provisions effective as specified, and handlers have been apprised of such provisions, and the effective time.

Information collection requirements (reporting and recordkeeping) under these parts are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, §§ 984.332 (M.O. 984); 989.331 (M.O. 989); 987.325 (M.O. 987); and 959.221 (M.O. 959) are removed and new §§ 984.333 (M.O. 984); 989.332 (M.O. 989); 987.326 (M.O. 987) and 959.222 (M.O. 959) are added, and § 928.210, 45 FR 81731 (M.O. 928) is revised, to read as follows: (The following sections prescribe annual expenses and assessment rates and will not be published in the Code of Federal Regulations).

PART 984—WALNUTS GROWN IN CALIFORNIA

§ 984.333 Expenses and assessment rate.

Expenses of $616,000 by the Walnut Marketing Board are authorized, and an assessment rate payable by each handler in accordance with § 984.69 of 0.40 cent per kernelweight pound of merchantable walnuts is established for the marketing year ending July 31, 1982; any unexpended funds from that marketing year may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

PART 989—RAISINS PRODUCED FROM GRAPES IN CALIFORNIA

§ 989.332 Expenses and assessment rate.

Expenses of $249,397 by the Raisin Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 989.80 of $1.20 per ton of assessable raisin tonnage is established for that crop year ending July 31, 1982; any unexpended funds from the crop year, shall be credited or refunded to the handler from whom collected.

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

§ 987.326 Expenses and assessment rate.

Expenses of $30,516 by the California Date Administrative Committee are authorized, and an assessment rate payable by each handler in accordance with § 987.72 of 7 cents per hundredweight of assessable dates is established for the crop year ending September 30, 1982; any unexpended funds from that crop year may be used temporarily during the first four months of the ensuing crop year, and thereafter shall be credited or refunded to the handler from whom collected.

PART 928—PAPAYAS GROWN IN HAWAII

§ 928.210 Expenses and assessment rate.

Expenses of $497,500 by the Papaya Administrative Committee are authorized, and an assessment rate of $0.006 per pound of papayas is established for the fiscal year ended December 31, 1981; and unexpended funds from the fiscal year ending December 31, 1980; shall be carried over as a reserve.

PART 959—ONIONS GROWN IN SOUTH TEXAS

§ 959.222 Expenses and assessment rate.

Expenses of $167,221 by the South Texas Onion Committee are authorized, and an assessment rate of $0.03 per 50-pound container or equivalent quantity is established for the fiscal year period ending July 31, 1982. Unexpended funds shall be carried over as a reserve.

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

Dated: December 1, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-34854 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 984

Walnuts Grown in California; Free and Reserve Percentages for 1981–82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes free and reserve percentages of 75 percent and 25 percent, respectively, for California walnuts certified as merchantable during the 1981–82 marketing year, which began August 1, 1981. The rule is designed to allocate this season's supplies between domestic and export markets so as to make ample supplies available for domestic needs and all of the excess available for export. The percentages are authorized by the Federal marketing order for walnuts grown in California.

EFFECTIVE DATES: August 1, 1981 through July 31, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 17 handlers.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The relevant provisions of the order require that the free and reserve percentages established for a particular marketing year shall apply to all walnuts certified as merchantable from the beginning of that year. The 1981–82 marketing year began August 1, 1981.

Information collection (reporting and recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Notice of this action was published in the October 30, 1981, issue of the **Federal Register** (46 FR 53668), and interested persons were afforded an opportunity to submit written comments. No comments were received.

The authority to establish free and reserve percentages is pursuant to § 984.49 of the marketing agreement and Order No. 984, both as amended (7 CFR Part 984), regulating the handling of walnuts grown in California and hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Walnut Marketing Board, hereinafter referred to as the "Board", which works with USDA in administering the order.

Pursuant to § 984.48 of the order, the Board based its recommendation for free and reserve percentages of 75 percent and 25 percent, respectively, on estimates of supply and combined inshell and shelled domestic trade demand for the current marketing year. Estimated trade demand was adjusted to account for supplies of walnuts carried in from the 1980–81 marketing year and for supplies deemed desirable to be carried out on July 31, 1982, for early season domestic use next year until the 1982 crop is available for market.

The estimated 1981 walnut production is well in excess of the 1981–82 marketing year domestic needs. While the proposal is designed to tailor the supply to domestic demand, it would still ensure the availability of ample supplies of walnuts for domestic markets during that year and promote maximum usage.

Supplies in excess of domestic needs would be available chiefly for export. Any excess supplies that could not be absorbed by export markets would be used for oil, feed, or other outlets noncompetitive with outlets for free merchantable walnuts.

In considering its recommendation, the Board noted the estimates it had made one year earlier for the 1980 crop. These estimates and final results are as follows:

	Estimated kernel weight (1,000 lbs.)	Final kernel weight (1,000 lbs.)
Supply:		
1. Orchard-Run Production	176,000	157,600
2. Less: Miscellaneous Farm Use	800	800
3. Commercial Production	175,200	156,800
4. Plus:		
Uncertified Carryin Inshell	274	274
Uncertified Carryin Shelled	9,028	9,028
5. Total Merchantable Supply	184,502	166,102
6. Plus: Substandard Creditable for Reserve	8,000	10,238
7. Total supply subject to regulation	192,502	176,340
Demand:		
8. Inshell Demand	29,250	24,970
9. Plus: Desirable Carryout	6,750	3,330
10. Less: Certified Carryin	3,600	3,600
11. Adjusted Inshell Demand	32,400	24,700
12. Shelled Demand	100,000	92,857
13. Plus: Desirable Carryout	32,500	27,537
14. Less: Certified Carryin	28,136	28,136
15. Adjusted Shelled Demand	104,364	92,258
16. Total Demand (Item 11 + Item 15)	136,764	116,958
Marketing Percentages:		
17. Free Percentage (Item 16 ÷ Item 7)	[1] 71	
18. Reserve Percentage (100%—Item 17)	[1] 29	

[1] Percent.

The Board used the estimates given in the table below in making its recommendation for the 1981–82 marketing year. Weight figures for inshell walnuts are converted to their equivalent shelled kernel weights.

	Inshell weight (1,000 lbs.)	Conversion factor (percent)	Kernel weight (1,000 lbs.)
Supply			
1. Orchard-Run Production	430,000		
2. Less: Miscellaneous Farm Use	2,000		
3. Commercial Production	428,000	40	171,200
4. Plus:			
Uncertified Carryin Inshell	2,097	45	944
Uncertified Carryin Shelled			11,440
5. Total Merchantable Supply			183,584
6. Plus: Substandard Creditable for Reserve			8,000
7. Total Supply Subject to Regulation			191,584
Demand			
8. Inshell Demand	60,000		
9. Plus: Desirable Carryout	12,500		
10. Less: Certified Carryin	5,303		
11. Adjusted Inshell Demand	67,197	45	30,239
12. Shelled Demand			100,000
13. Plus: Desirable Carryout			30,000
14. Less: Certified Carryin			16,097
15. Adjusted Shelled Demand			113,903
16. Total demand (Item 11 + Item 15)			144,142
Marketing Percentages			
17. Free Percentages (Item 16 ÷ Item 7)			[1] 75
18. Reserve Percentage (100% – Item 17)			[1] 25

[1] Percent.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is further found that establishment of the free and reserve percentages under the order, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The marketing percentages are as follows: (This subpart will not appear in the Code of Federal Regulations).

PART 984—WALNUTS GROWN IN CALIFORNIA

Subpart—Marketing Percentages for the 1981–82 Marketing Year

§ 984.227 Free and reserve percentages for California walnuts during the 1981–82 marketing year.

The free and reserve percentages for California walnuts during the marketing year beginning August 1, 1981, shall be 75 percent and 25 percent, respectively.

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

Dated: December 1, 1981.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-34853 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1032

[Milk Order No. 32]

Milk in the Southern Illinois Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions concerning the shipping standards for supply plants and the limits on the amount of milk not needed for fluid (bottling use) that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. For the months of November 1981 through January 1982, the suspension reduces supply plant shipping standards and increases the amount of milk that may be moved directly from farms to nonpool manufacturing plants. The suspension was requested by a cooperative association because of the loss of a major fluid milk outlet, reduced school milk sales and increased production. Comments received in response to the

proposed action asserted that the suspension is needed to assure the efficient disposition of reserve milk supplies that are now available and still maintain producer status under the order for dairy farmers who have regularly supplied the fluid milk needs of the market.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension; Issued November 6, 1981; published November 12, 1981 (46 FR 55707).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

It also has been determined that any need for suspending certain provisions of the order on any emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the issuance of the suspension on a timely basis necessary to include November 1981 in the suspension period. In this instance, the initial request for the action was received on November 3, 1981. Then a notice of proposed suspension was issued on November 6, 1981, inviting interested parties to submit comments on the proposed action on or before November 19, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Illinois marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on November 12, 1981, (46 FR 55707) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of November 1981 through January 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1032.7(b), the words "which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts" and the words "through February".

2. In § 1032.13, paragraph (b)(2).

3. In § 1032.13 (b)(3), the words, "that is an other order plant,".

Statement of Consideration

This action reduces the amount of milk that supply plants must ship to pool distributing plants to attain pool plant status under the order. Under the suspension, the percentage of its receipts that a supply plant must ship is reduced from 50 percent to 40 percent.

The action also increases the amount of milk that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. The amount of milk that may be diverted from pool plants to nonpool plants is increased up to the number of days of production of a producer that is received at pool plants. Without this action, such diversions would be limited to not more than 8 days' production in November and January and 12 days' production in December.

The action was requested by a cooperative association that represents producers supplying the market. The cooperative requested the action primarily because of the recent loss of a major fluid milk outlet by a pool distributing plant operated by the cooperative. Also, based on current fluid milk sales, the cooperative anticipates a decline of approximately 25 percent in its Class I sales to schools because of cutbacks in Federal funding of the school lunch program. In addition to reduced fluid milk sales, slightly increasing production by producers is contributing to the cooperative's problems in marketing the available supplies of milk. In the absence of any suspension action, the cooperative indicates that it would be necessary to make costly and inefficient movements of milk solely for the purpose of pooling the milk of dairy farmers who have regularly supplied the fluid milk needs of the market.

Interested parties were given the opportunity to submit written data, views or arguments concerning the suspension. The suspension was supported by the operator of a proprietary pool supply plant and a second cooperative association on the basis that the action would facilitate the orderly and economic disposition of milk supplies that are in excess of the anticipated fluid milk requirements of distributing plants. No views in opposition to the suspension were received.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies that are in excess of fluid milk requirements. Without the suspension, some milk not needed for bottling use would be shipped to distributing plants from supply plants and then be shipped to manufacturing plants for surplus disposal. Also, the milk of certain dairy farmers that is in excess of fluid milk needs would be shipped to pool plants for reshipment to manufacturing plants rather than being shipped directly from the farm to manufacturing plants. Both of these actions would represent costly and inefficient movements of milk.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action uneconomic movements of milk would be made solely for the purpose of pooling the milk of dairy farmers who have regularly supplied the fluid milk needs of the market;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective December 4, 1981.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of November 1981 through January 1982.

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

Effective date: December 4, 1981.

Signed at Washington, D.C., on November 30, 1981.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 81-34855 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TREASURY

Comptroller of the Currency

12 CFR Part 5

[Docket No. 81-20]

Rules, Policies and Procedures for Corporate Activities; Correction

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule; correction.

SUMMARY: The Office of the Comptroller of the Currency (Office) is amending Title 12 of the Code of Federal Regulations Part 5 to correct the technical errors, inadvertent deletions and omissions, inconsistent language uses, and other discrepancies that resulted when the Office consolidated all of Parts 4, 5, 13, 14, and 15, and portions of Parts 8 and 28 relating to corporate activities into Part 5 on October 15, 1980 (45 FR 68586). In addition, today's corrections also affect amendments made to § 5.21 on March 13, 1981 (46 FR 16656). These corrections are intended to clarify for the public the Office's requirements regarding the corporate activities of national banks and increase the public's ability to contribute to the review process.

DATE: These amendments are effective December 4, 1981.

FOR FURTHER INFORMATION CONTACT: James E. Brennan, Manager, Policy, Bank Organization and Structure, Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington D.C. 20219. Telephone: (202) 447-1184. Further information may also be obtained from the Regional Director for Corporate Activities in any office of the Regional Administrator of National Banks.

SUPPLEMENTARY INFORMATION: The principal drafter of these amendments is James E. Brennan, Manager, Policy, Bank Organization and Structure Division.

The Office is amending 12 CFR Part 5 to correct the technical errors, inadvertent deletions and omissions, inconsistent language uses, and other discrepancies that resulted when the Office consolidated all of Parts 4, 5, 13, 14, and 15, and portions of Parts 8 and 28 relating to corporate activities into Part 5 on October 15, 1980 (45 FR 68586). In addition, today's corrections also affect amendments made to Part 5.21 on March 13, 1981 (46 FR 16656). No substantive amendments, which require review and comment, are being made. In addition, the technical amendments being made will not have a substantive cost impact on the national banking system or the public.

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Accordingly, 12 CFR Part 5 is corrected as follows:

§5.2 [Corrected]

1. Section 5.2 *Rules of general applicability*, is corrected as follows:

(a) In § 5.2(a), by inserting the words "applications and" after the word "corporate".

(b) In § 5.2(b), by inserting the word "it" after the word "deems".

(c) By adding a new paragraph (f):

* * * * *

(f) The term "superior official" refers to anyone who has the requisite delegated authority from the Comptroller.

§ 5.3 [Corrected]

2. Section 5.3 *Corporate activities processing and delegations*, is corrected as follows:

(a) In § 5.3(b)(2), the last sentence is revised to read as follows: "BOSD processes, reviews and makes recommendations on applications and filings made with or forwarded to the Washington Office."

(b) The following paragraph is added to § 5.3(c)(2):

(c) * * *

(2) * * *

(iv) An increase in investment in bank premises to an amount exceeding capital stock.

* * * * *

(c) In § 5.3(c)(3)(iv), the word "change" is revised to "changes".

(d) By revising 5.3(c)(3)(iv)(A) to read as follows:

(c) * * *

(3) * * *

(iv) * * *

(A) Applicant bank is not the subject of special supervisory concern and has not been otherwise identified by the Multinational Banking, Special Projects, Customer and Community Programs, or Chief National Bank Examiner Divisions as a bank requiring their review and comment;

* * * * *

(e) In § 5.3 by removing paragraphs (c)(3)(iv) (B) and (C)

(f) By revising § 5.3(c)(3)(iv)(F) to read as follows:

(c) * * *

(3) * * *

(iv) * * *

(F) The Regional Director for Corporate Activities, or the Deputy Comptroller for Multinational Banking in the case of a bank under the supervision of the Multinational Banking Division, has recommended unconditional approval;

* * * * *

(g) In § 5.3(c)(3)(iv), by redesignating the paragraphs as (A), (B), (C), (D), (E), and (F).

(h) By revising § 5.3(c)(4)(i) to read as follows:

(c) * * *

(4) * * *

(i) The bank is not the subject of special supervisory concern and has not been otherwise identified by the Multinational Banking, Special Projects, Customer and Community Programs, or Chief National Bank Examiner Divisions as a bank requiring their review and comment;

* * * * *

(i) In § 5.3 paragraph (c)(4)(ii) is deleted and paragraphs (c)(4) (iii) and (iv) are redesignated as (c)(4) (ii) and (iii), respectively.

§ 5.4 [Corrected]

3. Section 5.4, *Application forms and notices of change in bank control: availability and filing*, is corrected to add to the end of the first sentence the phrase ", unless specifically noted otherwise in the procedures for a particular filing."

§ 5.5 [Corrected]

4. Section 5.5, *Fees*, is corrected by removing the words "certified or cashier's" from the last sentence.

§ 5.9 [Corrected]

5. Section 5.9, *Public file*, paragraph (a) is corrected by removing the words "contained in any field investigation report made by a national bank examiner or otherwise" in the fifth sentence; and further corrected by deleting the words "the Regional Administrator make" and by inserting "be made" after the word "confidential" in the last sentence.

§ 5.13 [Corrected]

6. Section 5.13, *Decisions*, is corrected as follows:

(a) In § 5.13(b), by changing the words "a written decision" to the words "an approval letter" in the first sentence.

(b) In § 5.13(d), by revising the first sentence to read: "Requests for

reconsideration of disapproved applications will be considered only when reasonable facts are presented that indicate that the disapproval of an application was a result of an error in the Office's procedures."

§ 5.20 [Corrected]

7. Section 5.20, *Organization of a national bank*, paragraph (g), is corrected by removing the word "cannot" in the first sentence and inserting "may not" in its place.

§ 5.21 [Corrected]

8. Section 5.21, *Organization of an Interim National Bank*, is corrected to change the designations of the paragraphs (f), (g), (h), (i), (j), and (k) to (e), (f), (g), (h), (i), and (j) respectively.

§ 5.22 [Corrected]

9. Section 5.22, *Organization of a national bank limited to trust powers*, paragraph (e), is corrected by removing the word "cannot" in the first sentence and inserting "may not" in its place, and further by inserting the words "a trust" after the word "conduct".

§ 5.23 [Corrected]

10. Section 5.23, *Establishment of an initial Federal branch (including a limited Federal branch) and a Federal agency of a foreign bank*, is corrected as follows:

(a) In § 5.23(c), by removing the words ", instead of to the Regional Administrator."

(b) In § 5.23(e), by removing the word "normally" and inserting the word "usually" in its place.

(c) In § 5.23(g), by changing the word *"Form"* to the word *"Forms"* and by adding "CC 7030–10: Capital Equivalency Deposit Agreement" following "CC 7030–01: Application to Establish a Federal Branch or Agency."

§ 5.24 [Corrected]

11. Section 5.24, *Conversion*, is corrected as follows:

(a) In § 5.24(a)(2)(i), in the last sentence, by inserting the word "solely" after the word "motivated".

(b) In § 5.24(a)(2)(ii)(A), by inserting the phrase "unless the Office is assured that problems will be corrected" at the end of the first sentence.

§ 5.25 [Corrected]

12. Section 5.25, *Application for conversion of a branch, et al*, is corrected as follows:

(a) By adding new § 5.25(c) to read as follows:

* * * * *

(c) *Place of filing application.* Applications should be submitted for filing to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

* * * * *

(b) By redesignating the remaining paragraphs of § 5.25 as follows: Redesignate "old (c)" as "(d)", "(d)" as "(e)", "(e)" as "(f)", and "(f)" as "(g)."

In § 5.25(g), by changing the word *"Form"* to the word *"Forms"* and by adding "CC 7030–10: Capital Equivalency Deposit Agreement" following "CC 7030–02: Application to Convert an Existing Office of a Foreign Bank to a Federal Branch or Agency."

§ 5.32 [Corrected]

13. Section 5.32, *Additional Federal branch or Federal agency of a foreign bank*, is corrected as follows:

(a) By adding new § 5.32(c) to read as follows:

* * * * *

(c) *Place of filing application.* Applications should be submitted for filing to the Office of the Comptroller of the Currency, Bank Organization and Structure Division, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

* * * * *

(b) By redesignating old paragraph "(c) *Fees"* as "(d) *Fees.*"

(c) By adding paragraph "(e) *Forms to be used by applicant:* CC 7030–04: Application to Establish an Additional Federal Branch or Agency; CC 7030–10: Capital Equivalency Deposit Agreement."

§ 5.33 [Corrected]

14. Section 5.33, *Merger, consolidation, purchase and assumption, paragraph (g)*, is corrected by inserting the phrase ", in the case of state-chartered banks," following the word "examination" in the last sentence.

§ 5.34 [Corrected]

15. Section 5.34, *Domestic operating subsidiaries*, is corrected as follows:

(a) In § 5.34 (b)(1), by inserting the word "company's" in the second sentence after the first "the"

(b) By revising the last sentence of § 5.34 (d) to read: "The cost of any examination into the condition of an existing business proposed to be acquired and operated as an operating subsidiary shall be charged to the applicant in accordance with 12 CFR 8.6."

§ 5.46 [Corrected]

16. Section 5.46, *Changes in capital structure*, is corrected as follows:

(a) In § 5.46(e)(2), by revising the last sentence to read as follows: "However, if the Articles of Association have been previously amended by a vote of shareholders owning two-thirds of the outstanding common stock to provide for a class of authorized but unissued stock and to provide for the general purpose for which such stock may be issued, such stock may be issued for such approved purposes by action of the Board of Directors and with approval of the Office, but without the need for further shareholder approval."

(b) In § 5.46(h)(1), by reversing the order of paragraphs (h)(i) and (ii), and by inserting the phrase "Except as provided in paragraph (h)(ii) of this subsection," in the beginning of the new paragraph (h)(i) and deleting the words "for other purposes", where they appear in the new paragraph (h)(i).

(c) In § 5.46(h)(2)(i), by inserting the word "generally" after the word "dividends" in the second sentence.

(d) By revising § 5.46(h)(2)(iii) to read as follows:

(h) * * *

(2) * * *

(iii) The Regional Administrator will normally decide applications for stock dividends within 15 days after receipt of the application and will communicate the decision in writing to the applicant.

* * * * *

(e) By revising § 5.46(h)(3) to read as follows:

* * * * *

(h) * * *

(3) *Preferred Stock.* The decision of the Comptroller or the Comptroller's authorized delegate to approve applications for the issuance of convertible or non-convertible preferred stock submitted in accordance with 12 U.S.C. 51(a) and 51(b) will be based on an evaluation of the applicant's capacity to support the issuance, taking into account the full range of financial and other information available regarding the applicant.

* * * * *

§ 5.49 [Corrected]

17. Section 5.49, *Receivership and conservatorship*, is corrected as follows:

(a) In § 5.49(c), by removing the word "situation"

(b) In § 5.49(e), in the first sentence, by deleting the words "it necessary" and inserting the words "such appointment necessary" in their place.

§ 5.50 [Corrected]

18. Section 5.50, *Changes in bank control*, is corrected as follows:

§ 5.50(e)(3), by removing the word "informally" in the second sentence.

(b) In § 5.50(g)(4), by inserting "(12 U.S.C. 1841)" after the word "Act" the first place it is used and inserting "(12

U.S.C. 1828)" after the word "Act" the second place it is used.

(c) In § 5.50(g)(5), by inserting "(12 U.S.C. 1841)" after the word "Act."

Dated: November 24, 1981.

Charles E. Lord,

Acting Comptroller of the Currency.

[FR Doc. 81-34892 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 81-723]

Liquidity

Dated: November 25, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This amendment increases the investment flexibility of Federal Home Loan Bank member institutions by authorizing them to invest for liquidity in obligations issued by the National Credit Union Administration.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW. Washington, D.C. 20552, (202) 377-6461.

SUPPLEMENTARY INFORMATION: Section 5A of the Federal Home Loan Bank Act, as amended ("Bank Act") (12 U.S.C. 1425(a)), provides that Federal Home Loan Bank member institutions may invest for liquidity purposes in obligations of the United States or any of its political subdivisions, agencies or instrumentalities, as the Board may approve.

The Board's liquidity regulation at 12 CFR 523.10(f) provides general eligibility for obligations of the United States issued by agencies or instrumentaries thereof and fully guaranteed as to principal and interest by the United States. While the Comptroller General of the United States has ruled that obligations that the National Credit Union Administration ("NCUA") issues on behalf of its Central Liquidity Facility are obligations of an independent agency of the executive branch, he also has ruled that such obligations are not backed by the full faith and credit of the United States. For this reason, it is necessary to specifically refer to NCUA in paragraph (g) of § 523.10, along with other agencies whose obligations are not backed by full faith and credit, e.g. obligations of the Federal National Mortgage Association.

The Board's decision to authorize NCUA obligations as liquid assets is based on its belief that a liquid market for such obligations will soon develop, and the Board's desire to further implement provisions of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630) encouraging savings and mortgage lending and to provide maximum flexibility for investment by member institutions. The Board therefore has determined to amend subparagraph (g)(3) of § 523.10 to allow investment for liquidity purposes in obligations issued by NCUA, subject to applicable maturity limitations. The Board notes that this amendment will automatically be incorporated by reference into 12 CFR 545.9(a) which authorizes Federal associations to invest in liquid assets, other than time deposits and bankers' acceptances, without regard to maturity, and that no additional amendment to § 545.9 is necessary to facilitate investment in such obligations by Federal associations.

Because the Board believes that this amendment will relieve investment restrictions, thereby providing greater investment flexibility for Federal associations and other Federal Home Loan Bank member institutions, the Board finds that observance of the notice and comment procedures of 12 CFR 508.11 and 5 U.S.C. 553(b) and the 30-day delay of effective date provision of 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary and contrary to the public interest, and the amendment therefore will become effective as provided above.

Accordingly, the Board hereby amends Part 523 of Subchapter B, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Liquidity

Amend § 523.10(g)(3) by removing the word "or" at the end of subdivisions (x) and (xi), and by adding a new subdivision (xiii) thereto, to read as follows:

§ 523.10 Definition for purposes of this section, §§ 523.11 and 523.12.

* * * * *

(g) *Liquid assets.* * * *

(3) Obligations with five years or less remaining until maturity, issued, or fully guaranted as to principal and interest, by:

* * * * *

(xiii) the National Credit Union Administration;

* * * * *

(Federal Home Loan Bank Act, 5A, 12 U.S.C. 1425a; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943-48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-34933 Filed 12-3-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Medical Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to add an express redelegation of authority to officials in the Bureau of Medical Devices regarding determinations of the effectiveness of medical devices. The authority delegated is a clarification of the authority previously delegated to the Bureau.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Section 5.53 (21 CFR 5.53), initially published in the **Federal Register** of August 2, 1977 (42 FR 39100), authorizes the Bureau of Medical Devices to approve, disapprove, or withdraw approval of applications for premarket approval of medical devices submitted under sections 515 and 520(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e and 360j(1)) with no restrictions. The agency has found that the delegation of authority in § 5.53 is subject to misinterpretation because of the wording of the law in section 513(a)(3)(B) of the act (21 U.S.C. 360c(a)(3)(B)) which permits authorization of determinations of effectiveness of medical devices to be made based on evidence other than evidence derived from well-controlled investigations by qualified experts. That section also is applicable to section 515 of the act, but the delegation of authority in § 5.53 does not clearly identify the fact that the authorization authority of

section 513(a)(3)(B) of the act is a part of the authority delegated. To clarify that the authority of the Bureau to approve applications for premarket approval includes this separate authority under section 513 of the act, a new delegation of authority is being issued in new § 5.49 (21 CFR 5.49). This section expressly redelegates to the Bureau the authority to authorize determinations of effectiveness based on evidence other than well-controlled investigations.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in that position in an acting capacity or on a temporary basis.

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly § 5.1; see 46 FR 26052; May 11, 1981)), Part 5 is amended by adding § 5.49 to read as follows:

§ 5.49 Authorization to use alternative evidence for determination of the effectiveness of medical devices.

The Director, the Deputy Director, and the Associate Director for Device Evaluation of the Bureau of Medical Devices, may authorize under section 513(a)(3)(B) of the Federal Food, Drug, and Cosmetic Act the use of valid scientific evidence (other than that prescribed by section 513(a)(3)(A) of the act) for determining the effectiveness of medical devices for the purposes of sections 513, 514, and 515 of the act.

Effective date. This regulation is effective November 25, 1981.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34788 Filed 12-1-81; 10:55 am]

BILLING CODE 4160-01-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of D&C Green No. 6; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Green No. 6 for use as a color additive in externally applied drugs and cosmetics. The new closing date will be January 30, 1982. This brief postponement will provide time for determining the applicability of the statutory standard for the listing of color additives to the results of scientific investigations of D&C Green No. 6.

EFFECTIVE DATE: Effective December 1, 1981, the new closing date for D&C Green No. 6 will be January 30, 1982.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The current closing date of December 1, 1981, for the provisional listing of D&C Green No. 6 was established by a regulation published in the **Federal Register** of September 29, 1981 (46 FR 47533). This closing date for D&C Green No. 6 was established to provide time for completion of FDA's review and evaluation of the data concerning the external uses of D&C Green No. 6, for determining the applicability of the statutory standard for the listing of color additives to D&C Green No. 6, and for publication of a regulation in the **Federal Register** regarding the final decision on the petition for the permanent listing of this color additive. The regulation set forth below will postpone the December 1, 1981 closing date for the provisional listing of the color additive until January 30, 1982.

The review and evaluation of the data relevant to the use of D&C Green No. 6 in externally applied drugs and cosmetics and the decision about how to apply the statutory standard for the listing of color additives to such data have required more time than anticipated. FDA concludes that the brief extension of the closing date to January 30, 1982, is necessary. The agency has also concluded that no harm to the public health will result from this extension.

Because of the shortness of time until the January 30, 1982 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule.

This regulation will permit the uninterrupted use of the color additive until further action is taken. In accordance with 5 U.S.C. 553 (b) and (d) (1) and (3), this postponement is issued as a final regulation and is being made effective on December 1, 1981.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618, sec 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 81 is amended in § 81.1 *Provisional lists of color additives,* by revising the closing date for "D&C Green No. 6" in paragraph (b) to read "January 30, 1982."

Effective date. This regulation is effective December 1, 1981.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: November 19, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-34683 Filed 11-30-81; 11:55 am]

BILLING CODE 4160-01-M

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21 CFR Part 173

[Docket No. 80F-0365]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Epichlorohydrin-Ammonia Crosslinked Copolymer, Quarternized With Methyl Chloride

Corrections

In FR Doc. 81-33154 appearing on page 57032 of the issue of Friday, November 20, 1981, make the following corrections:

On page 57033, first column, the twenty-second line reading "petition and order relevant material and" should read "petition and other relevant material and".

On the same page, second column, last paragraph, the effective date should be "November 20, 1981".

BILLING CODE 1505-01-M

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21 CFR Part 178

[Docket No. 81F-0011]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Dibenzylidene Sorbitol

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of dibenzylidene sorbitol as a clarifying agent for certain olefin polymers that are articles or components of articles intended to contact food. This action is in response to a petition filed on behalf of Milliken and Co.

DATES: Effective December 4, 1981, objections by January 4, 1982.

ADDRESS: Written objections to the Dockets Management Branch, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 20, 1981 (46 FR 13376), FDA announced that a food additive petition (FAP 1B3541) had been filed on behalf of Milliken and Co., Inman, SC 29334, proposing that the food additive regulations be amended to provide for the safe use of dibenzylidene sorbitol as a clarifying agent for certain olefin polymers intended for use as articles or components of articles intended to contact food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting that finding, may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in Subpart D by adding new § 178.3295, to read as follows:

§ 178.3295 Clarifying agents for polymers.

Clarifying agents may be safely used in polymers that are articles or components of articles intended for use in contact with food, subject to the provisions of this section:

Substances	Limitations
Dibenzylidene sorbitol (CAS Reg. No. 32647-67-9) formed by the condensation of two moles of benzaldehyde with one mole of sorbitol, such that the final product has a minimum content of 95 percent dibenzylidene sorbitol.	For use only as a clarifying agent for olefin polymers complying with § 177.1520(c) 1.1, 3.1, and 3.2 of this chapter under conditions of use C, D, E, F, and G, described in Table 2 of § 176.170(c) of this chapter at a level not exceeding 0.25 percent by weight of the polymer.

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 4, 1982 submit to the Dockets Management Branch, address above, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective December 4, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34789 Filed 12-3-81 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 808

[Docket No. 77N-0333]

Exemption From Preemption of State and Local Hearing Aid Requirements; Applications for Exemption; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule on the District of Columbia's application for exemption from preemption for its hearing aid requirements. This action is necessary to correct an inconsistency between the preamble to the final rule and the rule itself.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Les Weinstein, Bureau of Medical Devices (HFK–143), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7114.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 10, 1980 (45 FR 67326), FDA issued a final rule on the application for exemption from preemption for the District of Columbia's hearing aid requirements. Section 5 of Act 2–79 of the District of Columbia is preempted by section 521(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360k(a)). In the preamble to the final rule, FDA stated its intention to grant an exemption from preemption for the section to the extent that it requires an audiological evaluation for children under the age of 18. Section 808.101(b) (21 CFR 808.101(b)), however, inadvertently provided that FDA denied an exemption from preemption for the entire section. This document corrects § 808.101 to make it consistent with the preamble and with FDA's decisions concerning similar provisions of other State statutes. As corrected, § 808.101 reads as follows:

§ 808.101 District of Columbia.

(a) The following District of Columbia medical device requirements are enforceable, notwithstanding section 521 of the act, because the Food and Drug Administration has exempted them from preemption under section 521(b) of the act:

(1) Act 2–79, section 5, to the extent that it requires an audiological evaluation for children under the age of 18.

(2) Act 2–79, section 6, on the condition that in enforcing section 6(a)(5), the District of Columbia apply

the definition of "used hearing aid" in § 801.420(a)(6) of this chapter.

(b) The following District of Columbia medical device requirement is preempted by section 521(a) of the act, and the Food and Drug Administration has denied it an exemption from preemption under section 521(b) of the act: Act 2-79, section 5, except as provided in paragraph (a) of this section.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34694 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-96; Re: Notice No. 360]

Sonoma Valley Viticultural Area; Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Sonoma County, California, named "Sonoma Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of the Sonoma Valley viticultural area and the subsequent use of its name as an appellation of origin on wine labels and in wine advertisements will help consumers to identify the wines from this distinctive grape-growing area. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202 566-7602).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines procedures for proposing an American viticultural area.

In response to a petition, ATF published a notice of proposed rulemaking in the **Federal Register** on December 15, 1980 (45 FR 82470), proposing the Sonoma Valley viticultural area in Sonoma County, California. ATF solicited written comment and held a public hearing on the proposal on January 13, 1981, in Santa Rosa, California.

ATF received several comments relating to Sonoma Valley among the numerous comments relating to the five viticultural areas proposed in Notice No. 360. All of the comments relating to Sonoma Valley were generally in favor of establishment of the Sonoma Valley viticultural area. Some commenters submitted additional historical evidence relating to the name.

Historical Evidence

The Sonoma Valley viticultural area has a long history of grape growing and wine making. In 1825, the first grapes were planted in Sonoma at the Mission San Francisco de Solano. In 1834, General Mariano Guadalupe Vallejo expanded these plantings. In the 1850's, the first major plantings of *Vitis vinifera* in the United States were established in the Sonoma Valley area. By 1900, there were approximately 4,000 acres of vines in the Sonoma Valley. The area has continued to be a center for grape production and wine making. Thus, ATF feels the viticultural area meets the requirement of 27 CFR 9.3(b)(1) that the name of the viticultural area is locally or nationally known as referring to the area specified in the viticultural area proposal.

Several persons testified at the public hearing that the proposed boundaries reasonably delineate the area historically known as "Sonoma Valley." Based on the record of the rulemaking proceedings, ATF feels that the boundaries described in 27 CFR 9.29 delineate the area historically known as Sonoma Valley, as required by 27 CFR 9.3(b)(2).

Geographical Features

Under 27 CFR 9.3(b)(3), a viticultural area must possess geographical features which distinguish the viticultural features of the area from surrounding areas. Based on the record, ATF believes that the Sonoma Valley viticultural area is distinguishable from the surrounding areas because of its climate.

The viticultural area, located in the southeastern corner of Sonoma County, receives less rainfall than other portions of Sonoma County north of the city of Santa Rosa. In addition, the Sonoma Mountains, ranging along the western border of the viticultural area, prevent the heavy fog often found in the area of Petaluma from intruding into most of the Sonoma Valley area. These same mountains along with the Mayacamas Range on the eastern boundary of the viticultural area geographically isolate the area from surrounding areas. This geographical isolation and the proximity of the San Pablo Bay on the southern end of the area combine to moderate the summer and winter temperature extremes in the valley.

Boundaries

Much of the hearing testimony was on the proposed boundaries with controversy arising over the boundaries in the northeastern and southeastern corners of the viticultural area. One vineyard owner felt that the northeastern corner of the Sonoma Valley viticultural area should be part of a future viticultural area which he planned to propose. He stated that he did not object, however, to the proposed Sonoma Valley boundaries as long as the approval of the boundary would not preclude a future viticultural area from partially overlapping that corner of the Sonoma Valley viticultural area. ATF does not object to a proposed viticultural area solely on the grounds that it may partially overlap another area. Each area must be judged individually on the criteria required in the regulations. Each area must meet the same requirements concerning the area's proposed name and the presence of distinguishing geographical characteristics. In addition, the establishment of viticultural areas is an evolutionary process. ATF will continue to consider any new information concerning viticultural areas. The boundary in the northeast corner of the Sonoma Valley viticultural area is drawn along the peaks of the mountains surrounding Sonoma Valley. ATF feels that this boundary delineates an area which meets the requirements for a viticultural area. This area includes the area traditionally known as Sonoma Valley and which possesses generally similar geographical features which distinguish it from the surrounding areas.

The boundary in the southeastern corner of the viticultural area was controversial because it conflicted with the previously proposed Napa Valley viticultural area by including a small

portion in Napa County bounded by Los Amigos, Duhig, and Ramal Roads. ATF subsequently approved the Napa Valley viticultural area (including this disputed portion) using the Sonoma County-Napa County line as the boundary (46 FR 9061). This boundary is based on historical evidence presented at the Napa Valley hearing indicating that that part of Napa County has been traditionally known as part of "Napa Valley." ATF does not feel that there is sufficient evidence indicating that any portion of Napa County has been traditionally considered a part of "Sonoma Valley" or any portion of Sonoma County has been part of "Napa Valley." Each viticultural area has been traditionally identified with the county of the same name. ATF is establishing the county line as the common boundary between the two areas. Therefore, the area in Napa County bounded by Los Amigos, Duhig, and Ramal Roads and proposed as part of the Sonoma Valley viticultural area will remain in the Napa Valley area and not become part of the Sonoma Valley area.

At the public hearing a commenter suggested that the final regulations should allow property owners whose property is divided by the viticultural area boundary to choose whether their property, in its entirety, is in or out of the viticultural area.

ATF believes that although there may be some viticultural similarities between an area in Napa County and an area in the Sonoma Valley viticultural area, the area in Napa County does not meet the requirements of 27 CFR 9.3(b)(1) since the area has not been known as Sonoma Valley.

Also, property located outside the boundaries of a viticultural area may not be included in that viticultural area even if it is part of a larger parcel of property divided by the viticultural area boundary. ATF believes that to hold otherwise would make the regulations meaningless and possibly mislead consumers of wines labeled with a viticultural area appellation of origin.

Finally, evidence was presented at both the Napa Valley and Sonoma Valley hearings indicating that the United States Geological Survey (USGS) maps are inaccurate and are different from the actual county line as drawn by the tax assessors of both Napa County and Sonoma County. ATF is using the actual Napa County-Sonoma County line as the eastern boundary of the Sonoma Valley viticultural area regardless of where the USGS maps place it. ATF normally uses USGS maps because they are generally available throughout the United States. However, in this case, ATF is using the Sonoma County tax assessor's maps as the approved maps defining the Sonoma County-Napa County line.

Regulatory Flexibility Act

Section 4 of Pub. L. 96-354, the Regulatory Flexibility Act, specifically waives the requirements for an initial regulatory flexibility analysis and a final regulatory flexibility analysis for any rule for which the notice of proposed rulemaking was issued before January 1, 1981. The applicable notice of proposed rulemaking for this final rule was published in the **Federal Register** on December 15, 1980 at 45 FR 82470.

Effective Date

These regulations are effective January 4, 1982. However, since 27 CFR 4.25a, which allows the name of an approved American viticultural area to be used as an appellation of origin, is not mandatory before January 1, 1983, and the name "Sonoma Valley" is currently used as an appellation on wine labels, ATF has determined that Section 9.29 establishing specific boundaries for the Sonoma Valley viticultural area will not be mandatory before January 1, 1983.

Compliance with E.O. 12291

In compliance with Executive Order 12291 ATF has determined that this final rule is not a major rule since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Thomas Minton of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

This Treasury decision issued under the authority of 27 U.S.C. 205.

Regulations

On the basis of the foregoing, 27 CFR Part 9 is amended by the addition of § 9.29 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9 is amended to include the title of § 9.29. As amended the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.29 Sonoma Valley (not mandatory before January 1, 1983).

* * * * *

2. Subpart C, 27 CFR Part 9, is amended by adding § 9.29. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural areas

* * * * *

§ 9.29 Sonoma Valley (not mandatory before January 1, 1983).

(a) *Name.* The name of the viticultural area described in this section is "Sonoma Valley."

(b) *Approved Maps.* The maps showing the boundaries of the Sonoma Valley viticultural area are the—

(1) "Cuttings Wharf, Calif." USGS 7.5 minute quadrangle;

(2) "Petaluma Point, Calif." USGS 7.5 minute quadrangle;

(3) "Sears Point, Calif." USGS 7.5 minute quadrangle;

(4) "Petaluma River, Calif." USGS 7.5 minute quadrangle;

(5) "Glen Ellen, Calif." USGS 7.5 minute quadrangle;

(6) "Cotati, Calif." USGS 7.5 minute quadrangle;

(7) "Santa Rosa, Calif." USGS 7.5 minute quadrangle;

(8) "Kenwood, Calif." USGS 7.5 minute quadrangle; and

(9) Appropriate Sonoma County tax assessor's maps showing the Sonoma County-Napa County line.

(c) *Boundaries.* The Sonoma Valley viticultural area is located within Sonoma County, California. From the beginning point at the junction of Tolay Creek and San Pablo Bay, the boundary runs—

(1) Northerly along Tolay Creek to Highway 37;

(2) Westerly along Highway 37 to its junction with Highway 121;

(3) Northwesterly in a straight line to the peak of Wildcat Mountain;

(4) Northwesterly in a straight line to Sonoma Mountain to the horizontal control station at elevation 2,271 feet;

(5) Northwesterly in a straight line to the peak of Taylor Mountain;

(6) Northeasterly in a straight line to the point at which Los Alamos Road joins Highway 12;

(7) Easterly in a straight line to the peak of Buzzard Peak;

(8) Easterly in a straight line to the peak of Mount Hood;

(9) Easterly in a straight line to an unnamed peak located on the Sonoma County-Napa County line and identified as having an elevation of 2,530 feet (This unnamed peak is located in the northeast quarter of Section 9, Township 7 North, Range 6 West, Mt. Diablo Base and Meridian);

(10) Southerly along the Sonoma County-Napa County line to the point at which Sonoma Creek enters San Pablo Bay; and

(11) Southwesterly along the shore of San Pablo Bay to the beginning point.

Signed: October 9, 1981.

G. R. Dickerson,

Director.

Approved: November 18, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34780 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-98; Ref: Notice No. 360]

Establishment of Santa Cruz Mountains Viticultural Area, California

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in portions of San Mateo, Santa Clara, and Santa Cruz Counties, California, to be named "Santa Cruz Mountains." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37671, 54624) revising regulations in 27 CFR Part 4. These regulations allow for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic characteristics. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

The Santa Cruz Mountains Vintners submitted a petition to establish a viticultural area in portions of San Mateo, Santa Clara, and Santa Cruz Counties, California, to be named "Santa Cruz Mountains." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 360, in the **Federal Register** on December 15, 1980 (45 FR 82275), proposing the establishment of the Santa Cruz Mountains as a viticultural area.

Public Hearing

A public hearing was held on this issue on January 19, 1981, in Santa Clara, California. Nine persons testified at the hearing. The evidence gathered at this hearing and the petition and comments received was sufficient for ATF to base its final decision concerning the Santa Cruz Mountains.

Historical and Current Evidence of the Name

Testimony at the hearing established that the name, "Santa Cruz Mountains", was used to designate an area having a long history as a grape-growing region in California.

The area has been recorded as the "Santa Cruz Mountains" since 1838. As early as 1867, when the first government surveyor laid section lines in the area, the vineyards of the region were noted. Moreover, numerous books and articles dealing with wine refer to the "Santa Cruz Mountains" as a specific grape-growing area. Testimony was also received which indicated that although the proposed area encompassed parts of three counties, the "Santa Cruz Mountains" constitutes a well-defined area forming a distinct geographical and phytogeographical unit.

ATF believes this testimony establishes the historical and current use of the name, Santa Cruz Mountains, as a distinguishable region and is the most appropriate for the viticultural area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural area from surrounding grape-growing areas. The petitioner claimed the "Santa Cruz Mountains" possesses a soil type, climate, and protective setting which provides a singular viticultural identity.

The petitioner stated that the "Santa Cruz Mountains" is characterized by a climate which is greatly influenced in the western portion by the Pacific Ocean breezes and fog movements, and in the eastern portion by the moderating influences of the San Francisco Bay. These two influences tend to produce weather which is generally cool during the growing season. Temperatures in the slopes of the hillsides where most of the vineyards are located appear to vary from that at the lower elevations. This is caused by the marine influence coming off the Pacific Ocean which cools the mountains at night much more than the valley floor.

The area is characterized by a growing season in excess of 300 days. This is apparently due to cool air coming down the mountains forcing warmer air upward, thereby lengthening the season in which the necessary conditions for grape-growing are present. Moreover, while the climate, in terms of temperature can be characterized as mild, the "Santa Cruz Mountains" has an average rainfall much greater than the surrounding areas.

The soils in the proposed area were identified as Franciscan shale which is unique to this particular area south of San Francisco. The soil is basically residual material from the decomposition of bedrock and the soil types in the area differ depending on the type of underlying bedrock. Generally, these residual soils tend to be thin and stony, and somewhat excessively drained. They were characterized as impoverished, making it extremely difficult to grow grapes. This contrasts greatly with the soil of the surrounding area which is primarily alluvium and is more fertile.

Based on this evidence, ATF has determined that the Santa Cruz Mountains is viticulturally distinguishable from the surrounding areas. This is based upon the evidence presented regarding the rainfall, soil, and general climate. The Santa Cruz Mountains can be seen as a defined area exhibiting features and characteristics unique to its boundaries when compared to the surrounding area.

Boundaries

The boundaries of the "Santa Cruz Mountains" viticultural area are based, in general, on contour lines and man-made features. Evidence was presented at the hearing that the contour lines

varied to different levels to include an area exhibiting the same general geophysical characteristics, e.g. climate, soil, and topographic features.

Portions of the boundaries of the viticultural area are marked by man-made features, e.g. Highways 280 and 84, and Canada Road on the east. Testimony revealed that these roads were chosen because they delimit the particular geographical and climatic features of the area.

ATF believes that viticultural area boundaries based solely on man-made features are inappropriate. However, where man-made features, such as highways, coincide with the distinguishing geographical features, or provide a demarcation line between grape-growing areas and areas unsuitable for grape-growing, it is appropriate to use such features in describing boundaries. ATF believes that in the case of "Santa Cruz Mountains", the boundaries in the regulations delineate an area with distinguishing climatic and topographic features.

Testimony was given at the hearing by two persons whose property was not included within the proposed area. They were advised that they could submit petitions to amend the boundaries to include their property. Subsequently, one of these persons submitted a petition, along with the appropriate U.S.G.S. map (Cupertino Quadrangle). This petition indicated that the excluded property had similar geographical features to that of the proposed area. Further, the excluded area's soil quality and climatic conditions exhibit the same characteristics of the proposed area. Therefore, ATF believes this property should be included within the Santa Cruz Mountains viticultural area.

ATF received a petition from the second individual who testified at the public hearing and who requested that the boundary be lowered from the 400-foot contour line to either the 250 or 300-foot contour line. This individual indicated that while he has no vineyards at present, he anticipated planting approximately 15 to 20 acres of grapes in the future. No supporting documents or the appropriate U.S.G.S. map was submitted with this letter. Therefore, ATF is taking no action on this petition at this time because of insufficient data.

A third person submitted a petition, along with the appropriate U.S.G.S. map (Mt. Madonna Quadrangle) to amend the boundaries of the viticultural area. Specifically, this petition maintains three vineyards would have been bisected by the proposed area. The petitioner indicated that the two vineyards in the excluded area, comprising a total of eight acres, had similar geographical features to that of the eleven acre vineyard which was included within the area. Based on this petition, ATF is amending the boundary to include all three vineyards within the viticultural area.

A fourth person submitted a petition, along with the appropriate U.S.G.S. map (Cupertino Quadrangle) to amend the boundaries. This petition maintains that a vineyard would be bisected by the proposed boundary. The petitioner claims that the excluded area exhibits the same climatic and soil characteristics of the vineyard area included within the area. Based on this evidence, ATF is amending the boundary to include the entire vineyard within the Santa Cruz Mountains viticultural area.

Other than the three additions previously discussed, ATF is approving the boundaries of the Santa Cruz Mountains viticultural area as proposed. This decision is based on the petitions, the testimony presented at the hearing, and comments received.

Miscellaneous

ATF does not wish to give the impression that by approving the Santa Cruz Mountains viticultural area it is approving the quality of the wine from that area or endorsing the wine. ATF is approving the area as being viticulturally distinct from surrounding areas, not better than other areas. By approving this area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Santa Cruz Mountains wines.

Disclosure

Copies of the hearing proceeding are available for inspection during normal business hours at the following two locations: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, 12th & Pennsylvania Avenue, NW, Washington, D.C.; and, at the Office of the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, 34th Floor, 525 Market Street, San Francisco, California.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a major rule since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This final rule relates to a notice of proposed rulemaking published prior to January 1, 1981, and therefore, is not subject to the authority of the Regulatory Flexibility Act.

Drafting Information

The principal author of this document is Roger L. Bowling, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau also participated in preparation of this document, both in matters of substance and style.

Authority and Issuance

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.31 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.31 Santa Cruz Mountains.

* * * * *

Paragraph 2. Subpart C is revised by adding § 9.31 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.31 Santa Cruz Mountains.

(a) *Name.* The name of the viticultural area described in this section is "Santa Cruz Mountains."

(b) *Approved Maps.* The 24 approved U.S.G.S. maps for determining the boundaries are 23 7.5 minute scale and one 5 × 11 minute scale.

(1) "Ano Nuevo Quadrangle, California";

(2) "Big Basin Quadrangle, California";

(3) "Castle Rock Ridge Quadrangle, California";

(4) "Cupertino Quadrangle, California";

(5) "Davenport Quadrangle, California—Santa Cruz County";
(6) "Felton Quadrangle, California—Santa Cruz County";
(7) "Franklin Point Quadrangle, California";
(8) "Half Moon Bay Quadrangle, California—San Mateo County";
(9) "La Honda Quadrangle, California— San Mateo County";
(10) "Laurel Quadrangle, California";
(11) "Loma Prieta Quadrangle, California";
(12) "Los Gatos Quadrangle, California";
(13) "Mt. Madonna Quadrangle, California";
(14) "Mindego Hill Quadrangle, California";
(15) "Morgan Hill Quadrangle, California—Santa Clara County";
(16) "Palo Alto Quadrangle, California";
(17) "San Gregorio Quadrangle, California—San Mateo County";
(18) "San Mateo Quadrangle, California—San Mateo County";
(19) "Santa Teresa Hills Quadrangle—Santa Clara County";
(20) "Soquel Quadrangle, California—Santa Cruz County";
(21) "Watsonville East Quadrangle, California";
(22) "Watsonville West Quadrangle, California";
(23) "Woodside Quadrangle, California—San Mateo County"; and
(24) One 5 × 11 minute series map entitled: "Santa Cruz, California."

(c) *Boundaries.* The Santa Cruz Mountains viticultural area is located in portions of San Mateo, Santa Clara, and Santa Cruz Counties, California.

(1) From the beginning point where Highway 92 and the 400-foot contour line intersect (Half Moon Bay Quadrangle), the boundary line follows Highway 92, beginning in a southeasterly direction, to a point where Highway 92 and the 400-foot contour line intersect (San Mateo Quadrangle);

(2) Thence along the 400-foot contour line, beginning in a southeasterly direction, to a point where the 400-foot contour line and Canada Road intersect (Woodside Quadrangle);

(3) Thence along Canada Road, beginning in a southerly direction, to a point where Canada Road and Highway 280 intersect (Woodside Quadrangle);

(4) Thence along Highway 280, beginning in a southeasterly direction, to a point where Highway 280 and 84 intersect (Palo Alto Quadrangle);

(5) Thence along Highway 84, beginning in a southwesterly direction, to a point where Highway 84 and Mountain Home Road intersect (Woodside Quadrangle);

(6) Thence along Mountain Home Road, beginning in a southerly direction, to a point where Mountain Home Road and Portola Road intersect (Palo Alto Quadrangle);

(7) Thence along Portola Road, beginning in a westerly direction, to a point where Portola Road and Highway 84 intersect (Woodside Quadrangle);

(8) Thence along Highway 84, beginning in a southwesterly direction, to a point where Highway 84 and the 600-foot contour line intersect (Woodside Quadrangle);

(9) Thence along the 600-foot contour line, beginning in a northeasterly direction, to a point where the 600-foot contour line and Regnart Road intersect (Cupertino Quadrangle);

(10) Thence along Regnart Road, beginning in a northeasterly direction, to a point where Regnart Road and the 400-foot contour line intersect (Cupertino Quadrangle);

(11) Thence along the 400-foot contour line, beginning in a southerly direction, to a point where the 400-foot contour line and the north section line of Section 35, T. 6 S./R. 2 W. intersect (Cupertino Quadrangle);

(12) Thence along the north section line of Sections 35 and 36, in an easterly direction, to a point where the section line and Highway 85 intersect (Cupertino Quadrangle);

(13) Thence along Highway 85, in a southerly direction, to a point where Highway 85 and the southern section line of Section 36 intersect (Cupertino Quadrangle);

(14) Thence along the section line, in a westerly direction, to a point where the section line and the 600-foot contour line intersect (Cupertino Quadrangle);

(15) Thence along the 600-foot contour line, beginning in a southerly direction, to a point where the 600-foot contour line and Pierce Road intersect (Cupertino Quadrangle);

(16) Thence along Pierce Road, in a southerly direction, to a point where Pierce Road and the 800-foot contour line intersect (Cupertino Quadrangle);

(17) Thence along the 800-foot line, beginning in a northwesterly direction, to a point where the 800-foot contour line and the east section line of Section 25, T. 10 S./R. 2 E., intersect (Mt. Madonna Quadrangle);

(18) Thence along the east section line, in a southerly direction, to a point where this section line and the 800-foot contour line intersect (Mt. Madonna Quadrangle);

(19) Thence along the 800-foot contour line, beginning in a southeasterly direction, to a point where the 800-foot contour line and Highway 152 intersect (Watsonville East Quadrangle);

(20) Thence along Highway 152, in a southwesterly direction, to a point where Highway 152 and the 400-foot contour line intersect (Watsonville East Quadrangle);

(21) Thence along the 400-foot contour line, beginning in a northwesterly direction, to a point where the 400-foot contour line and the Felton Empire Road intersect (Felton Quadrangle);

(22) Thence along Felton Empire Road, in an easterly direction, to a point where Felton Empire Road and Highway 9 intersect (Felton Quadrangle);

(23) Thence along Highway 9, in a southerly direction, to a point where Highway 9 and Bull Creek intersect (Felton Quadrangle);

(24) Thence along Bull Creek, beginning in a southwesterly direction, to a point where Bull Creek and the 400-foot contour line intersect (Felton Quadrangle); and

(25) Thence along the 400-foot contour line, beginning in a southeasterly direction, back to the point of beginning.

Signed: November 3, 1981.

G. R. Dickerson,

Director.

Approved: November 18, 1981.

John P. Simpson,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34806 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[T.D. ATF-97; Ref: Notice No. 368]

McDowell Valley Viticultural Area; Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Mendocino County, California, to be named "McDowell Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of McDowell Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will help consumers better identify the wines from this area and will help winemakers distinguish their products from wines originating in other areas.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic characteristics, the boundaries of which have been recognized and defined in 27 CFR Part 9. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

McDowell Valley Vineyards, Inc. and 10 other property owners within the boundaries of McDowell Valley, Mendocino County, California, petitioned ATF to establish a viticultural area to be named "McDowell Valley." McDowell Cellars is the only winery presently located in the proposed viticultural area. There are approximately 540 acres now producing grapes in the area.

In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 368, in the **Federal Register** on April 9, 1981 (46 FR 21197), proposing the establishment of the McDowell Valley viticultural area.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The rule is not expected to: have significant secondary or incidental effects on a substantial number of small entities or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, the Secretary of the Treasury certifies under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Historical and Current Evidence of the Name

The name of the area, McDowell Valley, was well documented in the petition. The name originated with an early settler, Paxton A. McDowell, who settled in the area in about 1852. Historical use of the name for the area dates from 1872. A 1916 publication, "Soil Survey of the Ukiah Area, California," prepared by the United States Department of Agriculture, refers to and describes McDowell Valley. The name is shown currently on the "Hopland Quadrangle California" 7.5 minute series USGS map. That map indentifies the area which is the subject of this final rule. After evaluating the petition and the comments received, ATF believes that the McDowell Valley viticultural area has a unique historical identity and that the name "McDowell Valley" is the most appropriate name for the area.

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

McDowell Valley is a natural, sheltered valley. The bench mark at the lower northwestern end of the valley is at 725 feet. The valley is surrounded by mountain ranges, including some which rise sharply to elevations of over 2,500 feet above sea level. McDowell Creek drains the valley and flows into the Russian River system. There is an upper elevation contour of 1,000 feet around the valley which effectively contains an area of "gravelly-loam" alluvial soils. The surrounding slopes are composed of nonalluvial upland soils, which are unsuitable for vineyards.

The valley has temperatures consistently warmer during the spring frost season and cooler during the summer growing season than most other Mendocino and Lake County areas surveyed by the National Weather Service between 1965 and 1978.

ATF has determined that due to the physical and climatological features of McDowell Valley it is distinguishable from the surrounding area.

Boundaries

The boundaries proposed by the petitioner are adopted. The boundaries generally delineate the area drained by McDowell Creek up to the 1,000-foot contour line of the surrounding ridges.

Comments

Two comments were received during the comment period. One comment was from McDowell Valley Vineyards, and the other from a wine marketing agent for McDowell Valley Vineyards and other wine producers. Both comments were in full support of the petition. In addition, ATF received 3 comments which were attached to the petition and fully supported it. These comments were from the California Association of Winegrape Growers; Bruce E. Bearden, Farm Advisor, University of California, Cooperative Extension, Mendocino County Agricultural Center; and the Mendocino County Vintners Association Board of Directors. ATF has received no information from any source indicating opposition to the petition.

Miscellaneous

ATF does not wish to give the impression by approving the McDowell Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being viticulturally distinct from surrounding areas, not better than other areas. The approval of the area allows wine producers to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of McDowell Valley wines.

Disclosure

A copy of the petition and the comments received is available for inspection during normal business hours at the following location: ATF Reading Room, Room 4405, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW., Washington, DC.

Drafting Information

The principal author of this document is E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of this document, both in substance and style.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.36. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.36 McDowell Valley.

* * * * *

Par. 2. Subpart C is amended by adding § 9.36. As amended, Subpart C reads as follows:

Subpart C—Approved American Viticultural Areas

§ 9.36 McDowell Valley.

(a) *Name.* The name of the viticultural area described in this section is "McDowell Valley."

(b) *Approved maps.* The appropriate map for determining the boundaries of the McDowell Valley viticultural area is a USGS map. That map is titled: "Hopland Quadrangle California" 7.5 minute series.

(c) *Boundaries.* Beginning at the northwest corner of Section 22 T13N R11W; thence running southerly along the section line between Sections 22 and 21 approximately 1700 feet to the intersection of the section line and the ridge line (highest elevation line) between the McDowell Creek Valley and the Dooley Creek Valley; thence running southeasterly along the ridge line (highest elevation line) to the intersection of the ridge line and the 1000-foot contour line in Section 27; thence running southeasterly and on the McDowell Creek Valley side of the ridge along the 1000-foot contour line to the intersection of the 1000-foot contour line and the south section line of Section 27; thence running easterly along the section line between Sections 27 and 34 and between Sections 26 and 35 to the intersection of the section line and the centerline of Younce Road; thence running southeasterly and then northeasterly along Younce Road to the intersection of Younce Road and the section line between Sections 26 and 35; thence running due north from the section line, across Coleman Creek approximately 1250 feet, to the 1000-foot contour; thence running westerly and then meandering generally to the north and east along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence continuing along the 1000-contour easterly and then northwesterly in Section 25 to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence running northerly along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 23 and 24; thence running northerly along the section line across State Highway 175 approximately 1000 feet to the intersection of the section line and the 1000-foot contour line; thence running generally to the northwest along the 1000-foot contour line through Sections 23 and 14 and into Section 15 to the intersection of the 1000-foot contour and the flowline of an unnamed creek near the northeast corner of Section 15; thence southwesterly and down stream along the flowline of said unnamed creek and across Section 15, to the stream's intersection with the section line between Sections 15 and 16; thence running southerly along the section line approximately 100 feet to the northwest corner of Section 22 and to the point of beginning.

Signed: October 28, 1981.

G. R. Dickerson,

Director.

Approved: November 3, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34781 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2204

Rules Implementing the Equal Access to Justice Act; Extension of Comment Period

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for submission of comments concerning the rules implementing the Equal Access to Justice Act in proceedings before the Occupational Safety and Health Review Commission ("Commission"). These rules were published in the **Federal Register** on September 30, 1981 (46 FR 48078–48083). The Secretary of Labor has requested an extension of time to prepare comments on these rules, and the Commission has determined that such an extension is reasonable. Therefore, the deadline for submission of comments by any interested party is extended to December 11, 1981.

DATE: Comments must be received by December 11, 1981.

ADDRESS: Submit comments to Jonathan R. Ross, Acting Associate General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Suite 400, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Acting Associate General Counsel Jonathan R. Ross at the above address; telephone (202) 634–7965.

Signed this 30th day of November, 1981.

Earl R. Ohman, Jr.,

Acting General Counsel.

[FR Doc. 81-34891 Filed 12-3-81; 8:45 am]

BILLING CODE 7600-01-M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2530

Rules and Regulations for Minimum Standards for Employee Benefit Plans; Suspension of Benefit Rules—Adoption of Amendments

AGENCY: Department of Labor.

ACTION: Adoption of amendments to final rule.

SUMMARY: In this document, the Department of Labor (Department) announces the adoption of several amendments to a final regulation under the Employee Retirement Income Security Act of 1974 (ERISA), 29 CFR 2530.203–3, relating to suspension of pension benefit payments under certain circumstances.

These amendments address concerns which have been presented to the Department with respect to possible effects of certain technical aspects of the regulation. Specifically, this document amends provisions of the regulation which govern benefit offsets, determinations of whether a person is "employed" in a manner which could give rise to a suspension of benefits, and delivery of notice to persons who are so employed.

DATE: The suspension of benefits regulation, 29 CFR 2530.203–3, as amended herein, is effective January 1, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Office of the Solicitor;

200 Constitution Avenue, N.W. Washington, D.C. 20216; Room C–4508; 202–523–8658.

SUPPLEMENTARY INFORMATION: On January 27, 1981, the Department published in the **Federal Register** (46 FR 8894) a final regulation under section 203(a)(3)(B) of ERISA governing the circumstances under which it is permissible for a plan to suspend the payment of pension benefits (29 CFR 2530.203–3). As published, this regulation was due to take effect May 27, 1981. The Department deferred the effective date in order to permit reconsideration of this regulation in accordance with Executive Order 12291 and in light of public comments received on the final regulation, and to coordinate review by the Office of Management and Budget, as required by the Executive Order.[1]

The Department proposed certain technical amendments to this regulation on August 31, 1981 (46 FR 43695; republished September 1, 1981, 46 FR 43852).[2] These amendments were proposed in order to reduce administrative costs which commentators associated with implementation of provisions of the regulation relating to benefit offsets and to determinations of whether an individual may be considered "employed" in "section 203(a)(3)(B) service." On the basis of comments received concerning the August 31 proposal, the Department has decided to adopt, with minor modifications, the proposed amendments to § 2530.203–3. In addition, the Department has also decided to amend the provision of the regulation which relates to the manner in which a plan may deliver notices of suspension to affected participants. The regulation, as amended, is effective January 1, 1982. The specific amendments, and relevant comments, are discussed below.[3]

[1] On May 26, 1981, June 30, 1981, and July 31, 1981, the Department announced (46 FR 28151, 33517, 39138) deferrals of the effective date of the suspension of benefits regulation until July 1, 1981, August 1, 1981, and September 1, 1981, respectively

[2] On the same day, the Department deferred the effective date of the suspension of benefits regualtion until October 1, 1981 and proposed for public comment deferring the effective date until action is taken on the proposed amendments (46 FR 43663; republished September 1, 1981, 46 FR 43833). In response to comments received, on September 29, 1981, the Department deferred the effective date until final rulemaking action is taken on the proposed amendments (46 FR 47584).

[3] Several commentators discussed matters which are outside the scope of the proposed technical amendments and which have already received appropriate consideration. The Department has determined not to reconsider these matters in this proceeding.

1. *Definition of "hour of service".* Generally, the regulation as originally adopted permits a pension plan to provide for the permanent withholding of accrued benefits for each month of employment in "section 203(a)(3)(B) service." Such service results when a participant completes 40 or more hours of service, *as defined in 29 CFR 2530.200b–2(a)(1),* in certain types of employment. Because the cited portion of the regulation defining hour of service refers only to hours "for which an employee is paid, or entitled to payment, for the performance of duties for the employer," commentators suggested that administrative problems could arise in some cases where the participant receives payment from the employer other than for the performance of duties (for example, where the participant receives pay for sick leave or vacation from the employer equal to or in excess of the amount payable for 40 hours of work). In response, the Department proposed to amend the hour of service definition to include certain situations where the participant might receive compensation other than for the performance of duties: *i.e.*, "hours for which the employee took, and is entitled to payment for, vacation, holiday, jury duty, training or sick leave."

Commentators generally supported the proposed amendment. However, several commentators, while noting that the proposed amendment would help to alleviate problems in this area, suggested that the hour of service definition be expanded to include any hour of service described in § 2530.200b–2(a)(2). That section of the regulations defines hour of service to include, in addition to the types of paid leave mentioned in the proposal, hours of paid leave for "illness, incapacity (including disability), layoff, * * * military duty or leave of absence." In support of this suggestion it was argued that the same treatment should be accorded to all the types of paid non-working hours described in the regulation for which credit must be given, and that a simple cross reference to an existing regulation with which plan administrators are already familiar would provide for increased ease of administration.

In light of these comments the Department had determined to amend the hour of service definition in paragraph (c) of the suspension of benefits regulation to include hours of service as defined in 29 CFR 2530.200b–2(a)(1) *and (2).*

2. *Payroll period and "period of employment."* Under the regulation as originally adopted, the period to be examined for determining whether a participant is "employed" is the calendar month, and a participant is considered employed in a month if he completes 40 or more hours of service in relevant employment. Commentators noted that, while plans generally pay benefits monthly, it is not uncommon for an employer to maintain records on other than a calendar month basis. Because such an employer might experience significant difficulty in determining the number of hours worked in a calendar month, and because in this situation the plan might also face increased administrative problems, the Department proposed to amend the regulation to permit use of a four or five week payroll period in lieu of the calendar month as the period to be examined. The Department received only favorable comment on this point, and is adopting this amendment as proposed.

3. *Use of alternatives to the "40 hour" requirement.* The final regulation did not permit the use of the "equivalencies" or "elapsed time" methods of counting hours worked (described in Department regulations) for determining whether the "40 hour test" had been met because it did not appear that direct application of these methods would be appropriate for determining when benefits could be forfeited. However, in light of comments regarding the administrative costs to plans which use these methods, the Department reconsidered possible ways to allow such plans to continue to use these methods, without the burdens which might arise if they had to count hours solely for suspension purposes, while at the same time maintaining a reasonable standard for "employment" and safeguarding plan participants against harsh results. It appeared that although it might be difficult for plans already using elapsed time methods or equivalencies for other purposes to calculate the actual number of hours worked by a plan participant, there should not be any significant problem in determining the number of days for which compensation is paid to the participant for any given period. Accordingly, the Department proposed to permit suspension of benefits by plans using equivalencies or the elapsed time method for all other purposes when a participant performs any services for pay for the employer on 10 or more days during a calendar month (or variant), including those days for which certain payments were made for reasons other than the performance of duties.

Commentators, while generally supporting the proposed amendment, suggested a number of modifications. It was pointed out that existing

Department regulations permit a plan to use elapsed time or equivalency methods for some employees but not for others, and it was suggested that the amendment should therefore make this option available if such methods were used exclusively for the affected employee, rather than requiring their use plan wide. It was also suggested that many fewer suspensions would be permitted under the proposed "10 days" alternative than under the "40 hours" standard which it was intended to parallel.

Based on the comments, the amendment, as adopted, provides an alternative standard of 8 or more days (or separate work shifts) which may be used for any employee for whom actual hours of service are not counted for other purposes.

4. *"Offset" rules.* As originally adopted, the regulation permitted plans to deduct, from benefit payments to be made by the plan, any payments previously made during months in which the participant was employed in section 203(a) (3) (B) service, but limited such deduction (or offset) in any one month to not more than 25 percent of that month's benefit payment.

Commentators argued that plans might not know until the end of an initial monthly (or pay) period of employment whether the participant engaged in section 203 (a) (3) (B) service for that period, and, to that extent, the plan would always be in a position of having to go through the added administrative procedures of the offset rules in order to fully recapture amounts it is entitled to suspend.

The Department proposed to address this problem by lifting the 25 percent limitation with regard to the initial payment to which the participant would be entitled upon resumption of benefits under paragraph (b)(2) of the regulation. Because that paragraph authorizes a delay of up to two months between the time employment ceases and the time benefits must resume, this initial payment could routinely equal as much as three months' benefits. This would solve the problem of recouping the initial month s payment and might also generally be sufficient to cover the full extent of a plan s "overpayment" in the event that recognition of reemployment were delayed even further

The comments generally suggested that the proposed amendment would effectively serve its intended purpose. Several commentators, however, urged the Department to go far beyond the scope of the proposed amendment and eliminate any restriction on a plan's ability to offset "overpayments" from future benefit payments. The Department previously considered and rejected this option (46 FR 8902), and these commentators have not brought forth any new arguments or information which would serve as a satisfactory basis for such a fundamental change of position on this issue.

Other commentators recognized the need and desirability for some limits in this area, but argued for a greater degree of unlimited recoupment than would be permitted under the proposal. In the Department's view however the proposed amendment would be relatively easy for plans to administer (because it complements the resumption of payments rule), and it would adequately address the technical problem which led to its proposal.

Accordingly the Department has determined to adopt this amendment essentially as proposed. In response to comment, however the regulatory language has been slightly changed for the sole purpose of making it clear that no offset limit need apply to the initial payment due upon resumption of benefits.

5. *Notice delivery method.* The regulation requires that an affected employee must receive a notice of a benefit suspension. The regulation has required that the plan must give notice either by personal delivery or by certified mail. Many commentators have urged the Department to permit a less costly means of non-personal delivery such as first class mail. The Department is now convinced that permitting first class delivery will not significantly affect the likelihood that a participant will receive the notice, and it appears that this will be a more cost-effective means of providing disclosure. Accordingly after consideration of comments received, the Department is amending the suspension of benefits regulation by replacing the certified mail requirement with a first class mail requirement.

E.O. 12291 Statement

Pursuant to Executive Order 12291, the Department has determined that these amendments do not constitute a "major rule," as that term is used in the Order because it does not appear that they will result in: An annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The Department views these amendments as technical changes which will increase options available to plans under the suspension of benefits regulation and facilitate less costly administration of suspension provisions, without themselves imposing additional costs on plans.

Regulatory Flexibility Act Statement

For the reasons set forth in the preceding paragraph, the undersigned has certified that these amendments will not have a significant economic impact on a substantial number of small entities.

Statutory Authority

These amendments are adopted under the authority contained in sections 203(a)(3)(B) and 505 of ERISA (Pub. L. 93–406, 88 Stat. 854, 894, 29 U.S.C. 1053, 1135).

PART 2530—RULES AND REGULATIONS FOR MINIMUM STANDARDS FOR EMPLOYEE PENSION BENEFIT PLANS

Accordingly Part 2530, Chapter XXV of Title 29 of the Code of Federal Regulations is amended by revising the heading of § 2530.203–3 and revising paragraphs (b)(1), (b)(3), (c)(1), (c)(2) introductory text, and (d) and the first sentence of paragraph (b)(4) to read as follows, and the regulation, as hereby amended, is effective January 1, 1982:

§ 2530.203–3 Suspension of pension benefits upon employment.

* * * * *

(b) *Suspension rules.—(1) General rule.* A plan may provide for the permanent withholding of an amount which does not exceed the suspendible amount of an employee s accrued benefit for each calendar month, or for each four or five week payroll period ending in a calendar month, during which an employee is employed in "section 203(a)(3)(B) service" as described in § 2530.203–3(c).

* * * * *

(3) *Offset rules.* A plan which provides for the permanent withholding of benefits may deduct from benefit payments to be made by the plan payments previously made by the plan during those calendar months or pay periods in which the employee was employed in section 203(a)(3)(B) service. *Provided,* That such deduction or offset does not exceed in any one month 25 percent of that month's total benefit payment which would have been due but for the offset (excluding the initial payment described in paragraph (b)(2) of this section, which may be subject to offset without limitation).

(4) *Notification.* No payment shall be withheld by a plan pursuant to this section unless the plan notifies the employee by personal delivery or first class mail during the first calendar month or payroll period in which the plan withholds payments that his benefits are suspended.

(c) *Section 202(a)(3)(B) Service.—(1) Plans other than multiemployer plans.* In the case of a plan other than a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee, subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period,

(i) Completes 40 or more hours of service (as defined in 29 CFR 2530.200b–2(a) (1) and (2)) for an employer which maintains the plan, including employers described in § 2530.210 (d) and (e), as of the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment; or

(ii) Receives from such employer payment for any such hours of service performed on each of 8 or more days (or separate work shifts) in such month or payroll period, *Provided,* That the plan has not for any purpose determined or used the actual number of hours of service which would be required to be credited to the employee under § 2530.200b–(2)(a).

(2) *Multiemployer plans.* In the case of a multiemployer plan, as defined in section 3(37) of the Act, the employment of an employee subsequent to the time the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment results in section 203(a)(3)(B) service during a calendar month, or during a four or five week payroll period ending in a calendar month, if the employee, in such month or payroll period:

(i) Completes 40 or more hours of service (as defined in § 2530.200b–2(a) (1) and (2)); or

(ii) Receives payment for any such hours of service performed on each of 8 or more days (or separate work shifts) in such month or payroll period, *Provided,* That the plan has not for any purpose determined or used the actual number of hours of service which would be required to be credited to the employee under § 2530.200–(2)(a); in

(A) An industry in which employees covered by the plan were employed and accrued benefits under the plan as a result of such employment at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment, and

(B) A trade or craft in which the employee was employed at any time under the plan, and

(C) The geographic area covered by the plan at the time that the payment of benefits commenced or would have commenced if the employee had not remained in or returned to employment.

* * * * *

(d) *Suspendable amount.*—(1) *Life annuity.* In the case of benefits payable periodically on a monthly basis for as long as a life (or lives) continues, such as a straight life annuity or a qualified joint and survivor annuity, a plan may provide that an amount not greater than the portion of a monthly benefit payment derived from employer contributions may be withheld permanently for a calendar month, or for a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service.

(2) *Other benefit forms.* In the case of benefits payable in a form other than the form described in paragraph (d)(1) of this section, a plan may provide for the permanent withholding of an amount of the employer-derived portion of benefit payments for a calendar month, or for a four or five week payroll period ending in a calendar month, in which the employee is employed in section 203(a)(3)(B) service, not exceeding the lesser of—

(i) The amount of benefits which would have been payable to the employee if he had been receiving monthly benefits under the plan since actual retirement based on a single life annuity commencing at actual retirement age; or

(ii) The actual amount paid or scheduled to be paid to the employee for such month. Payments which are scheduled to be paid less frequently than monthly may be converted to monthly payments for purposes of this paragraph (d)(2)(ii).

Signed at Washington, D.C., this 1st day of December , 1981.

Donald L. Dotson,

Assistant Secretary for Labor-Management Relations.

[FR Doc. 81-34837 Filed 12-1-81; 4:05 pm]

BILLING CODE 4510-29-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Eligibility for Educational Assistance; Character of Discharge

AGENCY: Veterans Administration and Department of Defense.

ACTION: Final regulations.

SUMMARY: These regulations, adopted jointly by the Veterans Administration and the Department of Defense, concern eligibility for educational assistance under chapter 32, title 38, United States Code. These changes are necessary in order to implement a law enacted October 8, 1977. The law defines the term "discharge or release" to include the satisfactory completion of the period of active service for which an individual was initially obligated to serve, when the individual was not eligible for complete separation at that time because of an intervening enlistment or reenlistment. Most of the changes are liberalizing. Others are of a minor or technical nature. The regulatory amendments will implement the provisions of the law.

EFFECTIVE DATE: October 8, 1977.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On December 10, 1980 a proposal to amend Part 21, Title 38, Code of Federal Regulations to implement provisions of a law enacted October 8, 1977, was published in the **Federal Register** on pages 81213 and 81214.

Interested persons were given 30 days to submit comments, suggestions, or objections. The Veterans Administration and the Department of Defense received two letters, one from a private citizen and one from a Legal Aid Society. Each letter contained an objection.

One writer objected to the requirement that an individual use his or her entitlement period within a 10-year period from the individual's last discharge or release from active duty.

This 10-year period is set by law (38 U.S.C. 1632). The Veterans Administration and the Department of Defense do not have the authority to use a regulation to overturn a provision of the law. While we acknowledge the writer's desire to allow veterans to use

their benefits throughout their lifetime, we cannot meet the writer's suggestion.

The other letter stated that the proposal was written in a way that would negate the provisions of the law that it is supposed to implement. In particular the writer suggested that participants who satisfactorily completed an obligated period of service could not receive benefits.

We appreciate the writer's concern, but we do not think that the regulations as written negate the provisions of the law. A "constructive" unconditional discharge occurs when an individual completes an obligated period of service, but enlists or reenlists without obtaining a normal discharge. This concept is actually a part of the regulation, but perhaps the letter writer overlooked it, since it is found in 38 CFR 3.13(c), a provision specifically incorporated into these regulations by 38 CFR 21.5040(a)(2)(ii). We believe, when the two provisions are read together, as intended, there is no error such as the letter writer describes.

The Veterans Administration and the Department of Defense have determined that this final amendment to these regulations is nonmajor in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

The amendments to §§ 21.5040, 21.5060 and 21.5065 are deemed proper and are hereby adopted.

Approved: May 5, 1981.

Rufus H. Wilson,

Acting Administrator of Veterans Affairs.

Approved: November 4, 1981.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

1. In § 21.5040, paragraph (a) is revised to read as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* (1) To establish basic eligibility under 38 U.S.C. ch. 32 for educational assistance, an individual not on active duty—

(i) Must have initially entered the military service after December 31, 1976;

(ii) Must have served on active duty for 181 or more continuous days after December 31, 1976, or if less than 181 days were served on active duty, the individual must have been discharged or released from active duty for a service-connected disability; and

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from the initial period of military service and from any other period of service upon which eligibility is based.

(2) The Veterans Administration will consider that the veteran has an unconditional discharge or release if—

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(3) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable. (38 U.S.C. 1602)

* * * * *

2. In § 21.5060, paragraph (b) is revised and a cross reference is added to read as follows:

§ 21.5060 Disenrollment.

* * * * *

(b) *Nonvoluntary disenrollment.* The Veterans Administration shall disenroll automatically an individual who meets any of the following sets of conditions:

(1) The individual is discharged or released from his or her initial obligated period of active service and—

(i) The discharge or release is under dishonorable conditions, or

(ii) A statutory bar to benefits administered by the Veterans Administration exists for the individual;

(2) The individual participated only after completion of the initial or subsequent period of active service; is discharged or released and—

(i) The discharge or release is under dishonorable conditions, or

(ii) A statutory bar to benefits exists for the individual; or

(3) The individual has not utilized all of his or her entitlement to benefits within the 10-year period stated in § 21.5041. (38 U.S.C. 101, 1625, 1632)

Cross Reference: Refunds without disenrollment. See § 21.5065.

(3.) Section 21.5065 is added to read as follows:

§ 21.5065 Refunds without disenrollment.

(a) *Refunds made without disenrollment.* If an individual who would have been eligible, but for the fact of his or her re-enlistment, for the award of a discharge or release under conditions other than dishonorable at the time he or she completed an obligated period of service, later receives a discharge or release under dishonorable conditions, the Veterans Administration may refund a portion of his or her contribution. (38 U.S.C. 101, 1623)

(b) *Amount of refund.* The Veterans Administration shall refund to the individual all of his or her contributions made to the fund after the individual completed the obligated period of service. (38 U.S.C. 101, 1623)

(c) *Date of refund.*—The Veterans Administration shall refund all monies due the individual—

(1) On the date of the individual's discharge or release from active duty; or

(2) Within 60 days of receipt of notice by the Veterans Administration of the individual's discharge or release, whichever is later. (38 U.S.C. 101, 1623, 1632)

[FR Doc. 81-34878 Filed 12-3-81; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments; Correction

AGENCY: Postal Service.

ACTION: Final rule; corrections.

SUMMARY: This document corrects an erroneous note which described the extent of revisions covered by issue 6 of the Domestic Mail Manual, notice of which was published November 30, 1981 (46 FR 58077). In addition, a section reference is corrected.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245–4638.

SUPPLEMENTARY INFORMATION:

The following corrections are made in FR Doc. 81–34243 appearing on 58077 in the issue of November 30, 1981:

1. On page 58078, in the middle of the first column, the "Note" is corrected to read as follows:

Note.—Issue 6 contains all DMM revisions published between January 8, 1981 and July 2, 1981. In addition, it includes the new rates which were announced in Special Postal Bulletin 21319 (10–6–81). The rates announced in Special Postal Bulletin 21319 are effective November 1, 1981.

2. On page 58079, toward the bottom of the first column, in paragraph 6c., "Section 6232.12c" is corrected to read "Section 622.12c".

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-34914 Filed 12-3-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 1F2496/R374; PH-FRL-1998-3]

Methoprene; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insect growth regulator methoprene in or on certain raw agricultural commodities. This regulation to establish the maximum permissible level for residues of methoprene in or on the commodities was requested by Zoecon Corp.

EFFECTIVE DATE: Effective on December 4, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of June 19, 1981 (46 FR 32071) which announced that Zoecon Corp., 975 California Ave., Palo Alto, CA 94304, submitted a pesticide petition (PP 1F2496) proposing that 40 CFR 180.359 be amended by the establishment of tolerances for residues of the growth regulator methoprene (isopropyl(*E,E*-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on the raw agricultural commodities peanuts at 1.0 part million (ppm) and peanut hulls at 2.0 ppm.

Subsequently, the petition was amended (46 FR 54795, November 4, 1981) as follows:

(a) Increase the proposed tolerances for peanuts from 1 to 2 ppm and peanut hulls from 20 to 40 ppm.

(b) Establish tolerances for the following commodities:

Commodities	Part per million
Meat, and meat byproducts of sheep, goats, cattle, horses, and hogs	0.1
Fat of sheep, goats, horses, and hogs	0.3
Meat, fat and meat byproducts of poultry	0.05
Eggs	0.05

There was no comments received in response to the notice of filing and the subsequent amendments.

The intitial request for establishing tolerances for methoprene of 1.0 ppm for peanuts at 20.0 ppm for peanut hulls was denied because of limited data. The Agency recommended that a revised section "F" be submitted by the Zoecon Corp. for a higher tolerance of 2.0 for peanuts and 40.0 ppm for peanut hulls because these higher levels could be supported by the available information. In addition, the Agency recommended that Zoecon Corp. propose tolerances for residues in or on meat and meat byproducts of sheep, goats, cattle, horses and hogs at 0.1 ppm; fat of sheep, goats, horses and hogs at 0.3 ppm; for the meat, fat, and meat byproducts of poultry at 0.05 ppm; and for eggs at 0.05 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a rat acute oral toxicity study with a median lethal dose (LD_{50}) of 10 grams (gm)/kilogram (kg); a 90-day dog feeding study with a non-observable-effect-level (NOEL) of 500 parts per million (ppm) with increased liver weight ratios at 5,000 ppm; a 90-day rat feeding study with a NOEL of 1,000 ppm with increased organ weights at 5,000 ppm; an 18-month mouse feeding study with a NOEL of 250 ppm with no oncogenic effects; a 24-month rat feeding/oncogenicity study with a NOEL of 1,000 ppm; a three-generation rat reproduction study with a NOEL of 2,500 ppm (highest level fed); a rabbit teratology study (negative at 500 mg/kg); a rat teratology study (negative at 500 mg/kg) with slight indications of abnormalities at 1,000 mg/kg; and a negative mutagenicity study in rats (dominant lethal 2,000 mg/kg). The increased organ weights which were observed in the 90-day rat feeding study at 5,000 ppm (as stated above) were not observed in the 24-month rat feeding study.

Exemptions from the requirement of tolerances were previously established for methoprene in or on the raw agricultural commodities eggs; the fat, meat, and meat byproducts of goats, hogs, horses, poultry, and sheep; fish; forage grasses; forage legumes; rice; rice straw; and shellfish when used in pastures, rice fields; marshlands, and other noncrop areas to control floodwater mosquitoes (40 CFR 180.1033). Tolerances are established for residues of methoprene in or on cattle fat, milk, and mushrooms.

In view of the higher tolerance levels established by this regulation for animal feed items, the Agency has concluded that tolerances must be established for residues of methoprene in or on the raw agricultural commodities eggs; the fat, meat and meat byproducts of cattle, goats, horses, poultry and sheep. Therefore, this regulation replaces the exemption for the requirement of a tolerance (40 CFR 180.1033) for methoprene in or on raw agricultural commodities with the tolerance levels set forth.

The provisional acceptable daily intake (PADI) for humans is calculated to be 0.0063 mg/kg/day based on the NOEL of 500 ppm in a 3-month dog feeding study using a 2000-fold safety factor. The maximum permitted intake (MPI) for a 60-kg person has been calculated to be 0.3750 mg/day. Tolerances have previously been established for residues of methoprene on several raw agricultural commodities. The theoretical maximum residue contribution (TMRC) for the proposed and existing tolerances are calculated to be 22.75 percent of the TMRC of 0.0853 mg/day/1.5 kg total diet.

Data considered desirable but currently lacking are: (a) a 6-month chronic feeding study in a nonrodent species (preferably dogs) to demonstrate a NOEL and (b) additional data from the previously submitted mouse teratology study. The petitioner has submitted written assurance, to the Agency, that the 6-month (nonrodent) chronic feeding study (preferably dogs) that demonstrates a NOEL will be submitted to the Agency by November 21, 1981 and written assurance that they will initiate any action deemed necessary to fulfill the teratology data gap, when the Agency completes the Industrial Biotest (IBT) data validation.

There are currently no regulatory actions pending against the registration of this pesticide. There are no other relevant considerations in establishing the tolerance for peanuts at 2.0 ppm; peanut hulls at 40.0 ppm; meat and meat byproducts of sheep, goats, cattle, horses and hogs at 0.1 ppm; for the fat of sheep, goats, horses and hogs at 0.3 ppm; for the meat, fat and meat byproducts of poultry at 0.05 ppm and for eggs at 0.05 ppm.

Methoprene is considered useful for the purpose for which the tolerances are sought and it is concluded that the tolerances established for the above commodities will protect the public health. Therefore the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before January 4, 1982, file written objections with the

Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this rule from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of the Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to the effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

Effective date: December 4, 1981.

(Sec. 408(d)(2), 68 Stat. 512, (21 U.S.C. 346a(d)(2)))

Dated: November 20, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.359 is amended by alphabetically inserting the commodities peanuts; peanut hulls; meat and meat byproducts of cattle, goats, hogs, horses and sheep; fat of goats, hogs, horses, and sheep; fat, meat, and meat byproducts of poultry; and eggs to read as follows:

§ 180.359 Methoprene; tolerances for residues.

* * * * *

Commodity	Part(s) per million (ppm)
* * * * *	
Cattle, meat	0.1
Cattle, meat byproducts	0.1
Eggs	0.05
Goats, fat	0.3
Goats, meat	0.1
Goats, meat byproducts	0.1
Hogs, fat	0.3
Hogs, meat	0.1
Hogs, meat byproducts	0.1
Horses, fat	0.3
Horses, meat	0.1
Horses, meat byproducts	0.1
* * * * *	
Peanuts	2.0
Peanut hulls	40.0
Poultry, fat	0.5
Poultry, meat	0.5
Poultry, meat byproducts	0.05
Sheep, fat	0.3
Sheep, meat	0.1
Sheep, meat byproducts	0.1

[FR Doc. 81-34815 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 401

Medicare Program; Availability of Information and Records to the Public

Corrections

In FR Doc. 81-32491 appearing at 46 FR 55695, Thursday, November 12, 1981, make the following corrections:

1. On page 55699, in § 401.133, in paragraph (a), in the eighth line, "section 1884" should be corrected to read "section 1864";

2. On page 55700, in the first column, in the fifth line "or" should be corrected to read "on".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1241

[No. 37080]

Accounting and Reporting of Railroads' Freight Train Car Repair Costs

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This rule sets forth guidelines for accumulating, recording and reporting the costs of repairing freight train cars. The objective is to assure more accuracy and uniformity of repair cost information by car types that is reported in the Commission's Railroad Annual Report Form R-1. This rule applies only to Class I railroads.

The initial Notice of Proposed Rulemaking (45 FR 57153 August 27, 1980) was suspended because of pending legislation, but this matter was resolved. A Revised Notice of Proposed Rulemaking was served on January 6, 1981 (46 FR 2146 January 8, 1981).

This rule requires that freight car repair costs be directly identified with the types of freight cars repaired. Two levels of repair costs processing are presented, and railroads may choose the more appropriate methodology. Railroad equipment repair cost information is potentially useful to shippers and to the Commission in establishing car service compensation rates and in analyzing freight rates. Railroads would potentially benefit from improved data by having information to control and manage repair costs.

DATES: This rule is effective for the reporting year beginning January 1, 1982.

ADDRESS: An original and 10 copies of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., Telephone No. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The objective of this proceeding is to develop criteria for Class I railroads in collecting and reporting costs of freight train car repairs. A significant feature of this rule is that repair costs for both foreign and system freight cars will be directly identified with each type of car that is repaired.

For purposes of this proceeding, freight train cars are divided by the car types listed in Schedule 415 of the Railroads' Annual Report Form R-1 (Form R-1).

Section 11122 of the Interstate Commerce Act, 49 U.S.C. 11122, provides that the Commission may establish compensation for the use of locomotives, freight train cars, and other vehicles. Subparagraph (b) of Section 11122 states: "The rate of compensation to be paid for each type of freight car shall be determined by the expense of owning and maintaining that type of freight car, including fair return on its cost giving consideration to current costs of capital, repairs, materials, parts and labor."

Repair cost data by car types is potentially useful to the Commission for computing per diem (car-hire) rates for railroad-owned cars and interchange services (See our decision in Ex Parte No. 334, *Car Compensation—Basic Per Diem Charges).* Also, in our cost finding process, we want to determine as precisely as possible the cost of moving freight with a particular type of equipment.

Accurate repair cost data is also of potential benefit to shippers in establishing and analyzing freight rates.

This is especially significant now because the Staggers Rail Act of 1980 promotes individual rate increases and the direct negotiation between rail carriers and shippers. Refined cost data would provide assurances that shippers will be charged a justifiable and equitable rate for freight movements. Because freight train cars are irreplaceable components in the rail transportation system, we believe that an effective and accountable methodology for accumulating, accounting for, and reporting their repair costs is equally important and should not be disregarded.

Schedule 415 of Form R–1 requires railroads to report repair costs by types of freight train cars. However, the instructions for this schedule have lacked criteria as to what costs should be directly accumulated by car types, and what costs can be allocated. The instructions allowed alternatives, including "a carrier conducted study to determine car repair expenses by car types" and "other available standards valid for the responding carrier." Thus, the cost data has been reported under diverse methods. Because the schedule did not require reporting railroads to explain the methods used in allocating costs, the validity and accuracy of the data could not be evaluated.

A. Summary of the Proposal as Presented in NPR

The proposed rule set forth a two level methodology plan, from which railoads could select the level which was least costly and more comparable to the system currently being used.

Level I was the Job Order Cost System Methodology which has attributes of being more refined, informative, accurate and costly to maintain. The Level I system called for applying actual and/or standard costs to a specific repair job in proportion to the amount of materials, attention and effort used to repair a unit or group of equipment.

Level II, Alternative Repair Cost Methodology, was a cost aggregation model which provided guidelines in leading to car type data. This model permitted a greater degree of managerial discretion because actual costs were not so closely traced to each unit or group of equipment being repaired. Actual costs were assigned to the car type categories based on repair standards maintained through the AAR's Car Repair Billing System.

In both alternatives, the proposal called for a segregation of foreign repair costs from repair costs relating to system cars.

B. Representations by Respondents

The Association of American Railroads, (AAR) representing member railroads, and the Boston and Maine Corporation, Debtor, (B&M) provided comments for this proceeding.

The AAR commented that:

(1) Railroads were unable to determine any valid need to segregate car repairs between system and foreign cars;

(2) Railroads are presently designing management information systems which would provide car repair costs by car types, and it may take up to 6 years to refine these systems;

(3) Guidelines are necessary, but should be flexible; and, other methodologies designed by individual railroads should be acceptable; and

(4) The cost of developing and maintaining a repair cost system could be prohibitive, and the funds could be used more beneficially if railroads did not have to follow specific Commission directives.

The B&M stated that:

(1) Segregating car repair costs by car types between system and foreign cars appears to serve no useful purpose;

(2) They recognize the Commission's need to establish objective guidelines in this area, but that a majority of major railroads have already instituted such reporting systems; and

(3) Requiring such extensive reporting methodologies for smaller roads as the B&M would not be cost effective, and suggested that the Commission establish alternative reporting requirements for these railroads.

C. Discussion

We were greatly encouraged by and appreciative of the beneficial comments from the industry. More accurate and uniform data on the costs of repairing freight train cars by car types is useful to all concerned parties. For railroads, it means improved data on:

- The type and extent of preventive maintenance programs,
- The cost savings that could be effected by repairing cars in the most appropriate repair shops,
- The most efficient utilization of shop labor and resources,
- The appropriateness of repair standards,
- The wear patterns on repair parts and materials, and
- The life expectancy of the types of freight train cars.

Shippers, also, will have more accurate information for determining the cost of moving freight. That is, they would be assured of having available valid data which might be used to develop measures for pinpointing efficient equipment management programs, which impact on rate determinations. Fleet characteristics and maintenance programs could be important negotiation concepts.

Concerning the issues raised by the respondents, we offer the following:

1. *Cost segregation between foreign and system cars.* We have reconsidered this criteria and revised Schedule 415 to require disclosure of composite car type data without the foreign/system breakdown. Our cost development branch indicates this disclosure will provide the necessary refinement for adequate cost results.

2. *Railroads are independently improving systems.* We realize that several railroads are independently developing repair cost recovery methodologies which capture data by car types. Our field study and research indicate that these systems will produce cost data which might even exceed the refinement required under our Level II approach. We applaud this initiative and effort.

3. *Guidelines are necessary but should be flexible.* The intent of our proposal was to create guidelines which were flexible and allowed individual roads to develop methodologies which best serve their operations. Throughout the Level II model, we incorporated many allocation and cost accumulation procedures which depend on the discretion of management. This final rule will continue to require either the Level I or Level II methodology. However, we will review and approve any submitted repair cost methodology that meets our objective of accurate repair cost data by car types.

4. *Cost would be prohibitive if specific guidelines are too rigid.* We did not receive responses on the estimated cost of developing and maintaining an improved equipment repair cost system by car types. Our research indicated that cost savings might be realized in the long run by streamlining existing systems and managing freight train car repairs with improved data. Again, we believe that our guidelines are necessary and flexible, and we will review and improve individual methodologies which produce the desired cost data by car types.

5. *Rule might be burdensome to smaller Class I railroads.* The Commission's waiver procedure is available to those railroads that find this rule too costly and burdensome relative to their financial strength. Justification and supporting documents should be submitted to the

Commission's Accounting and Valuation Board for waiver consideration.

Because uniform reporting is an essential element in this proceeding, it is important that railroads include only repair expenses in this methodology. Repair expenses are those which represent normal or delayed repair and maintenance expenses, and which are expensed in the year incurred. They are distinguishable from capital expenditures which substantially extend the service life or substantially increase the utility of depreciable property. This is covered in 49 CFR Part 1201, Instruction 2–11, "Units of property rebuilt or converted."

The guidelines do not preclude the use of statistical sampling as a means for accumulating and allocating repair cost by equipment types. The sampling techniques used should be valid and relative to the equipment repaired for each railroad. Railroads should maintain and make available to the Commission, when requested, the basis for using the selected statistical sampling technique.

The Level II methodology uses the AAR's CRBS as an allocation mechanism. The CRBS is a repair costing system which is proven and widely accepted in the industry. The cost standards are believed to be valid, and they are reviewed periodically by the industry for appropriateness. The CRBS enables users to reference which cars were repaired, and therefore, car type data can be amassed.

This rule does not adopt the CRBS as a regulatory requirement that all roads must use for billing purposes. However, the CRBS is an accessible and widely used system whereby railroads can develop cost relationships for properly assigning car type cost data.

We therefore adopt the amendments set forth in the appendices to this notice. Appendix A[1] contains the new instruction. Appendix B[1] displays the revisions to Schedule 415 of the R–1. Appendix C[1] shows the freight train car repair account conversion reference. Appendix D[1] gives a flow diagram of the proposed Level II methodology.

This action does not appear to affect significantly the quality of the human environment, the conservation of energy resources, or small businesses.

This rule is made under the authority of 49 U.S.C. 10321 and 11122 and 5 U.S.C. 553.

Decided: November 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix A

PART 1201—RAILROAD COMPANIES

49 CFR Part 1201, Subpart A (Uniform System of Accounts for Railroad Companies) is amended as follows:

1. The List of Instructions and Accounts is amended by adding under Instructions of Property Accounts, the following new line item 2–21 "Freight train car repair costing" after Item 2–20, "Accounting for leases".

2. The Instructions for Property Accounts is amended by adding the following new instruction after Instruction 2–20:

2–21 *Freight train car repair costing.* Class I railroads shall report the costs of repairing freight train cars by car types.

(a) The accounting for freight train car repair costs shall agree with the applicable instructions and texts of accounts in 49 CFR Part 1201 relating to the equipment repair process (see Note A).

(b) Railroads may assign either actual costs, standard costs, or a combination of both to the accounting process. Standard costs, if used, shall recognize the differences in performing repairs on various types of equipment, and the differences related to specific repair facilites. Standard costs shall be based on adequate operational data which are reviewed at least annually. The resulting variances (price, efficiency, capacity, etc.) shall be reasonably allocated back to the car types to derive the amounts reported in Form R–1.

(c) Railroads shall report repair costs by the freight train car types shown in Schedule 415 of Form R–1. In assigning repair costs, railroads may use either one of the following methodologies:

Level I: Job Order Cost System

Railroads may use a job order cost system for assigning repair costs to the car types for freight train cars. Under this methodology, railroads shall directly match direct labor and materials with the specific unit of equipment that was repaired. Actual costs, standard costs, or a combination of both may be used as stated above.

Level II: Alternative Repair Costs Methodology

Railroads not using the job order cost system shall report freight train car repair costs by using the methodology described below:

(1) The repair costs relating to heavy, program, or project repairs of freight train cars shall be directly assigned to the car types repaired by using actual or standard costs. A heavy repair is defined as a repair that is relatively so material in cost, repair time, or physical damage that management's involvement in the determination of the repair to be made is necessary and relatively greater than usual. Program or project repairs are those repairs which are performed under a predetermined plan where estimates costs, time periods, and car types to be repaired are identified.

(2) The repair costs relating to light and running repairs of system cars shall be allocated to the car types by using the Association of American Railroads' Car Repair Billing System (CRBS) as the process for distributing light and running repairs. The CRBS will be the tracking system for recording the number of repairs, the car types and types of repairs. Then by applying the CRBS standard costs to the particular repairs, standard costs relationships by car type can be developed and used to distribute actual light and running repair cost pools to the car types.

(3) Railroads shall match repair costs billed by and paid to foreign roads with the car types that were repaired. Foreign billings for light and running repairs are usually conducted through CRBS, and therefore, the car types can be identified. For heavy off-line repairs, car type identification is possible because system management is generally involved with the authorization of such heavy repairs and car identification numbers are generally included in the billing process.

(4) Repair costs relating to foreign freight train cars shall also be reported by car types. However, a separate breakdown between foreign and system repair costs is not required for Commission reporting purpose. Car type identification for light and running repairs to foreign cars can be obtained from CRBS tapes. The cost of heavy repairs to foreign cars should be accumulated by car types. The resulting expense credits from foreign railroads should be assigned to the car types to which they relate.

(5) Railroads shall match any resulting expense credits with the car types to which they relate. This can occur, for example, when a railroad is charged with the repair costs of system cars, but the responsibility of the repair ultimately rests with and is paid by a foreign road.

(d) Railroads shall submit to the Commission any repair cost by car type methodology which does not agree with item (c) above. The Commission shall review the methodology and determine if it is acceptable for reporting purposes.

(e) Railroads may submit justification and supporting documents requesting waiver from provisions required by this instruction. This provision is intended to provide relief for those smaller Class I railroads that might be unduly burdened by the cost of developing and maintaining the required system. Waivers shall be directed to the Commission's Accounting and Valuation Board.

(f) Equipment repair cost records, including the allocation methods used, shall be maintained and made available to the Commission upon request.

Note A.—The following accounts and reference pertain to the freight train car repair process:
11-22-42
21-22-42
39-22-42
40-22-42
41-22-42
61-22-42

Instruction 2-1, "Units of property rebuilt or converted".

Appendix B[1]

PART 1241—ANNUAL SPECIAL OR PERIODIC REPORTS—CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

Schedule 415. Supporting Schedule: Equipment

§ 1241.11 [Amended]

Schedule 415, which is provided for in 49 CFR 1241.11 is amended in the following ways. As amended, the Schedule would appear as below:

Instructions

1. Report freight expenses only.
2. Report by type of equipment all natural expenses relating to the equipment functions (salaries and wages, materials, tools, supplies, fuels and lubricants, purchased services, and general).
3. Report in Column (b) the details for the items listed in Column (a). Freight car repair expenses shall be assigned directly to the various car types on the basis of job order records whenever possible. Otherwise, car type repair costs shall be assigned as required by Instruction 2-21, "Freight Train Car Repair Costing," 49 CFR 1201.

The following line items of this schedule shall be reconciled with the line items of Schedule 410 as shown below:

Schedule 410	Schedule 415
Column (f), net of lines 221, 222.	Column (b), lines 19 and 33.
Column (f), net of lines 302, 303, 304, 305, 306, 307, and 320.	Column (b), lines 27, 30, 31, 32, 34, and 35.

The variance in repair amounts reported in Schedule 410 and those reported in this schedule shall be the amounts billed to others for damaged equipment, Function 48. These amounts are included on lines 235 and 320 of Schedule 410 and should be excluded from this schedule.

As a supplement, describe the major aspects of the methodology used to derive car type disclosures.

4. * * *
5. * * *
6. * * *
7. * * *
8. * * *
9. * * *

BILLING CODE 7035-01-M

[1] The materials appearing in Appendices B, C and D do not appear in the Code of Federal Regulations. The report forms prescribed by Parts 1241-1259 are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Appendix B

Schedule 415. SUPPORTING SCHEDULE - EQUIPMENT

Line No.	Types of Equipment (a)	Repair Expenses (net) (b)	Depreciaiton (c)	Retirements (d)	Lease and Rental (e)	Depreciation Base (f)	Accumulated Depreciation (g)	Depreciation Adjustment (h)
	FREIGHT TRAIN CARS:							
1	Box-Plain 40 Foot							
2	Box-Plain 50 Foot and longer							
3	Box-Equipped							
4	Gondola-Plain							
5	Gondola-Equipped							
6	Hopper-Covered							
7	Hopper-Open Top-General Service							
8	Hopper-Open Top-Special							
9	Refrigerator-Mechanical							
10	Refrigerator-Nonmechanical							
11	Flat TOFC/COFC							
12	Flat Multi-level							
13	Flat-General							
14	Flat-Other							
15	All Other Freight Cars							
16	Cabooses							
17	Auto Racks							
18	Miscellaneous Accessories							
19	TOTAL FREIGHT TRAIN CARS							
	OTHER EQUIPMENT-REVENUE FREIGHT HIGHWAY EQUIPMENT							
20	Refrigerated Trailers							
21	Other Trailers							
22	Refrigerated Containers							
23	Other Containers							
24	Bogies							
25	Chasis							
26	Other Highway Equipment (Freight)							
27	TOTAL HIGHWAY EQUIPMENT							
	FLOATING EQUIPMENT-REVENUE SERVICE							
28	Marine Line Haul							
29	Local Marine							
30	TOTAL EQUIPMENT							
31	Passenger and Other Revenue Equipment (Freight Portion)							
32	Computer & Data Processing							
33	Machinery - Freight Cars							
34	Machinery - Other Equipment							
35	Work & Other Revenue Equipment							
36	TOTAL OTHER EQUIPMENT							
37	TOTAL ALL EQUIPMENT, FREIGHT PORTION							

BILLING CODE 7035-01-C

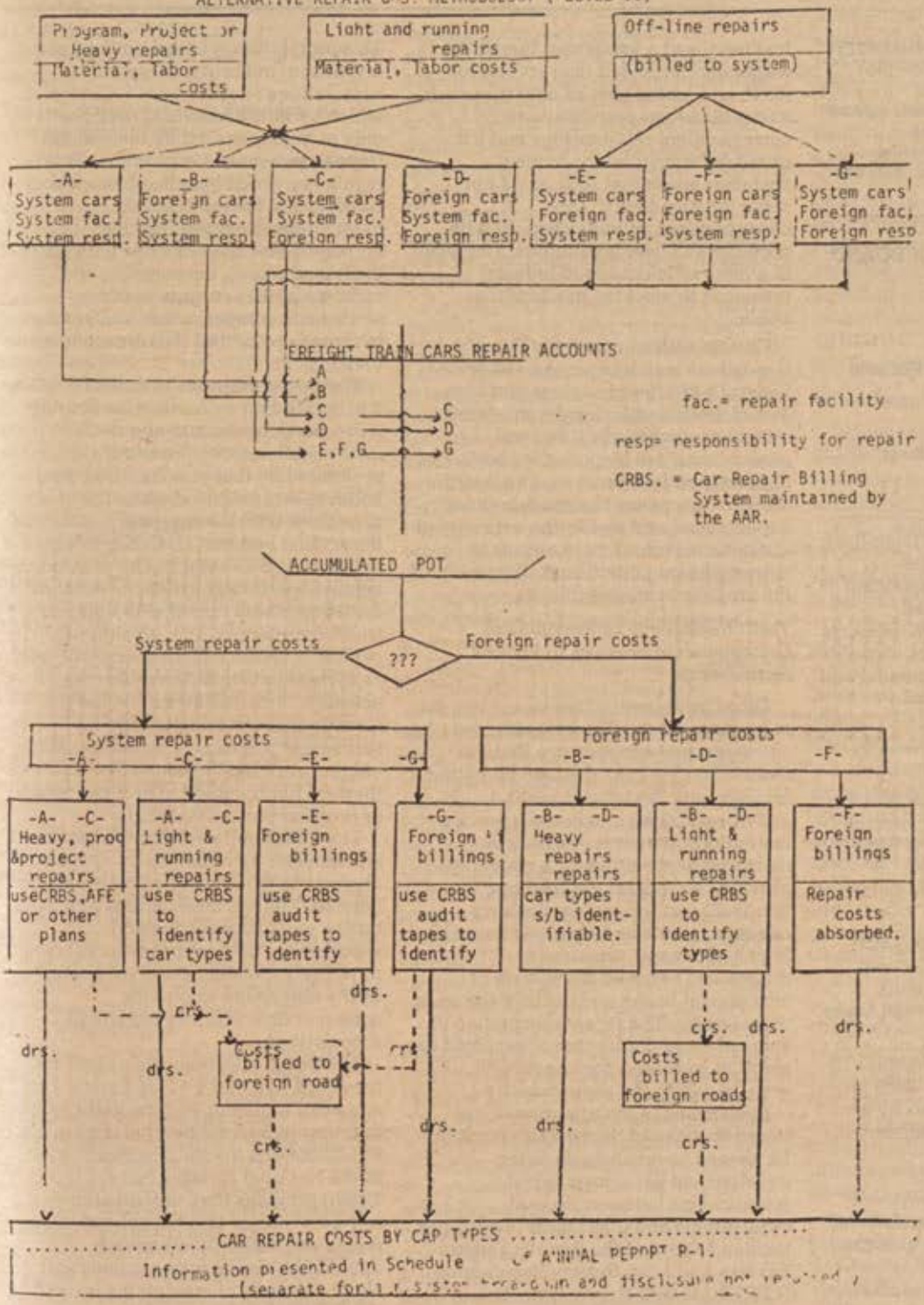
APPENDIX C.—REPAIRS TO FREIGHT TRAIN CARS

(DR)	(Old Account 314) (CR)
11-22-42 Salaries and Wages—Freight Car Repairs.	40-22-42 Purchased Services Billed to Others for Repair of Freight Train Cars.
21-22-42 Materials Used in Repair of Freight Train Cars.	
39-22-42 Purchase Services Billed by Others for Repair of Freight Train Cars.	41-22-42 Other Purchase Services Credits, Repair and Maintenance of Freight Train Cars.
41-22-42 Other Purchased Services Charges, Repair and Maintenance of Freight Train Cars.	
61-22-42 Other Expense Charges, Repair and Maintenance of Freight Train Cars.	

BILLING CODE 7035-01-M

Appendix D

THE FLOW OF FREIGHT TRAIN CAR REPAIR CHARGES AND CREDITS
for
ALTERNATIVE REPAIR COST METHODOLOGY (LEVEL II)



[FR Doc. 81-34538 Filed 12-3-81 8:45 am]

BILLING CODE 7035-01-C

Proposed Rules

Federal Register
Vol. 46, No. 233
Friday, December 4, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-722]

Correspondent Activities of Federal Associations

November 25, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing to amend its regulations to facilitate correspondent activities of Federally chartered associations. The proposed amendments would authorize correspondent accounts and the provision of data processing and other services to other financial institutions.

DATE: Comments must be received by February 4, 1982.

ADDRESS: Comments should be sent to the Public Information Office, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Office of General Counsel, Federal Home Loan Bank Board, at the above address. Telephone: (202) 377-6444.

SUPPLEMENTARY INFORMATION: Many of the daily functions of savings and loan associations may be performed by or with the assistance of correspondent financial institutions. Such correspondent services include collection and processing of payment items, investment services, provision of currency and coin, loan participations, coupon and security collection, securities safekeeping, wire transfers, data processing, personnel training, and insurance and retirement plan consultation. Due to economies of scale, correspondents with the requisite expertise and resources can provide many of these services to respondent institutions at a lower cost than if the respondent provided the services for itself; and, in the case of activities such as overline loan participations, correspondent relationships make it possible for institutions to meet customer needs that they could not serve independently. Thus, correspondent activities benefit both provider and user institutions, and result in a more efficient use of industry resources to meet the needs of the public.

Certain restrictions in the Board's regulations may hamper the ability of Federally chartered savings and loan associations and Federally chartered mutual savings banks ("Federal associations") to be providers and users of correspondent services. The Board therefore proposes to eliminate those impediments and clarify the authority of institutions it charters to engage in correspondent activities. A discussion of the proposed changes follows.

Thrift Institutions as Providers of Correspondent Services to Federal Associations

Other thrift institutions would appear to be the most qualified providers of correspondent services to a Federal association because they are by nature familiar with the operations and activities of thrift and home-financing institutions; however, the bulk of correspondent services are generally provided to Federal associations by non-thrift institutions, particularly commercial banks. This development is largely the result of historical differences between the powers of commercial banks and savings and loan associations. The recent elimination of some of these differences is expected to result in increased correspondent activity within the thrift industry.

It has come to the attention of the Board that one of its regulations might be viewed as an obstacle to the development of correspondent relationships between Federal associations and other thrift institutions. Section 545.9-2 of the Board's Federal Savings and Loan System Regulations (12 CFR 545.9-2) currently provides:

> No Federal association shall invest in a savings account (i.e., any withdrawable monetary investment) in any savings and loan, building and loan or homestead association, cooperative bank, or savings bank.

This prohibition is based on the limited investment authority of Federal associations found in 12 U.S.C. 1464(c), which permits investment in deposits only at banks insured by the Federal Deposit Insurance Corporation. This regulatory prohibition has been widely construed to prevent Federal associations from establishing correspondent relationships with other thrift institutions, because correspondent accounts used for settlement, compensation, and similar purposes are central to correspondent banking.

The Board proposes to amend § 545.9-2 to clarify that a non-interest-bearing correspondent account at a thrift institution is not an "investment" prohibited by that section. The Board believes this proposed amendment is consistent with the regulatory history of the section and the legislative intent behnd 12 U.S.C. 1464(c). The prohibition against investment in deposits of thrift institutions was intended to apply to true "investments" (i.e., outlays of capital to produce income or profit, such as investments in interest-bearing accounts or certificates of deposit). Correspondent accounts used for settlement purposes or as compensating balances are not "investments" because they are not intended to produce income or profit to the accountholder.

The Board believes that this proposed amendment, by removing an apparent obstacle to correspondent relationships between Federal associations and other thrifts, would benefit Federal associations that are potential users of thrift correspondent services, as well as thrifts that desire to provide correspondent services to Federal associations.

The Board also requests comments regarding whether § 545.9-2 should be amended to permit Federal associations to invest in interest-bearing accounts at FSLIC-insured institutions. Section 409 of the National Housing Act (12 U.S.C. 1730b) provides that, notwithstanding any provision of law but subject to any regulatory authority otherwise applicable, the savings accounts and share accounts of institutions insured by the FSLIC shall be lawful invesmtent "for the funds of all corporations organized under the laws of the United States." Thus, the Board may permit Federal associations, which are corporations organized under Federal

law, to invest in interest-bearing accounts at FSLIC-insured institutions notwithstanding the limitations on investment authority in 12 U.S.C. 1464(c). Such authority would be limited to the extent of FSLIC insurance coverage for the accounts in question, as required by section 409.

Federal Associations as Providers of Correspondent Services

At least one traditional correspondent activity, participation lending, is expressly authorized for Federal associations. (*See* 12 CFR 545.6.) However, there are no regulatory provisions authorizing Federal associations to issue correspondent accounts to other institutions. Furthermore, 12 CFR 545.16–1, which authorizes Federal associations to establish data provision of such services to others for a profit. This prohibition prevents Federal associations from providing standard correspondent services such as check collection and processing that involve data processing.

In order to facilitate correspondent activities of Federal associations as providers of services to other institutions, the Board is proposing three substantive amendments to its Federal Savings and Loan System Regulations. First, the Board proposes to add a new 12 CFR 545.30(a) that will set forth in general terms the authority of Federal associations to provide correspondent services to others. This proposal is not intended to imply that Federal associations do not already have such authority under the Federal charter; Federal associations in fact already engage in correspondent activities to some extent. Rather, the proposed regulation would limit provision of such services primarily to financial institutions, and would advise that some activities (e.g., purchasing and selling securities for others) may be subject to legal restrictions not found in the Board's regulations.

Second, the Board proposes to add a new 12 CFR 545.30(b) authorizing Federal associations to receive non-interest-bearing deposits from correspondent institutions. Such deposit accounts are necessary to any correspondent activity involving settlement between two institutions. For example, a Federal association collecting checks for another institution will post a provisional credit to the account of that institution when a check is received for collection; a similar procedure may take place when other institutions share a remote service unit operated by a Federal association. Furthermore, correspondent accounts are necessary for the purpose of maintaining a compensating balance, which is a common method of paying for correspondent services.

As in the case of correspondent accounts at commercial banks, the deposit accounts proposed to be authorized by § 545.30(b) could, at the option of the association, be treated as demand deposits and be subject to withdrawal by negotiable instrument. These correspondent accounts would not give rise to rights of membership in a mutual Federal association. Correspondent accounts at Federal associations would be treated as FSLIC-insured "checking accounts" pursuant to 12 CFR 561.3 and 561.11a.

As discussed above, the Board also requests comment regarding whether 12 CFR 545.9–2 should be amended to permit Federal associations to invest in interest-bearing accounts at FSLIC-insured institutions. If adopted, this amendment would permit Federal associations to maintain interest-bearing correspondent accounts at other Federal associations. The Board requests comments regarding whether it would be a valuable option for Federal associations to be able to pay interest on correspondent accounts used for settlement or compensating balance purposes.

Third, the Board proposes to amend 12 CFR 545.16–1 to permit Federal associations to provide data processing services to other financial institutions on a for-profit basis. Paragraph (b) of that section currently prohibits provision of data processing services to others "except when incidental or secondary to meeting [the Federal association's] own needs." Paragraph (c) now permits a Federal association to maintain a data processing service center with any other thrift institution(s) provided certain conditions are met, including the condition that the service center not be a profit making venture.

As proposed to be amended, § 545.16–1 would permit a Federal association to establish or maintain a data processing office, either by itself or with one or more other financial institutions. If the office is established or maintained solely for data processing purposes, it will remain exempt from the branch office application and approval requirements found at 12 CFR 545.14 *et seq.* Proposed § 545.16–1 would no longer prevent Federal associations from providing data processing services to other financial institutions on a for-profit basis, whether such data processing is a separate service or part of a broader correspondent activity such as check collection and processing. This proposed authority parallels that found in 12 CFR 545.9–1 for Federal association service corporations.

The Board further proposes to require that any financial institution not subject to examination by a Federal regulatory agency that wishes to participate with a Federal association in a data processing office agree in writing that the office will be subject to such examination as the Board deems necessary. This proposed requirement is identical to that applicable to shared remote service unit facilities (see 12 CFR 545.4–2(i)). The Board believes such a requirement is sufficient to ensure the Board's ability to examine and supervise Federal associations, and imposes less of a burden than the present requirements at 12 CFR 545.16–1(c) which apply to jointly owned data processing facilities.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board is providing the following initial regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to savings and loan associations and mutual savings banks that are Federally chartered ("Federal associations").

3. *Impact of the proposed rule on small Federal associations.* The proposed rule will not have an adverse impact on small Federal associations. Correspondent activities of commercial banks have benefited both provider and user banks; it is expected that this principle will hold true for Federal associations as well.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap, or conflict with the proposed rule.

5. *Alternatives to the proposed rule.* The proposed rule relieves existing or apparent restrictions on the regulated industry; thus, there are no tiering alternatives that would have less impact on small entities.

Accordingly, the Board hereby proposes to amend Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise § 545.9–2 to read as follows:

§ 545.9–2 Prohibition against investment in other institutions.

No Federal association shall invest in a savings account (i.e., any withdrawable monetary investment) in any savings and loan, building and loan, or homestead association, cooperative bank, or savings bank. A non-interest-bearing deposit or account maintained pursuant to a correspondent relationship is not an "investment" prohibited by this section.

2. Remove paragraph (c) of § 545.16–1, and revise paragraph (b), to read as follows:

§ 545.16–1 Data processing services.

* * * * *

(b) *Data processing office.* (1) Subject to § 545.10 of this part, a Federal association may establish or maintain a data processing office with functions limited to providing data processing services for its own use and/or for other financial institutions without observing the application and approval procedures for branch offices set forth in this part.

(2) A Federal association may participate in establishing or maintaining a data processing office with any other financial institutions having legal power to do so. A Federal association may participate in establishing or maintaining a data processing office controlled by a financial institution not subject to examination by a Federal regulatory agency only if such institution has agreed in writing that the office is subject to such examination by the Board as it deems necessary.

3. Add a new undesignated heading and new § 545.30, to read as follows:

Correspondent Activities

§ 545.30 Correspondent services.

(a) *General.* A Federal association may provide correspondent services primarily to other financial institutions to the extent such activity does not violate other regulations in this chapter or any other provisions of law.

(b) *Correspondent accounts.* A Federal association may receive non-interest-bearing deposits from correspondent institutions for use as compensating balances, for settlement purposes, or for other purposes incidental to a correspondent relationship. Such deposits may be payable on demand and subject to withdrawal by negotiable or transferable instrument, order, or authorization. Such deposits shall not give rise to voting rights or other rights of membership in a Federal mutual association.

(12 U.S.C. 1431(e)(2)(C), 1464, 1730b; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–34804 Filed 12–3–81; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 802 3010]

American Motors Corporation, et al. (Jeep CJ); Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Southfield, Michigan motor vehicle manufacturer and its subsidiary to cease failing to disclose that the Jeep CJ's handle and maneuver differently from ordinary passenger cars under certain reasonably expected driving conditions; and that sharp turns or abrupt maneuvers on pavement, may result in loss of control or an accident. The order would require the company to place a prescribed sticker on the windshield of all new Jeep CJ's warning owners of the Jeep's handling and maneuvering limitations; provide all existing Jeep CJ Owner's Manuals with an informational supplement concerning on-pavement driving and update the Owner's Manual to include this supplemental information. The company would also be required to provide its dealers with a point-of-sale display designed to call attention to the Supplement, and with a sufficient quantity of the Supplement to enable dealers to make it available to each person who requests it. The order would further require the company to send to current registered owners of Jeep CJ's since 1972, the sticker and the Supplement, together with a letter advising the owner to affix the sticker to his/her Jeep.

DATE: Comments must be received on or before February 2, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Leroy C. Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243–EB Federal Bldg., 26 Federal Plaza, New York, NY 10278. (212) 264–1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

Agreement Containing Consent Order to Cease and Desist

In the matter of American Motors Corporation, a corporation; and Jeep Corporation, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of American Motors Corporation and Jeep Corporation corporations, (hereinafter sometimes referred to as "proposed respondents") and it now appearing that proposed resondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby argeed by and between American Motors Corporation and Jeep Corporation, by their duly authorized officers, and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent American Motors Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland with its office and principal place of business located at 27777 Franklin Road, Southfield, Michigan 48034.

Proposed respondent Jeep Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Nevada with its office and principal place of business at 27777 Franklin Road, Southfield, Michigan 48034.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

This Order applies to respondents American Motors Corporation (hereinafter "AMC") and Jeep Corporation (hereinafter "Jeep"), their successors, assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the offering for sale, sale, lease or distribution of Jeep CJs in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, within the United States, including the Commonwealth of Puerto rico and any territory or possession of the United States.

Definitions: For purposes of this Order, the following definitions shall apply:

1. "Jeep CJ(s)" shall mean CJ-5, CJ-6 or CJ-7 model Jeep vehicles built since 1972, which are or were manufactured or distributed by AMC or Jeep, and vehicles of substantially equivalent design and performance. Substantially equivalent performance means a vehicle which is substantially similar with respect to its ability to make sudden sharp turns and abrupt maneuvers on road. For purposes of this definition, other Jeep motor vehicles built from 1972 to 1982 are not of substantially equivalent design to Jeep CJs.

2. "Dealer(s)" shall mean all independent person(s) partnership(s) or corporation(s) which, pursuant to a dealer's sales and service agreement, receive on consignment or purchase new Jeep CJs from AMC or Jeep for resale or lease to the public. The term "dealer(s)" shall also mean all persons(s), partnership(s) or corporation(s) owned or operated by respondents which sell or lease new Jeep CJs to the public.

I

It is ordered that respondents shall, within 120 days from the date of service of this Order, affix a sticker to each new Jeep CJ vehicle manufactured or distributed by AMC or Jeep. The sticker shall read as follows:

"This multipurpose vehicle handles and maneuvers differently from an ordinary passenger car. As with other vehicles of this type, sudden sharp turns and abrupt maneuvers may result in loss of control. Read driving guidelines in Owner's Manual and Supplement. Wear Seatbelts at All Times"

Respondents shall affix the sticker to the instrument panel or windshield frame of each new Jeep CJ in a prominent location. The sticker shall be printed in a typeface and color which are clear and conspicuous. Respondents shall advise their dealers in writing not to remove the sticker.

II

It is further ordered that respondents shall, within 120 days from the date of service of this Order, distribute an informational supplement to the Owner's Manual for new Jeep CJs (hereinafter "Supplement"), which is similar in scope and subject matter to the current pamphlet "Driving Your 4-Wheel Drive Vehicle," a copy of which is attached as Exhibit A. The Supplement shall include the following statement in an on-pavement driving section:

"Utility vehicles have higher ground clearance and narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than ordinary cars. An advantage of the higher ground clearance is a better view of the road allowing you to anticipate problems. They are not designed for cornering at the same speeds as conventional 2WD vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. If at all possible, avoid sharp turning maneuvers. As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or an accident."

The Supplement shall also include the following statement in the introduction:

"As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or an accident. Be sure to read on-pavement and off-road driving guidelines which follow."

The above-required language shall be printed in a typeface at least as large as that which is used in the main body of the Supplement. Nothing contrary, inconsistent or in mitigation of the above-required language shall be used in the Supplement.

III

It is further ordered that respondents shall, within 120 days from date of service of this Order, revise the Owner's Manual for new Jeep CJs to include the information that is required by Part II of this Order. Headings, typeface and other devices consistent with those used for warnings in the Owner's Manual shall be used to ensure clarity and prominence of the information required. Nothing contrary, inconsistent or in mitigation of the information required shall be used in the Owner's Manual.

IV

It is further ordered that any substantive modification of the information required by Part II or Part III of this Order may be made only upon prior written approval of the Commission. A request for approval shall be in writing and shall be deemed granted if not disapproved within 60 days after receipt by the Commission.

V

It is further ordered that respondents shall, within 120 days after service of this Order, insert a copy of the Supplement and the Owner's Manual into the glove box of each new Jeep CJ prior to the distribution of the vehicle.

VI

It is further ordered that respondents shall provide to each dealer a reasonable number of free copies of the Supplement to enable dealers to make the Supplement available to each prospective Jeep CJ purchaser or lessee who requests it. Respondents shall also provide to each dealer one free point-of-sale display designed to call attention to the Supplement. Respondents shall advise their dealers in writing to (1) maintain such point-of-sale display in a prominent location in the dealer's showroom and (2) provide a copy of the Supplement to each person who requests it. Respondents shall implement the requirements of this Part within 120 days from date of service of this Order.

VII

It is further ordered that respondents shall, within 150 days after service of this Order, send by first-class mail to each identifiable current registered owner of Jeep CJs from the 1972 model year to the effective date of this Order the following materials: (1) The sticker required by Part I, (2) the Supplement required by Part II, and (3) a letter advising the owner to affix the sticker to the Jeep CJ. Current registered owners shall be deemed identifiable if they can be traced using the

same sources used to develop lists for recall notifications pursuant to the National Traffic and Motor Vehicle Safety Act of 1966.

VIII

It is further order that respondents distribute a copy of this Order to all present and future personnel who have supervisory responsibility with respect to the subject matter of this Order. Respondents shall secure from each such person a signed statement acknowledging receipt of this Order. Respondents shall also distribute a copy of this Order to each dealer.

IX

It is further ordered that respondens shall maintain documents demonstrating compliance with this Order. Upon reasonable request, respondents shall make available to the Commission or its staff for inspection and copying documents which shall include, but not be limited to, the following:

A. The name and last known address of each owner who was sent the materials required by Part VII of this Order.

B. The name and last known address of each owner whose materials were returned undelivered by the United States Postal Service.

C. Communications from dealers regarding the distribution of the Supplement which are received by the department responsible for such distribution.

X

It is further ordered that in the event that respondent AMC or Jeep merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation, respondent AMC or Jeep shall be require said successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order; provided that if respondent AMC or Jeep wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasens prior to the consummation of said succession or transfer.

XI

It is further ordered that respondents shall, within one hundred and eighty (180) and three hundred and sixty-five (365) days after the date of service of this Order, file with the Commission reports setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from American Motors Corporation and Jeep Corporation.

The proposed consent order and material submitted by AMC and Jeep to the Commission that is reasonably related to the merits of the order and not exempt from disclosure under the Freedom of Information Act have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter charges the proposed respondents with failure to disclose the following facts material to the purchase and use of the Jeep CJ–5, CJ–6 and CJ–7:

1. The Jeep CJ handles and maneuvers differently from an ordinary passenger car under certain reasonably expected driving conditions, and

2. Sharp turns or abrupt maneuvers on pavement may result in loss of control or an accident.

The complaint also charges the proposed respondents with deceptive and misleading advertising by failing to disclose the above facts while representing in advertisements that the Jeep CJ may be driven on-pavement like an ordinary passenger car.

The proposed consent order requires respondents to place a sticker on the windshield frame of each new Jeep CJ stating that this vehicle handles differently from an ordinary passenger car and that sharp turns and abrupt maneuvers may result in loss of control.

The proposed consent order also requires respondents to include in the Jeep CJ Owner's Manual and Supplement specific on-pavement driving information which had been omitted from these materials as alleged in the complaint.

Proposed respondents must also send to identifiable current registered owners of Jeep CJs, from the 1972 model year to the effective date of this consent order, the sticker and Supplement required by the order and a letter advising the owner to affix the sticker to the vehicle.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modity in any way their terms.

Carol M. Thomas,

Secretary.

BILLING CODE 6750-01-M

Driving Your 4-Wheel-Drive Vehicle

And Getting Along With The Environment



Jeep® Owner's Manual Supplement
Small Sports Utility Edition
(CJ-5, CJ-7 and
Scrambler)

Important Guidelines Inside:
On-Pavement Driving
Off-Road Driving

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Welcome To The Exciting And Different World Of 4-Wheeling



Congratulations! You own a Jeep 4-wheel-drive vehicle, the most popular 4-wheeling name in America. The world of 4-wheeling is indeed exciting. You'll be able to enjoy an adventurous part of America, a part of your land few without a 4-wheel-drive vehicle will ever have the opportunity to see.

Along with the fun and excitement of 4-wheeling comes re sponsibility. Your responsibility is two-fold: The first is to realize that your 4WD vehicle is different than 2-wheel drive vehicles, and must be driven differently than a car both on pavement and off road. The second responsibility is to recognize that, as the owner of a Jeep vehicle, you are obligated to respect the environment. Your actions will affect th future of public lands and their use by responsible 4-wheelers

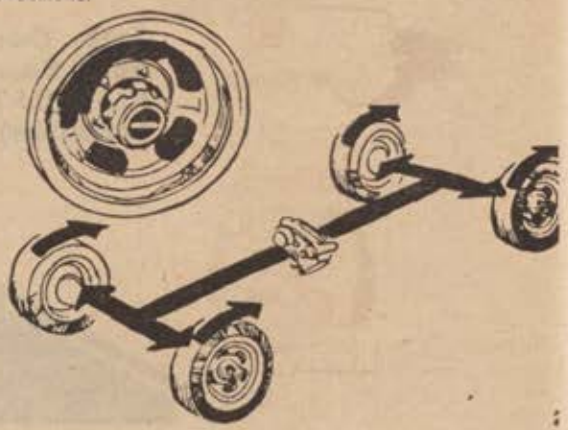
Have fun with your Jeep 4WD vehicle, but remember to liv up to your responsibilities.

What Exactly is 4-Wheel Drive?

In 4WD mode, all four wheels can work to move the vehicle. Four wheels working are an advantage over two in many driving situations both on pavement and off road. The key component in the 4-wheel-drive system is the transfer cas which supplies power to two separate drive shafts, to the front and rear axles.

Most Jeep CJ-5, CJ-7 and Scrambler vehicles are equipped with part-time or "on-demand" 4WD systems.* This "on-demand" system allows for a normal two-wheel-drive mode fo highway use and a simple rigid driveline to the four wheels for off-road or other adverse driving situations. Your Owner's Manual has complete instructions on how to shift between 2WD and 4WD.

*Some CJ-5 and CJ-7 vehicles built between 1973 and 1979 were equipped with a full-time 4WD Quadra-Trac system. Consult your Owner's Manual for complete operating instructions.



Important Differences Between Your Small Jeep 4WD Vehicle And Ordinary 2-Wheel-Drive Vehicles

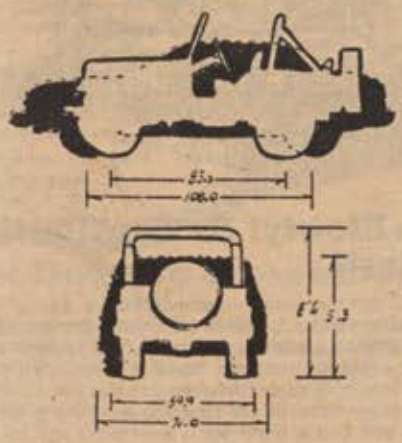
Your Jeep vehicle is a descendant of the original tough quarter-ton military vehicle that served this country so well during World War II. The transition from that legendary military model to civilian versions of the reliable and rugged Jeep models helped start the recreational sport of off-roading. With the introduction of the Jeep CJ-5 in 1954, our CJ models were well on the way to becoming the first choice of more professional and amateur off-roaders than any other 4WD vehicle.

By design it can do things off the road that you would not dream of trying in your family car. Let's examine the main differences between it and most conventional cars.

Your Jeep Vehicle Is Higher, Shorter, Narrower.

Higher ground clearance allows your Jeep vehicle to go over rugged terrain without hanging up on rocks or logs. The higher ground clearance results in a higher center of gravity, which in turn creates handling characteristics different from those of a conventional passenger car.

A shorter wheelbase and short front and rear overhang along with the high ground clearance means that your vehicle can approach inclines and go over the crest of a hill without hanging up the vehicle or damaging its frame or chassis components. The shorter wheelbase also makes your vehicle more responsive to steering than vehicles with longer wheelbases.



Narrower body width and track allow your Jeep vehicle to go through tight spaces unpassable by conventional cars and most larger 4WD vehicles.

These differences, higher ground clearance, higher center of gravity, shorter wheelbase, and narrower body width and track, are all important features for off-road driving. However, they also mean that on-pavement driving, handling, and steering will be different from what drivers experience with a conventional 2-wheel-drive car.

On the following pages, we will discuss on-pavement driving techniques. Be aware that special tires, size and weight of cargo, or towing a trailer can alter the driving characteristics of your vehicle.

Special Tires. It is important that a 4WD vehicle be equipped with tires of the same size and type at each wheel. So if you use special off-road tires, or tires for mud or snow, mount them on all four wheels. Many serious off-roaders switch to special tires for off-roading. Wide-Tread and Radial-Ply tires must be installed as complete sets. Don't mix radial or wide-tread tires with conventional bias-ply tires or fiberglass-belted tires. This could result in serious steering difficulties. Be sure to check and maintain recommended tire pressure.

Also, some combinations of replacement wheels and tires can increase tread measurement and change the steering and suspension characteristics of your Jeep vehicle. Use only wheels and tires of sizes recommended by Jeep Corporation.



Size and Weight of Cargo. The weight of passengers and cargo can change the center of gravity and the vehicle's handling characteristics. As a general rule, do not carry high or heavy cargo. Never exceed the load limits described in your Owner's Manual and be certain the cargo you do carry is properly placed in front of the rear axle. Too much weight or improperly placed weight over or behind the rear axle can cause serious steering problems, like those experienced in a ordinary car with an overloaded trunk.

Pulling a Trailer. Remember that everything you place in your trailer and vehicle adds to the gross vehicle weight rating (GVWR) of your Jeep vehicle. Do not exceed the gross vehicle weight rating for your Jeep vehicle. Pulling trailers heavier than Class I (2000 pounds, 900kg) Trailer Weight and a Tongue Limit of 200 pounds (90 kg) is not recommended for most small Jeep 4WD vehicles. Consult your Owner's Manual for specific

Getting Along With The Environment

Before you get into the specific techniques of four-wheeling, please thoughtfully consider the "responsibility" we spoke of on page one, "...to recognize that as the owner of a Jeep vehicle you are obligated to respect the environment."

We all have an important stake in protecting the environment because we want future generations of four wheelers to also enjoy the fragile beauty of this land, unmarred and unblemished.

The vast majority of off-road vehicle owners consistently demonstrates a deep and abiding respect for the environment. Join with the majority. Your positive action and good example are always needed to offset the irresponsible antics of a few thoughtless drivers.

Consider the ability to explore an America you might never see in a 2WD vehicle as a privilege. You can pay for that privilege by always respecting the land and environment.

If you keep the following guidelines in mind, you'll be doing your part in maintaining a healthy environment.

- If you enjoy 4-wheeling for sport, be sportsman enough to do so only in areas designated for such use. Remember, you are the visitor and your "visit" should leave no scars on the land.
- Drive on established trails only. There are many designated for 4-wheel-drive vehicles exclusively.
- Don't litter and if you see your favorite area littered, clean it up. Set a good example for the next person.
- Stay off land posted against such use. And observe the laws and regulations of every public authority. If you are unsure as to the status of a road or trail, consult your local Forest Ranger or the Bureau of Land Management office.
- Leave the wildlife alone. Disturbing the balance of nature denies us all.
- Keep your vehicle in good mechanical condition for safety's sake and to prevent excessive exhaust fumes.
- Maintain a clean, safe camp. Be especially careful with fire. Do not leave campfires unattended and make sure they're drowned out before you break camp.
- Don't take advantage of the land you're driving on. Avoid cutting switchbacks; avoid wet meadows; do not spin your wheels unnecessarily. Your wheel tracks could cause erosion or other damage.
- Have respect for your fellow 4-wheelers.
- When driving in areas that are exceptionally dry, avoid idling your vehicle or parking in a spot covered by dry grass or leaves. Vehicle exhaust systems give off a great deal of heat which can set fire to dry vegetation.
- Join your local off-road vehicle club as a working member and help spread the word on the proper use of our outdoor resources.



On-Pavement Driving Guidelines

Because you will often use your Jeep vehicle on paved roads or highways, it is important that you know how to handle your vehicle in traffic properly and responsibly. The next pages in this brochure provide important guidelines to help you enjoy your Jeep vehicle during on-pavement uses while looking out for the safety of yourself, your passengers, other motorists, and pedestrians.

Know Your Vehicle

Learn specifically how to drive your vehicle on pavement! Start slowly and practice in an area where you can become familiar with its unique characteristics. There may not be much body lean in some turns because the vehicle suspension is different from a car's suspension. This makes a big difference. Body lean is one of the things that make you aware that centrifugal force (see explanation of centrifugal force on facing page) is at work. A few practice sessions and you will realize there are things you can't expect your Jeep vehicle to do on pavement, just as there are things you wouldn't expect your family car to do off road.

Driver And Passengers Should Be Secured At All Times By The Restraint System

Your Jeep vehicle is equipped with restraint systems. Use them at all times. National Safety Council statistics indicate clearly that restraint systems reduce injuries. This can be particularly true in an open-body vehicle.



Drive Slowly! Be Cautious! Be Alert!

We are all familiar with the term defensive driving. It simply means to be prepared. Learn to anticipate problems and to steer, brake or accelerate accordingly. Give yourself time to react to emergency situations. Observe the guideline of at least a car length of space between you and the vehicle ahead of you for every 10 miles per hour you are driving. When weather is bad, and at night, allow even more spaces so you'll be able to react smoothly, safely.

Avoid Sharp Turning Maneuvers

Small utility vehicles have higher ground clearance and narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than ordinary cars. They are not designed for cornering in the same fashion as conventional 2WD vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. An advantage of higher ground clearance is a better view of the road allowing you to anticipate problems. If at all possible, avoid sharp turning maneuvers.



Approach Curves Cautiously, Slowly

The proper speed at which to take a curve is determined in part by the centrifugal force that will be exerted on the vehicle. Because of your Jeep 4WD vehicle's higher center of gravity, the effects of centrifugal force are different from those experienced with a typical car. Therefore, you should always approach curves at normal driving speed. You should not attempt to go as fast through turns as you might in a low-slung sports car, or perhaps even your family car.



Slow Down In Crosswinds

Strong gusting winds hitting the side of any vehicle can affect stability. Driving slower under these conditions will minimize the effects and give you more control.

Proceed With Care On Roads With A Pronounced Slope To The Shoulder

All roads are designed with a "crown" or high center so water will drain off the surface. Occasionally you may find yourself on older, resurfaced, narrow, two-lane roads with a higher-than-normal crown. These roads can cause an exaggerated lean toward the shoulder in your vehicle. You can counteract the exaggerated lean by driving close to the crown, without crossing the highway divider. If the road is also winding with a lot of dips and rolls, you may have to drive more alertly and slowly.



Regularly Check And Maintain Your Vehicle Equipment

Keep your vehicle in top running order. Make frequent routine checks of the vehicle's steering system, power train, brakes, springs, shocks and above all, tires (both tread and air pressure).

Road Conditions And Surfaces Affect The Way You Drive

Your on-pavement driving will involve a variety of paved surfaces, each requiring somewhat different handling responses from the driver. There are super highways and country roads, city streets and sometimes-rough rural roads. Some surfaces are concrete, some are asphalt-layered, smooth or pebbled, and some are barely blacktopped. Weather conditions affect all these surfaces, calling for still more alertness and skill on the part of the driver. On the following pages we will discuss some of the techniques for driving on various paved surfaces and under different weather conditions.

On-Pavement Driving In Adverse Weather

When the road surface becomes difficult to travel because of deteriorating weather conditions such as snow or heavy rains collecting on the roadway, you should shift into 4WD. Whenever the conditions call for slow speeds and high traction you will want to use the versatility of your "on-demand" 4WD system. You should continue to proceed slowly and cautiously. Be alert to the problems fellow drivers around you may be having that could create a hazardous situation for you.

Snow

In wet, light snow it is important to maintain traction by making slight or gradual changes of speed and by maintaining a light touch on the steering wheel. Avoid sudden maneuvers. If you should start to slide, stay off the accelerator and steer in the direction of the slide. Once the vehicle straightens out, lightly accelerate to get back on the line you were traveling. Drive slow and allow plenty of room to maneuver between yourself and the vehicle ahead. If you must brake, use a light, tapping action. Engine compression can help slow you down. It's also wise to use a lower gear under these conditions.

In heavy snow, maintaining momentum is the key to safe going. Try to keep moving by using the lowest possible range in your transmission and a steady accelerator pedal. Special snow tires can help. Under special conditions chains on all four wheels can provide additional help. Never drive with chains on the front and not on the rear.



General Recommendations For Driving In Adverse Weather

Safe driving with a 4WD Jeep vehicle requires the sensible application of long-established principles of safe driving:

- Drive smoothly—no sudden, jerky movements
- Stay alert—anticipate your next move
- Do not overdrive road conditions or your abilities
- Do not drive while under influence of alcohol or drugs

In addition you should:

- Use 4WD when road surface requires slow speeds and high traction
- Turn on your headlights
- Use windshield wipers (rain or wet snow)
- Check rearview mirrors frequently
- Drive slowly
- Allow extra following distance
- Keep tires properly inflated and in good condition

Off-Road Driving Guidelines

Off-road operation is what your Jeep vehicle was designed to do. Under almost all conditions engage 4WD. But as you leave the pavement behind, you should be guided by the principle that although your 4WD vehicle might be able to go almost anywhere, there are places you shouldn't go. Use common sense and remember that driving situations and conditions change quickly out there, so be alert and be prepared. As a general rule you should go where others have gone before. There are plenty of 4WD trails or unimproved roads to take you to the great outdoors. In fact many of the surfaces you'll travel will be unpaved, with a sand or gravel base or a surface that rain has turned to muck. These surfaces call for different driving techniques from paved roads.

Sand

Sand or dirt roads that are dry and dusty are often characterized by "loose" or "soft" shoulders and curves, while the crown of the road may be rock hard. Ideally you should have all four wheels on the solid surface, so drive as high up on the crown as possible while staying on your side of the road. You may want to drive in third gear (or in second range if you have automatic transmission) and you should proceed slowly and cautiously, avoiding abrupt steering changes. Also, be alert for rutted or choppy road surface, especially the kind of surface that might cause your vehicle's wheels to leave the ground. As a general rule, on pavement or off, keep your vehicle in a situation where at least three wheels are on the surface at all times.

Mud

Driving in mud is similar to driving in snow. When a hard-packed dirt road is wet from rain there's a slick film of mud on the top that can cause loss of traction even in 4WD mode. Keep a very light foot on the accelerator and a fingertip touch on the steering wheel. Ride high up on the crown of the road and stay away from sudden maneuvers that could cause you to slide toward the shoulders where the mud may be several inches deeper. If your vehicle begins to slide, take your foot off the accelerator and steer in the direction of the slide until control is regained.

In hub-deep mud, as in heavy snow, the objective is to maintain your momentum. Use your lowest transmission gear or range and keep a steady foot on the accelerator pedal and a firm hand on the wheel to maintain your direction. Above all, don't stop. Drive at a steady speed even with the wheels spinning. Of course, mud or snow tires would give extra bite.

Gravel

Your vehicle will perform very well in 4WD mode on graded gravel surfaces. Maintain a moderate, steady speed and firm control of the steering wheel, avoiding sudden maneuvers that could cause the vehicle to slide. Stay on the crown of the road as much as possible, because gravel at the edge may be looser and the footing less stable. If your vehicle does start to slide, take your foot off the accelerator and steer in the direction of the slide until you regain control. Allow yourself enough distance to stop, using a combination of light brake tapping and engine compression.

In loose gravel, as in deep snow or mud, you should maintain your momentum. Use your lowest transfer case mode and keep a steady foot on the accelerator, and a good grip on the wheel for directional stability.







General Recommendations For Off-Road Driving

Before you head for the back country there are some general things you should do or check:

() Remind yourself when to use 4WD mode
() Use safety restraint system
() Check fuel, oil and fluid levels
() Cargo and gear fastened down
() Travel in pairs
() Let someone know your plans and schedule
() Secure necessary permission to travel on public or private land
() Stay on existing trails wherever possible
() Respect the environment and leave it as you found it
() Be alert and use common sense
() Supplies check list:



- Warm (cold) weather gear
- Rain gear
- Blankets (sleeping bag)
- Food and water
- First aid kit
- Walking shoes
- Flashlight
- Maps & charts of area
- Tow strap or chain
- Wheel blocks
- Booster cables
- Tire chains
- Spare vehicle keys
- Two way CB radio
- Spare fan belt(s)
- Spare tire (more than one for extended trips)
- Fire extinguisher
- Mechanic's tools
- Hatchet (axe)
- Utility knife
- Ice scraper or brush
- Portable air compressor
- Electrical tape
- Vehicle repair manual
- Waterproof watches
- Approved gas can
- Syphon hose

Driving Off-Road On Steep Inclines And Sidehills

Before reviewing how to drive up steep hills and along sidehills, make note of an important point. If you don't make it to the top, or your vehicle is about to slide or roll sideways, stop, turn off the engine, put it into first gear, put on the parking brake and get out and walk down. An ounce of prevention is worth a pound of cure.

Steep Inclines

When preparing to climb a steep incline, first try to find out what you're up against. What's on top? Walk the course to make sure you know. And if you don't think you can make it, don't try it!

Also, it's always a good idea to make at least one exploratory run before the final attempt. This lets you feel out the surface and assess how much effort is going to be required to go over the top. (Low range and first or second gear.) When the tires begin to spin, apply a little extra gas and let them dig in slightly. Then you can clamp on the brakes and hang there in the dug-outs while you shift into reverse and drive back down. That's right - in reverse gear, clutch out and driving. Absolutely not in neutral and trying to let yourself down on the brakes. And to avoid sideroll remember never turn your vehicle sideways on a hill or steep incline.

On your attempt, give yourself a running start. Accelerate to the hill and then, just as you approach the top, ease off the gas. You do this for two reasons. First, it's never a good idea to crest a hill at full power. The second is that, very often, this lets your bouncing, scrambling vehicle settle down to grind out the over-the-hump traction that's needed. So, accelerate, scramble and then ease off!

Getting down can be as tricky as going up. Maybe trickier. Keep the vehicle heading straight downhill, in gear (low range/first gear) and under control. If it begins to slide, as it will on a steep enough grade, touch the gas to regain steering control, then let off the gas. Don't lock up the brakes. You can't steer a skidding wheel. Touch the gas instead. It'll straighten you out. Locking the brakes can only get you into trouble.



Sidehills

Traveling across the side of a hill is extremely hazardous. It should not be attempted. If it is absolutely necessary on a hill which is not very steep it should always be done with extreme caution. Whenever possible, avoid doing it! And too, when you're getting out of your vehicle on a sidehill, be sure to exit on the uphill side.

Surfaces on sidehills are deceptive. You may have been running along a ridge that seemed perfectly solid but once you got onto the sidehill it wanted to slip out from under you. The problem comes from the fact that when you're driving across a side slope the vehicle's weight is transferred to the lower side. Instead of having the weight distributed to four tires, it's almost all on two. This makes the vehicle want to slide down the hill sideways.

When it starts to slide, there's only one thing you can do, and you have to do this instantly, of course: turn downhill! This helps transfer the weight to both front wheels and stop the slipping—and it could save you from rolling over.

Once you're angling downhill, take care not to lock up the wheels and start sliding out of control



Driving Off-Road On Rock And Sand

Before discussing driving on rocks or sand, one caution is necessary. After you've driven in rocky or sandy situations, your brakes should be inspected for any residue in the lining. Heavy-duty maintenance is suggested as the lining wears out quickly if not cleaned after such uses.

Rock

The basic technique for driving in rock consists of four letters: S-L-O-W. Low range. Crawl up. Creep down. And even that is sometimes too fast!

If you have automatic transmission, then use your brake to ease yourself down off that rock you so deliberately climbed up. With a manual transmission, let it walk down the rock against engine compression. You'll kill the engine occasionally, but that's the way to do it.

If you have a choice between driving a wheel over a large rock or letting the rock go under the vehicle, always put the wheel on it. Squarely on it. Then you know where the rock is and that isn't going to high-center you or damage your vehicle undercarriage.

If you do get high-centered (hung up on an object that lifts one or more wheels from firm contact with the ground and keeps you from going on), the first thing to try is to back off. If this doesn't help, then you have to get serious about solving the problem. This means jacking up the wheel that isn't getting a grip. Under this wheel you stuff rocks, dirt, wood, brush, whatever. You do this until, in effect, the road has been built up to the point that you can drive off the offending object. Then move the vehicle—SLOWLY—after removing the jack.





Sand

The technique for driving in sand involves two or three principles, the most important of which is stay on top of it. You can do this by driving with enough speed to maintain momentum, by having big tires, or by greatly reducing the pressure in your normal-size tires. Remember - if you do reduce tire pressure and drive on deflated tires you risk premature wear on the tread. Also make sure that whatever tires you use are approved by the vehicle manufacturer.

If you have a short patch of soft sand to be crossed, you can usually rush it and make it across. Study the situation, decide where you're going to go, then back up, take a little run at it and move through at a steady pace, not stopping, not making abrupt changes of direction, and not hesitating on the way.

If you're into serious sand - a sand wash you're going to travel, or dry loose sand at the beach, or some big dune - and don't have oversize tires, there's a likelihood you're going to need to let air out of your tires. The reason for this is that a soft tire is better able to conform to whatever surface it encounters than is a hard tire. So a soft tire will develop grab-on and provide go-ahead traction where a hard tire won't.

The tire should be less than 10 psi. So soft you can see a definite bulge in the sidewall where it's in contact with the surface. With flabby tires you can travel sand with relative ease. (Don't forget to reinflate when back on hard land! Just a few miles on pavement could cause substantial damage to your tires.)

If driving on an ocean beach be sure to thoroughly wash under carriage to prevent corrosion.





Driving Off-Road In Mud And Rain

Mud

The problems encountered in mud are somewhat similar to those of driving in snow in that there's both a reduction in traction and an increase in resistance to forward motion.

A contributing problem is that mud comes in a wide variety of consistencies that range all the way from light, greasy clay to a thick, liquid bog. All of them require slightly different driving techniques.

In general, though, what they require is well-controlled go-ahead power. In most instances this means low range and either first or second gear depending on the mud's particular characteristics.

So when you come to a muddy stretch, get into the lower gear and keep in mind that you don't want to lose headway. Once you're committed to the bog, don't stop, don't hesitate, don't change your mind halfway through. Churn, churn and keep churning until you're on firm footing again.

At the other extreme is a slick film of clay. Here you use some of the same techniques as driving on ice. Especially staying on or near the crown of the road.



Rain

Ordinary rain creates no conditions that require special techniques from the driver of a 4-wheeler. Except extra caution, of course. Unusually heavy rain can lead to conditions where special driving techniques may be needed, however.

Floodwaters always demand extreme caution. Driving into unknown water is like walking around blindfolded. That drop-off may only be an inch or two. Or it may be a precipice.

When it is necessary to drive through deep water, get into low range and maintain a steady, slosh-ahead pace. Be very careful about stopping broadside in a stream of running water. Running water exerts immense force against anything as flat-sided as an automobile and this could result in the vehicle being swept downstream with the current.

Even when only a few inches of water are running, don't stop if you're on an unpaved surface. Moving water may wash the footing out from under your tires and make it impossible for you to get underway again. (The same principles apply if you're driving along the beach and get caught by a wave.) Don't stop. Keep moving. Head for the higher ground.

You probably already know about riding wet brakes to help them dry out but have you considered the effect that sand and silt can have on brakes, wheel bearings and the like after running through muddy water? It's always wise to give them a thorough inspection after exposure to such conditions.



Driving Off-Road On Snow

Snow can be troublesome in different ways. When it's either hard-packed or soft-melting it can be slick. This creates a traction problem. At other times, it can get so deep it piles up in front of the tires and resists their progress. This gives you a problem in maintaining headway.

When the snow is slick, drive it like any other slick condition. That is, a light touch on the steering wheel, make gradual changes in throttle opening to avoid breaking traction and don't do anything sudden. Don't let a slide start. And if it does, catch it.

But let's say it's nice dry snow. But deep. Then what do you do? If it's deep enough to provide more than minor resistance, put the vehicle in a lower gear. Low range is even better. Then shove your way through and try to hit a happy medium between spinning your tires and keeping headway not to bog down. A nice, even, steady pace is always best.

If you have to break trail in deep snow and are going to use chains, it's not a bad idea to put them on the front wheels. At the low speed you'll be moving, the chains will help the steering as well as the go-ahead traction. But in normal circumstances, never put chains on the front unless you also have them for the rear. If you have to brake hard with chains only on the front, the rear wheels will lock and slide, making the rear end want to come around.



4-Wheel-Drive Clubs And Activities

What They Can Do For You

With the high interest in off-roading many recreational opportunities have opened up. Across America, more than 1,500 4-wheel-drive clubs have been formed. Their role: To make 4-wheeling more than just transportation, to make it an enjoyable, exciting family pastime. Clubs can be organized for many reasons, depending upon the common interests of the people involved. Some like the challenge of competitive events. Others become dedicated to the specially organized search-and-rescue units. And still others take great pride and pleasure in projects which further the cause of conservation. Whatever your reason, being a member of a 4-wheel-drive club can be an enjoyable, rewarding and productive experience.

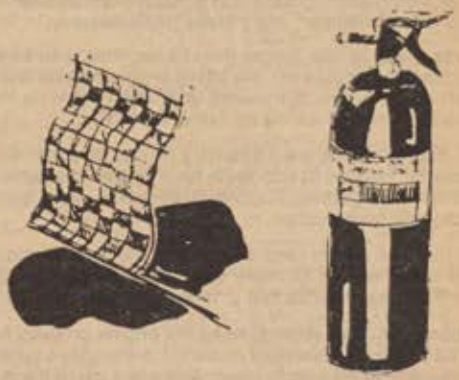
All you need to start a club are some enthusiastic 4-wheelers, a name for your club and a club philosophy to be shared by the members. Then once you've organized and elected officers, you'll find a great variety of events and activities in which to take part. 4-wheel-drive trail drives, rallies, safety clinics, obstacle course events, women's events, ecology and clean-up drives are all popular club activities. In addition, affiliation with one of the regional member associations of United Four Wheel Drive Associations offers the advantage of learning about regulations, legislation, safety and 4-wheel-drive events as well as other club activities which might affect clubs. For more information write: Jeep Corporation, 37200 Amrhein Road, Livonia, Michigan 48150, ATTN: 4WD Club Information.

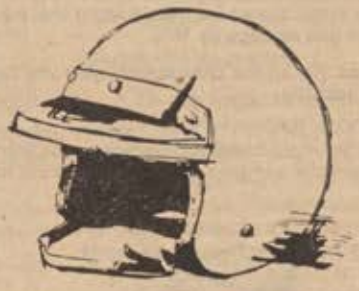


Special Off-Road Uses: Rallies And Racing

If you want to participate in competition events in your 4-wheel-drive vehicle, you have a wide choice. You can find ones that range all the way from informal family tours or club sponsored hill climbs to all-out off-pavement races in Baja, California or full-scale international rally type events like the infamous "London-to-Sydney Rally".

Safety is a prime concern for all events. The extent of safety equipment preparation will depend on the activity in which you participate. Even the most casual club event will require seat belts, a roll bar and a crash helmet. In competition, most race organizations insist on a fully braced and gusseted roll cage along with such things as competition seat harness, fire extinguisher, flame-resistant driving suit, fuel cells and so on. Double shocks, reinforced frame, beefed-up suspension, highly modified engine and drive train and even lightweight body parts are really helpful, too.





Tips On Saving Fuel

More than ever before, fuel economy is the password to the 80's. How do you get it without sacrificing the freedom and enjoyment you got your 4-wheel-drive vehicle for? Here are some helpful fuel tips.

- Plan ahead. That means, know where you're going and how to get there before you leave. Naturally you'll want to leave home with a full tank as well as make sure you fill up on your return. Some private camping areas have even installed their own fuel storage tanks and will guarantee a tank of gas when you stay overnight.
- Drive with the windows closed whenever you can. Open windows add substantially to wind drag. And the more wind drag, the more gas used. In fact, at highway speeds mileage can be lowered up to 10 per cent when the windows are open.
- Slow down. Speed kills any hopes of gas efficiency. The best idea is to keep your top speed under 55 mph. After you find a steady speed, maintain it. Changing speed by as little as 4 mph can increase fuel consumption by over 1 mile per gallon. Remember, don't brake unnecessarily.
- If you're going to idle longer than 60 seconds, you save gas by turning the engine off. An idling engine wastes about a quart of gas every 15 minutes. And don't warm up the engine by idling. It warms up faster by driving.
- "Jack Rabbit" starts are disastrous on gas mileage. Accelerate slowly. Transportation tests have proved that jumpy starts and fast getaways can burn over 50% more gasoline than normal acceleration.
- Keep your eye on the road. Ease up on the pedal if you see a traffic jam ahead. It can take up to 20% more gas to get to normal speed from a full stop than it does from 4 mph.
- Maintain your Jeep vehicle. Keep the engine properly tuned. Use the proper multi-weight motor oil, preferably a synthetic. Make sure your air filter's clean. Add 4 or 5 psi to the correct tire pressure. In other words, do what you have to, to put your vehicle in top condition. Then keep it that way. You could stretch gas mileage by 15%.
- Don't overload. Recall the unnecessary gear you had with you on your last trip!
- Avoid filling your tank to the brim, because gas expands in the sun. Buy your gas in the morning when you start driving. This way when the sun gets to it, it'll have room to expand in your tank.



BILLING CODE 6750-01-C

A Postscript To 4-Wheelers

The key to your 4-wheel-drive vehicle unlocks a whole new world. Yours to enjoy and make the most of. You are now armed with many of the facts and lots of information to make your off-road journeys successful ones. We will leave you with some last-minute hints and words to the wise!

- Leave every place you've been as beautiful and serene as you found it.
- Be prepared for emergencies! Always carry a first aid kit, extra food and water, a compass, a "Confidence Kit" made up of tools, tire irons, jacks, CB Radio, etc. You won't regret it.
- If you've gone too far off-road and are just plain lost, stay calm. Use your compass, try to orient yourself and conserve some gas. You'll need it to get out.
- Use your common sense. It generally works when all else fails.
- Travel in groups, no less than two vehicles per group.
- Secure permission to travel on trails, or make sure you're driving on approved 4-wheel-drive terrain.
- Take care of your vehicle...it will take care of you.



- Wear Seat Belts At All Times.

And Lastly, Welcome To The Exciting World Of 4-Wheeling!

Wear Seat Belts At All Times.

Jeep

A Subsidiary Of American Motors Corporation
Jeep Sales Promotion & Merchandising
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Part # 575 2330
LITHO USA

First Printing
8/81

[FR Doc. 81-34916 Filed 12-3-81; 8:45 am]
BILLING CODE 6750-01-C

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 400]

Cole Ranch Viticultural Area, California

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing the establishment of a viticultural area in Mendocino County, California, named "Cole Ranch." This proposal results from a petition by members of the grape-growing industry. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Comments must be received on or before March 4, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Notice No. 400).

FOR FURTHER INFORMATION CONTACT: Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas and the use of an approved viticultural area as an appellation of origin. Approved viticultural areas are listed in 27 CFR Part 9.

Petition

ATF has received a petition requesting the establishment of an American Viticultural Area in California to be designated as "Cole Ranch."

Property in the proposed viticultural area, located in Mendocino County, was purchased by the Cole family in 1971 and vines were planted on the property in 1973. The grapes were first harvested in 1975, and sold as coming from "Cole Ranch." Currently, 61 acres are planted with Cabernet Sauvignon, Johannisberg Riesling, and Chardonnay grapes.

The proposed viticultural area is at an elevation of 1400 feet. The petitioner states that this makes Cole Ranch one of the highest viticultural areas in the north coastal area of California. The petitioner also claims that this elevation and the area's geographical location in a narrow coastal valley 25 miles from the Pacific Ocean gives the area a climate distinguishable from surrounding areas. The petitioner claims that the climate of the proposed area is generally cooler than that of other nearby vineyard areas. Based on the University of California at Davis heat summation system, the proposed area yields 2868 degree days over the growing season. This places the area in a heat summation Region II. The beginning and end of the growing season are markedly cooler in the proposed area than in surrounding areas. Also, the proposed area receives, on the average, approximately 40 to 45 inches of rain a year. Other areas east of the proposed area receive less rainfall. For instance, Ukiah receives approximately 32 inches of rain in an average year.

The boundaries of the proposed Cole Ranch viticultural area can be found on the U.S.G.S 7.5 minute quadrangle map of Elledge Peak, California. The boundaries are as follows:

1. The point of beginning is the intersection of contour line 1480 feet with the Boonville-Ukiah Cutoff Road in the southeast corner of section 13, T. 14N, R. 13W. Follow contour line 1480 feet southerly, then easterly, then northerly to its first intersection with the north line of section 19;

2. Proceed due west on the north line of section 19 until it intersects the Boonville-Ukiah Cutoff Road;

3. Proceed westerly on this road to the point of beginning.

As a result of this petition, ATF proposes the amendment of 27 CFR Part 9 by adding regulations establishing the Cole Ranch viticultural area.

Executive Order 12291

It has been determined that these regulations are not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because will not have an annual effect on the economy of $100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this proposal, if promulgated as a final rule, would affect only one small entity.

Public Participation

ATF requests comments from all interested persons. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. Copies of the petition, the proposed regulations, the appropriate map, and any written comments are available for public inspection during normal business hours at the: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

ATF particularly requests comments concerning possible alternative boundaries for the proposed area and comments concerning viticultural, geographical, and historical characteristics which may distinguish this area from surrounding areas, especially the area west of the proposed area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be

included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Director within the 90 day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Candace E. Moberly, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The table of sections in 27 CFR Part 9, Subpart C is amended by adding an entry for § 9.42 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.42 Cole Ranch.

* * * * *

2. Subpart C is amended by the addition of § 9.42 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.42 Cole Ranch.

(a) *Name.* The name of the viticultural area described in this section is "Cole Ranch."

(b) *Approved map.* The approved map for the Cole Ranch viticultural area is a U.S.G.S. map. It is titled Elledge Peak Quadrangle California-Mendocino County 7.5 Minute Series (Topographic).

(c) *Boundaries.* The boundaries of the Cole Ranch viticultural area are located in the state of California and are as follows:

(1) The point of beginning is the intersection of contour line 1480 feet with the Boonville-Ukiah Cutoff Road in the southeast corner of section 13, T. 14N, R. 13W;

(2) The boundary follows contour line 1480 feet southerly, then easterly, then northerly to its first intersection with the north section line of Section 19. The boundary proceeds due west on the north section line of section 19 until it intersects the Boonville-Ukiah Cutoff Road;

(3) The boundary follows this road westerly to the point of beginning.

Signed: September 3, 1981.

G. R. Dickerson,

Director.

Approved: October 30, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34783 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 399]

Monticello Viticultural Area, Virginia

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms [ATF] is considering the establishment of a viticultural area in the Charlottesville, Virginia, area to be known as "Monticello". This proposal is based upon a petition submitted by six industry members in the area. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising willl allow wineries to better designate the specific grape-growing areas where the wines come from and will enable the consumer to better identify the wines from this area.

DATES: Written comments must be received by March 4, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division Bureau of Alcohol, Tobacco and Firearms P.O. Box 385, Washington, D.C. 20044-0385 [Notice No. 399].

Copies of the petitions, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations provide for the establishment of definite American viticultural areas and allow for their use as appellations of origin on wine labels and in wine advertisements. The American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguished the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area surrounding Charlottesville, Virginia, in Albemarle County with a tip of the area extending northeast into Orange County, as a viticultural area to be known as "Monticello". There are currently three operational bonded wineries and one applicant with permit pending in the proposed area. The proposed area covers approximately 303,360 acres. There are many vineyards in the area with an estimated 114 acres planted or proposed. Both hybird and vinifera grapes are grown.

The petitioner claims that the proposed viticultural area is distinguised from surrounding areas by historical references, geographical features, climate and soil type. The petitioner bases his claims on the following:

a. Census reports have recorded the cultivation of grapevines. The 1900 census reported 240,864 grapevines.

b. There are historical references to the Monticello Wine Company in Charlottesville, whose wines had won medals in Europe between the years

1873 and 1920. Historical references have been made to Charlottesville as the "Capital of the Virginia Wine Belt".

c. References to planting vines on Monticello Mountain, Thomas Jefferson's home, and at Ash Lawn, home of James Monroe, which is two to three miles from Jefferson's home, were made in in letters of Jefferson's in 1811 and 1816.

d. The proposed viticultural area takes its name from its central recognizable geographical feature, Monticello Mountain. This mountain is the distinguishing promontory feature in the Southwest Mountain Ridge, which runs through the area.

e. The Monticello viticultural area is enclosed by four major rivers, the James, the Rockfish, the Mechums, and the South Fork of the Rivanna. Movement away from this defined area is characterized by contrast in topography, soil type and climate.

f. Geographical features surrounding the proposed viticultural area have been traditional boundaries since the time of Thomas Jefferson. On the East is the Piedmont Plateau with climate and soils related to the Carolina Slate Belt. To the West is the Blue Ridge Mountain chain, on the South is the James River system and on the North is the Rivanna River system.

g. The prevailing climate is favorable to growing grapes. The growing season, defined as the period between the average date of the last freezing temperature in Spring (April 9) and the average date of the first freezing temperature in Fall (November 6), is 211 days. Charts from the Office of State Climatologist for Spring 1980, show that the heating degree days, the cooling degree days and the days of probability of a freeze are the same for the entire area of the proposed Monticello viticultural area.

h. The core of the Monticello viticultural area is a belt running from the southwest to the northwest and centered on the Southwestern Mountain chain, including Monticello Mountain, known as the Davidson Starr Soil Association. This soil association is described as deep and well drained, gently sloping to steep soils on dissected Piedmont uplands.

The boundaries of the proposed Monticello viticultural area may be found on two U.S.G.S. 1:250,000 minute quadrangle maps (Charlottesville Quadrangle Virginia and Roanoke Quadrangle Virginia).

The boundaries, as proposed by the petitioner, are described in proposed § 9.48.

Executive Order 12291

It has been determined that this notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million dollars or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, because the value of the proposed viticultural area designation is intangible and subject to influence by other unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Public Participation—Written Comments

ATF requests interested persons to submit comments regarding this proposed viticultural area. ATF is particularly interested in comments regarding the soil types throughout the proposed area, the topographical differences between the proposed are and the surrounding area, and the size of the proposed area. Although this notice proposes possible boundaries for the Monticello viticultural area, comments concerning other possible boundaries for this viticultural area will be considered as well.

All pertinent comments will be considered prior to the proposal of final regulations. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should make a request, in writing, to the Director within the 90 day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine whether a public hearing will be held.

Drafting Information

The principal author of this document is Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel in other offices of the Bureau participated in the preparation of the document, both in substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, ATF proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart E, is amended to add the title of § 9.48 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.48 Monticello

* * * * *

Par. 2. Subpart C is amended by adding § 9.48 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.48 Monticello.

(a) *Name.* The name of the viticultural area described in this section is "Monticello."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Monticello viticultural area are two U.S.G.S. maps title: Charlottesville Quadrangle Virginia, 1:250,000 minutes series; and Roanoke Quadrangle Virginia, 1:250,000 minute series.

(c) *Boundaries.* The Monticello viticultural area is located in Albemarle and Orange Counties, Virginia. The boundaries are as follows:

(1) Beginning at North Garden, Virginia, proceeding northwest on a direct line to the point of intersection of the Mechums River and the C&O Railway;

(2) Thence northeast along the Mechums River to its confluence with the South Fork of the Rivanna;

(3) Thence southeast along the South Fork and past the Rivanna Reservoir to the point at which the South Fork intersects the Southern Railway;

(4) Thence northeast along the railway to the corporate limits of the town of Orange;

(5) Thence southeast following the corporate limit line to its intersection with U.S. Rt. 15;

(6) Thence southwest on U.S. Rt. 15 to its intersection with Virginia Rt. 231 in the town of Gordonsville; continuing southwest on Virginia Rt. 231 to its intersection with the Albemarle County boundary; thence southwest along the Albemarle County line to its point of intersection with the James River; thence southwest along the James River to its confluence with the Rockfish River;

(7) Thence northwest along the Rockfish to its point of divergence with the Albemarle County boundary; thence northwest along the Albemarle County line to the point of intersection with the Southern Railway;

(8) Thence continuing northeast along the Southern Railway to the point of beginning.

Signed: November 6, 1981.

G. R. Dickerson,

Director.

Approved: November 18, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-34784 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 398]

Central Delaware Valley Viticultural Area, Pennsylvania and New Jersey

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Pennsylvania and New Jersey (along the Delaware River) to be known as "Central Delaware Valley." This proposal is the result of a petition from Mr. James R. Williams, a grape grower in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable industry to label wines more precisely, and will help consumers better identify wines they purchase.

DATE: Written comments must be received by March 4, 1982.

ADDRESSES: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Notice No. 398).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations or origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area along the boundary of Pennsylvania and New Jersey as a viticultural area to be known as "Central Delaware Valley." The area extends along both sides of the Delaware River, from Washington Crossing State Park (near Trenton) on the south to Musconetcong Mountain (near Easton) on the north.

There are about 30 acres of grape plantation on five vineyards in the proposed area. The Delaware grape variety was first propagated there from cuttings taken from Paul Prevost of Frenchtown during the mid 1800's.

There is one winery now operating in the proposed area, but several more are planned.

The petitioner claims that the proposed viticultural area is known by the name of "Central Delaware Valley" for the following reasons:

(a) Several businesses in the area use "Delaware Valley" as part of their name.

(b) A local newspaper is named "Delaware Valley News."

The petitioner claims that the proposed viticultural area is distinguished from the surrounding area for the following reasons:

(1) The moderating climatological effects of the Delaware River extend for no more than about three miles from the river, or to the rim of the valley where ridges are pronounced. (For example, morning fog covers were observed to reach approximately that distance.)

(2) The "Central" part of the Delaware Valley is separated from the upper and lower parts by mountains (the Musconetcong to the north and the Baldpate to the south). Soil types are homogenous within the "Central" part and differ from those to the north and south. Geologically, the "Central" part of the valley of the Delaware River falls in the Piedmont Province, while the lower part of the valley is in the Coastal Plain and the upper part lies in the Readington Prong of the New England Province and the Great Valley portion of the Valley and Ridge Province. Climate also differs in that the farther north one goes the colder the winters and the shorter the growing season.

The boundaries of the proposed viticultural area may be found on seven U.S.G.S. topographical maps in the scale of 1:24,000 series: Riegelsville Quadrangle, Frenchtown Quadrangle, Lumberville Quadrangle, Stockton

Quadrangle, Buckingham Quadrangle, Lambertville Quadrangle, and Pennington Quadrangle. The boundaries are described in the proposed § 9.49.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, because the value of the proposed viticultural area designation is intangible and subject to influence by other unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Compliance With E.O. 12291

In compliance with Executive Order 12291 of February 17, 1981, the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Central Delaware Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 90-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Steve Simon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.49 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.49 Central Delaware Valley.

* * * * *

Paragraph 2. Subpart C is amended by adding § 9.49 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.49 Central Delaware Valley.

(a) *Name.* The name of the viticultural area described in this section is "Central Delaware Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of Central Delaware Valley viticultural area are seven USGS maps. They are titled:

(1) Riegelsville Quadrangle, scale of 1:24,000 series.

(2) Frenchtown Quadrangle, scale of 1:24,000 series.

(3) Lumberville Quadrangle, scale of 1:24,000 series.

(4) Stockton Quadrangle, scale of 1:24,000 series.

(5) Buckingham Quadrangle, scale of of 1:24,000 series.

(6) Lambertville Quadrangle, scale of 1:24,000 series.

(7) Pennington Quadrangle, scale of 1:24,000 series.

(c) *Boundary.*—(1) *General.* The Central Delaware Valley viticultural area is located in Pennsylvania and New Jersey. The starting (and finishing) point of the following boundary description is Strawberry Hill, which is located in New Jersey near the Delaware River about one mile northwest of Titusville, at the southern end of the Central Delaware Valley Viticultural area.

(2) *Boundary Description:*

From the summit of Strawberry Hill (475 feet) in a straight line to the summit of Mt. Canoe (428 feet).

From there due east to Mercer County Route 579 (Bear Tavern Road) about .2 mile south of Ackors Corner.

Then northward along Mercer 579 to Harbourton.

From there northwestward along Route 3 (Mount Airy-Harbourton Road) to the 2nd English Presbyterian Church in Mount Airy.

From there along Old York Road northward to Benchmark 157 on U.S. Route 202.

From there westward along Queen Road and northwestward along Mount Airy Road to Dilts Corner.

From there northwestward along Dilts Corner Road to Sandy Ridge Church.

From there northwestward via Cemetary Road to Benchmark 305.

From there northward along Covered Bridge Road to Green Sergeant Covered Bridge.

From there westward along Sanford Road to its intersection with Route 519 about one mile north of Rosemont.

From there northward along Route 519 (via Kingwood, Barbertown, Baptistown, and Everittstown) to Mount Pleasant.

From there northwestward along Little York-Mount Pleasant Road to Little York.

From there northwestward, westward and southwestward along Ellis Road to its intersection with Route 519, about one half mile north of Riegel Ridge.

From there in a straight line southwestward to the 836 ft. summit of Musconetcong Mountain.

From there in straight lines connecting the 836 ft., 839 ft., 707 ft., and 386 ft. summits of Musconetcong Mountain.

From the 386 ft. summit of Musconetcong Mountain in a straight line across the Delaware River to the intersection of Routes 611 and 212.

From there along Route 212 to the intersection with the lane going up Mine Hill.

From there in a straight line to the summit of Mine Hill (488 feet).

From there in a straight line southwestward to the 522 ft. summit elevation point.

From there southwestward to the summit of Chestnut Hill (743 feet).

From there in a straight line southeastward to the 347 ft. summit elevation point (located

south of Kintnersville near Benchmark 173, about .1 mile west of Route 611).

From there in a straight line eastward to the summit of Coffman Hill (826 feet).

From there in a straight line southeastward to the 628 ft. summit elevation point (about .3 mile north of Camp Davis).

From there in a straight line southeastward to the point where Bridgeton, Nockamixon, and Tinicum Boros meet.

From there in a straight line southward to the intersection of Slant Hill Road (Covered Bridge Road) and Stump Road in Smiths Corner.

From there in a straight line southeastward to the intersection of Swauger Road (Danboro-Pt. Pleasant Pike) and Carversville-Wismer Road (near the intersection with Bradshaw Road).

From there southeastward along Carversville-Wismer Road to Carversville.

From there continuing southeastward along Aquetong Road through Aquetong to the intersection with River Road (Route 32) at the boundary of Washington Crossing State Park, just north of Bowman Hill.

From there in a straight line southeastward across the Delaware River to the summit of Strawberry Hill (475 feet).

Signed: November 3, 1981.

G. R. Dickerson,

Director.

Approved: November 16, 1981.

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-34782 Filed 12-3-81; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6144]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Illinois, et al.

In FR Doc. 81-28007 appearing at page 47640 in the issue of Tuesday, September 29, 1981, on page 47640, in the flood elevation table, for "Newark, Kendall County", under location, "At upstream corporate limits" should be corrected to read "At downstream corporate limits".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing; Atlantic Mackerel Allocation

Correction

In FR Doc. 81-33124, appearing on page 56480 in the issue of Tuesday, November 17, 1981, the table at the end of the document contained misaligned columns and should have read as reprinted below:

	Species	Species code	Areas	OY	DAH	DAP	JVP = (DAH-DAP)	DNP	Reserve	TALFF
Mackerel fishery	Mackerel, Atlantic	204		Current: 30,000	20,000				6,000	4,000
				Proposed: 30,000	20,000				0	10,000

BILLING CODE 1505-01

Notices

Federal Register
Vol. 46, No. 233
Friday, December 4, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Import Limitation; Country of Origin Quota Adjustment; Australia

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Country of origin adjustment for certain chocolate crumb from Australia.

SUMMARY: Presidential Proclamation 4708 issued December 11, 1979 amended Part 3 of the Appendix to the Tariff Schedules of the United States to permit the Secretary of Agriculture to make country of origin adjustments for unlicensed quotas that will not be filled by the country of origin listed opposite the quota. This notice implements such an adjustment for certain chocolate crumb from Australia.

DATE: In accordance with Presidential Proclamation 4708 the adjustment made herein shall become effective December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Phillip J. Christie, Head, Import Licensing Group, Dairy, Livestock and Poultry Division, Foreign Agricultural Service, Room 6616 South Building, Department of Agriculture, Washington, D.C. 20250 or telephone at (202) 447–5270.

SUPPLEMENTARY INFORMATION: This action has been reviewed under Executive Order 12291 and Secretary's Memorandum 1512–1 and has been determined to be "nonmajor" since it will not have any of the significant effects specified in those documents. Furthermore, to the extent, if any, that the provisions of the Regulatory Flexibility Act (5 U.S.C. 601) apply to this notice, the Administrator, Foreign Agricultural Service, hereby certifies that this notice will not have a significant economic impact on a substantial number of small entities. The adjustment of the country of origin from which the quota item specified herein may be entered does not affect the ability of importers to import this quota item, but only expands the number of countries from which the item may be imported. Also, since this action is being taken in recognition of changes in the market which have already occurred, this action will not cause any new economic impact.

Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) sets forth import limitations imposed on certain dairy products, including certain chocolate crumb. Headnote 3(a)(iii) of that Appendix allows for reallocating the quota amount of a dairy article listed in that Appendix among the countries of origin specified for a given article if it is determined that the quota amount assigned to a particular country is not likely to be entered from that country within a given calendar year. It is hereby determined that it is not likely that the amount of chocolate specified in TSUS Item 950.15 for Australia, will be entered from that country during calendar year 1981.

Accordingly, the unused 1981 quota for choclate crumb specified in TSUS Item 950.15 for Australia may be imported from any country listed as a country of origin therein for the remainder of the 1981 quota year.

This quota will revert to the original supplying country on January 1, 1982.

Issued at Washington, D.C., this 1st day of December 1981.

Richard A. Smith,

Administrator.

[FR Doc. 81-34952 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-10-M

Soil Conservation Service

Betterton Beach Water Based Recreation RC&D Measure, Maryland; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Calhoun, State Conservationist, Soil Conservation Service, 4321 Hartwick Road, College Park, Maryland 20740, telephone 301–344–4180.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); the Soil Conservation Service Guidelines (7 CFR Part 650); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Betterton Beach Water Based Recreation RC&D Measure, Kent County, Maryland.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald R. Calhoun, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water based recreation at the junction of the Sassafras River with the Chesapeake Bay. Planned works of improvement include a bathhouse, boardwalk, picnic area, parking lot and relocation of an existing stormdrain.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assesment are on file and may be reviewed by contacting Mr. Gerald R. Calhoun. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until January 4, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular NO. A–95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Richard R. Nagel,

Assistant State Conservationist—Operations.

November 25, 1981.

[FR Doc. 81-34560 Filed 12-3-81; 8:45 am]

BILLING CODE 3410-16-M

Hackberry Draw Watershed Rehabilitation, New Mexico; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Ray T. Margo, Jr., State Conservationist, Soil Conservation Service, 517 Gold Avenue SW, Albuquerque, New Mexico, 87103, telephone (505) 766–3277.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); the Soil Conservation Service Rules (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hackberry Draw Watershed Rehabilitation, Eddy County, New Mexico.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ray T. Margo Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for repair and rehabilitation of previously constructed floodwater control structures. The planned works of improvement include removal of one floodwater retarding structure, extension of one floodwater diversion, the relocation of one emergency spillway, and the placement of material to strengthen the embankment of one floodwater retarding structure.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Ray T. Margo, Jr. The FONSI has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of FONSI is available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 4, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: November 25, 1981.

Ray T. Margo, Jr.,

State Conservationist.

[FR Doc. 81–34562 Filed 12–3–81; 8:45 am]

BILLING CODE 3410–16–M

Salt Creek Watershed, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Salt Creek Watershed project, Pottawatomie and Seminole Counties, Oklahoma.

The environmental assessment of this federally assisted action indicates that the action will not cause significant impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project action involves the construction of one floodwater retarding structure and the deletion of 14 structures from the watershed plan.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developing during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until January 4, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: November 25, 1981.

Donald R. Vandersypen,

Assistant State Conservationist (Water Resources).

[FR Doc. 81–34687 Filed 12–3–81; 8:45 am]

BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed; Week Ended November 13, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Description
11–12–81	40235	Gulf Air Transport, Inc., P.O. Box 1247, New Iberia, Louisiana 70560. Application of Gulf Air Transport, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to provide foreign charter air transportation of persons and property from any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and any point in Canada, Mexico, Jamaica, the Bahamas, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands and any other foreign place in the Gulf of Mexico or the Caribbean Sea, any point in Central or South America, Greenland, Iceland, the Azores, Europe, Africa, Asia, the Philippines and Indonesia on the other. Conforming Applications, motions to modify scope, and Answers may be filed by December 10, 1981.
11–12–81	40240	Air Florida, Inc., 3900 N.W., 79th Avenue, Miami, Florida 33166. Application of Air Florida, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to amend its certificate of public convenience and necessity for Route 197–F authorizing it to engage in air transportation with respect to persons, property and mail as follows: 6. Between the terminal point New York, New York/Newark, New Jersey, and the coterminal points Puerto Plata and Santo Domingo, Dominican Republic and Port-au-Prince, Haiti. Conforming Applications, motions to modify scope, and Answers may be filed by December 10, 1981.

Date filed	Docket No.	Description
11-13-81	40246	Apa International Air, S. A., c/o James M. Burger, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Suite 900, Washington, D.C. 20036 Application of Apa International Air, S. A. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests that the Board issue a Foreign Air Carrier Permit authorizing APA to engage in scheduled foreign air transportation of persons, property, and mail as follows: Between Puerto Plata, Dominican Republic, and coterminal points, Miami, New York, and San Juan, Puerto Rico. APA also respectfully requests that it be authorized to engage in charter trips in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations. Answers may be filed by December 11, 1981.
11-13-81	40129	Aerolineas Nicaraguenses, S. A. ("AERONICA"), c/o Paul S. Reichler, Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005. Second Amendment of Aerolineas Nicaraguenses, S. A. to its application for a foreign air carrier permit and request under Subpart Q for an order to show cause. Aeronica is hereby adding the following persons to its service list for this docket (and for docket 40129), and serving them with all documents previously filed by Aeronica in this docket (and in Docket 40129): Braniff Airways, Delta Airlines, Ozark Airlines, Piedmont Aviation, Republic Airlines, Trans World Airlines, United Air Liries and Western Air Lines. Answers may be filed by December 10, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-34910 Filed 12-3-81; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed; Week Ended November 27, 1981

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (See 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Description
11-25-81	40263	GenAir International, Inc., 6 East 45th Street, Suite 1505, New York, New York 10017. Application of GenAir International, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedures requests a certificate of public convenience and necessity to authorize it to engage in foreign air transportation of persons, property and mail as follows: (1) Between the terminal point New York, New York the intermediate points Helsinki, Finland, Copenhagen, Denmark, Amsterdam, The Netherlands, Paris, France, Frankfurt, Federal Republic of Germany, the intermediate and coterminal point Leningrad, U.S.S.R. and the coterminal point Moscow, U.S.S.R.; (2) Between a point or points in the United States, on the one hand, and Shannon, Ireland, a point or points in Belgium, The Netherlands, Luxembourg, the Federal Republic of Germany, France, Iceland, Denmark, Norway, Sweden, Finland, Switzerland, Jordan, and Tel Aviv, Israel, on the other hand. Conforming Applications, motions to modify scope, and Answers may be filed by December 23, 1981.
11-25-81	40266	Reeve Aleutian Airways, Inc., 4700 International Airport Road, Anchorage, Alaska 99502. Application of Reeve Aleutian Airways, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations for an amendment to its certificate of public convenience and necessity for Route 127 to permit Reeve to engage in the air transportation of persons, property and mail between and among certain additional points as follows: Adak Island, Alaska—Terminal Point. Amchitka Island, Alaska. Anchorage, Alaska. *Aniak*, Alaska. Atka Island, Alaska. Attu Island, Alaska. *Barrow*, Alaska. *Barter*, Alaska. *Bethel*, Alaska. *Bettles*, Alaska. *Big Delta*, Alaska. Chignik, Alaska. Cold Bay, Alaska. *Cordova*, Alaska. *Deadhorse-Prudhoe Bay*, Alaska. *Dillingham*, Alaska. Dutch Harbor, Alaska. *Fairbanks*, Alaska. *Fort Yukon*, Alaska. *Galbraith Lake*, Alaska. *Galena*, Alaska. *TGulkana*, Alaska. Ivanoff Bay, Alaska. *Juneau*, Alaska. *Ketchikan*, Alaska. King Salmon, Alaska. Kodiak, Alaska. *Kotzebue*, Alaska. *Mc Grath*, Alaska. *Nome*, Alaska. *Port Heiden*, Alaska. Sand Point, Alaska. Sarichef-Scotch Cap, Alaska. Seattle-Tacoma, Washington. Shemya, Alaska. St. George Island, Alaska. St. Paul Island, Alaska.

Date filed	Docket No.	Description
		St. Marys, Alaska. *Tanacross*, Alaska. *Unalakleet*, Alaska. Umnak Island, Alaska. *Yakutat*, Alaska—New Terminal Point. Italics denotes new point not currently authorized. Conforming Applications, motions to modify scope, and Answers may be filed by December 23, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-34913 Filed 12-3-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 38748]

Capitol International Airways, Inc., Enforcement Proceeding; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on January 11, 1982 at 10 a.m. (local time) in Room "B", Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., November 30, 1981.

John M. Vittone,
Administrative Law Judge.
[FR Doc. 81-34912 Filed 12-3-81; 8:45 am]
BILLING CODE 6320-01-M

[Order 81-11-182]

USA Fare/Export Inland Contract Rate Investigation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-11-182, instituting a formal investigation.

SUMMARY: The Board is instituting the Visit USA Fare/Export Inland Contract Rate Investigation, Docket 40269, to consider the lawfulness of the Visit USA fares of Northwest, Pan American, and Trans World Airlines and the Export Inland Contract rates of Northwest. The complete text of Order 81-11-182 is available as noted below.

DATES: This investigation will be set for hearing before an Administrative Law Judge of the Board at a time and place to be determined later.

Persons wishing to file petitions to intervene in the investigation shall file their petitions in Docket 40269 prior to the prehearing conference and serve the petitions on all persons listed below. Notice of the prehearing conference shall be published in the **Federal Register.**

ADDRESSES: Petitions to intervene should be served on Braniff Airways, Inc., China Airlines, Ltd., Japan Air Lines Company, Ltd., Lufthansa German Airlines, Northwest Airlines, Inc., Philippines Airlines, Inc., Singapore Airlines Limited, Swissair, Swiss Air Transport Company, Ltd., Trans World Airlines, Inc., Western Air Lines, Inc., the United States Departments of Justice, State, and Transportation, the Ambassadors of the Federal Republic of Germany, Japan, Philippines, Singapore, and Switzerland, in Washington, D.C., the Chairman of the Board and the Managing Director of the American Institute in Taiwan, the Bureau of International Aviation, the Bureau of Compliance and Consumer Protection, and Administrative Law Judge John M. Vittone.

SUPPLEMENTARY INFORMATION: A complete text of Order 81-11-182 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-11-182 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board, November 30, 1981.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 81-34911 Filed 12-3-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigation; Potassium Permanganate From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to inform the public that we are initiating a countervailing duty investigation to determine whether the government of Spain is providing benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of potassium permanganate from Spain. If our investigation proceeds normally, we will make a preliminary determination not later than February 3, 1982.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Leon McNeill, Supervisory Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-1273).

SUPPLEMENTARY INFORMATION: On November 10, 1981, we received a petition from counsel for Carus Chemical Company of La Salle, Illinois. Complying with the filing requirements of section 702(b) of the Tariff Act of 1930, as amended (the "Act"), the petition alleges that Spain is providing a bounty or grant to producers and exporters of potassium permanganate. Specifically, the petition alleges that the government of Spain provides a rebate which exceeds the amount of indirect taxes directly related to the final product, potassium permanganate, under a system called the "Desgravacion Fiscal a la Exportacion". The petitioner estimates the amount of the rebate to range from 10 percent to 12 percent of the value of the product.

Section 303 of the Act applies to this investigation, since Spain is not a "county under the Agreement", within the meaning of section 701(b) of the Act. In addition, the merchandise covered by this investigation is dutiable. Therefore, no injury determination is required.

Scope of the Investigation

For purposes of this investigation, potassium permanganate is a purple sale used primarily as an oxidant in the manufacture of organic chemicals, as a disinfectant, as a deodorizer, and as a bleach. It is currently classifiable under item 420.28 of the Tariff Schedules of the United States.

Initiation of Investigation

After reviewing the petition, we have found that it contains information which reasonably supports its allegations. Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether the government of Spain is giving its producers and exporters of potassium permanganate certain benefits that are bounties or grants within the meaning of section 303 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by February 3, 1982.

November 25, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 34851 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Prestressed Concrete Steel Wire Strand From the Republic of South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: This notice is to inform the public that we are initiating a countervailing duty investigation to determine whether the Republic of South Africa (South Africa) is providing benefits which constitute bounties or grants within the meaning of the countervailing duty law on the manufacture, production or exportation of prestressed concrete steel wire strand (PC strand) from South Africa. If our investigation proceeds normally, we will make a preliminary determination not later than February 2, 1982.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Import Adminstration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202) 377–1276.

SUPPLEMENTARY INFORMATION: On November 9, 1981, a petition in proper form was received from counsel on behalf of four domestic manufacturers of PC strand. Those manufacturers are: American Spring Wire Corporation, Bethlehem Steel Corporation, Florida Wire & Cable Company, and Shinko Wire America, Inc. The petition alleges that the government of South Africa pays or bestows, directly or indirectly, bounties or grants upon the manufacture, production or export of PC strand within the meaning of section 303 of the Tariff Act of 1930, as amended ("The Act"):

Section 303 of the Act applies to this investigation since South Africa is not a "country under the Agreement," within the meaning of section 701(b) of the Act. Additionally, the merchandise covered by this investigation is dutiable. Therefore, no injury determination is required.

Scope of Investigation

The merchandise covered by this investigation is prestressed concrete steel wire strand. It is used to compress concrete to provide active resistance to loads in such items as girders, beams, pilings and other building products. PC strand is currently classified under 642.1120 in the Tariff Schedules of the United States Annotated.

The petitioners allege the following activities and programs exist and constitute bounties or grants.

1. Government Owned or Operated Activities

(a) Reduced Transportation Rates: The South African government provides reduced rail, harbor and ocean freight rates for goods destined for export.

(b) Export Credit Insurance: The Credit Guarantee Insurance Corporation covers commercial risks and has a reinsurance agreement with the government which provides for coverage against political risks.

(c) Pre and Post Shipment Financing for Exports: The Industrial Development Corporation (IDC), a state development corporation, extends loans at reduced rates to domestic manufacturers and producers.

(d) Financing for Creation of Increased Production Capacity for Exports: IDC also finances, at reduced rates, expansion programs aimed at increasing foreign exchange earnings.

(e) Government Benefits to Iron and Steel Industrial Corporation (Iscor): The South African government confers benefits in the form of direct grants, reduced taxes and reduced loan rates to the Iron and Steel Industrial Corporation (Iscor), the main supplier of wire rod for PC strand.

2. Government Subsidized Export Programs

(a) Finance Charges Aid Program: The South African government rebates, tax free, part of the export financing interest costs for those firms increasing their exports of manufactured goods.

(b) Income Tax Benefits: The South African government grants tax deductions and investment allowances for certain export development expenses, employee training programs, doing business in certain development areas, and beneficiation of base minerals.

3. Steel Export Incentive Scheme

The South African government rebates part of the fob value of exports containing rolled, drawn and forged steel.

4. Other Incentives for Exporters

The South African government grants tax deductions to exporters for part of the import tariff on raw materials and other intermediate inputs obtained from local sources and for part of the value-added component of certain exports.

5. Labor

The South African government provides labor benefits.

Initiation of Investigation

The petition alleges the elements necessary for the imposition of countervailing duties under the Act and is accompanied by information reasonably available to the petitioners which supports those allegations. Therefore, in accordance with section 702(b) of the Act, we are initiating a countervailing duty investigation to determine whether South Africa is providing its producers and exporters of PC strand with certain benefits that are bounties or grants within the meaning of section 303 of the Act. If our investigation proceeds normally, we will announce our preliminary determination by February 2, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-34852 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

John L. Bengston; Issuance of Permit To Take and Import Marine Mammals

On October 21, 1981, notice was published in the **Federal Register** (46 FR 51629), that an application had been filed with the National Marine Fisheries Service by Dr. John L. Bengston, Department of Zoology and Behavioral Biology, 108 Zoology Building, Minneapolis, Minnesota 55455, for a Scientific Research Permit to take 1,200 crabeater seal (*Lobodon carcinophagus*), 500 leopard seals (*Hydrurga leptonyx*), 220 Weddell seals (*Leptonychotes weddelli*), 210 Ross seals (*Ommatophoca rossii*), 220 Antarctic fur seals (*Arctocephasus gazelii*) and 220

Southern elephant seals (*Mirounga leonina*), over two years in the Antarctic region for scientific research.

Notice is hereby given that on November 30, 1981, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Dr. John L. Bengston, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: November 30, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-34906 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-22-M

Brent Stewart; Receipt of Application for Marine Mammal Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Mr. Brent Stewart (P278A), Hubbs/Sea World Research Institute.

b. Address: 1700 South Shores Road, San Diego, CA 92109.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: harbor seals *(Phoca vitulina richardii) 180.*

4. Type of Take: Sixty (60) harbor seals will be captured, restrained, double tagged, marked with bleach and released each year for three years. Of these ten (10) will be radio tagged annually.

5. Location of Activity: San Nicolas Island, California.

6. Period of Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: November 27, 1981.

R. B. Brumsted,

Acting Director, Officer of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-34907 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-22-M

Jeanette Thomas; Receipt of Application for Marine Mammal Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Dr. Jeanette Thomas, Hubbs-Sea World Research Institute (P283).

b. Address: 1700 South Shores Road, San Diego, California 92109.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:, Weddell seals *(Leptonychotes weddelli).* 594

4. Type of Take: A total of 54 seals will be instrumented with vocalization/depth recorders; a total of 60 will be marked with bleach; up to 300 may be harassed while conducting playback experiments; and a total of 180 will be captured, transported, and released at an experimental study site and observed, some of these seals will temporarily have adhesive mounted cups placed over their eyes or ears.

5. Location of Activity: McMurdo Sound, Antarctica.

6. Period of activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before January 4, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 1, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-34909 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Reducing Imports Charged to the Level of Restraint for Certain Wool Apparel Products From the Socialist Republic of Romania

December 2, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing by 4,341 dozen imports charged to the level of restraint established for women's, girls' and infants' wool coats and suits in Category 435/444, produced or manufactured in the Socialist Republic of Romania and exported during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980 between the Governments of the United States and the Socialist Republic of Romania establishes designated consultation levels for certain categories, including Category 435/444, which are not subject to specific ceilings during the twelve-month period which began on April 1, 1981. Effective on November 16, 1981, the United States Government decided to control imports in Category 435/444 at the designated consultation level of 7,037 dozen during the agreement period which began on April 1, 1981. (See 46 FR 56004). Inasmuch as imports in the category had exceeded the agreed limit, no further imports were permitted.

As a result of a data investigation by the Governments of the United States and the Socialist Republic of Romania, imports charged to the level of restraint established for Category 435/444 during the twelve-month period which began on April 1, 1981 are being reduced by 4,341 dozen. In the letter published below the Chairman of the Committee for the Implementation of Textile agreements directs the Commissioner of Customs to make this adjustment.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184).

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 2, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Wool and Man-Made Fiber Textile Agreement with the Socialist Republic of Romania, it would be appreciated if, effective on December 7, 1981, you would reduce the charges to the level of restraint established for wool textile products in Category 435/444 during the agreement year which began on April 1, 1981 by 4,341 dozen.

This letter will be published in the **Federal Register.**

Sincerely.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34981 Filed 12-3-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Addition and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to and Deletion from Procurement List.

SUMMARY: This action adds to and deletes from Procruement List 1982 a commodity to be produced by and service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: December 4, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On August 28, 1981, and September 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 43483 and 46 FR 46375) of proposed addition to and deletion from Procurement List 1982, November 12, 1981 (46 FR 55740).

Addition

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1982:

Class 6530

Urinary Drainage Set, 6530-01-056-3659

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following service is hereby deleted from Procurement List 1982:

SIC 7641

Furniture Rehabilitation, Sacramento, California, plus 60-mile radius, excluding San Joaquin County

C. W. Fletcher,

Executive Director.

[FR Doc. 81-34831 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1982; Correction of Proposed Addition

The FR Doc. 81-33551, published in the **Federal Register** on November 20, 1981 (46 FR 57107), is amended as follows:

Class 3990

Pallet, Warehouse (40' × 48'), 3990-00-NSH-0011 (Requirements for Army and Air Force Exchange Service, Oakland Army Base, California only)

C. W. Fletcher,

Executive Director.

[FR Doc. 81-34830 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1982; Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1982 a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: January 6, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1982, November 12, 1981 (46 FR 55740):

SIC 0782

Grounds Maintenance, Bergstrom Air Force Base, Texas, for the following Buildings: 914, 2700, 4515, 4545, 4556 and 4589

C. W. Fletcher,

Executive Director

[FR Doc. 81-34832 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Consideration of Expunged Criminal Convictions in Making Fitness Determinations for Registration

AGENCY: Commodity Futures Trading Commission.

ACTION: Statement of staff interpretative position.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") is publishing the position of the staff of its Division of Trading and Markets concerning the effect which should be accorded to the state's subsequent treatment of an applicant's criminal conviction under state law in determining such applicant's fitness for registration with the Commission. Specifically, this Interpretation discusses the extent to which state "expungement," "relief from criminal disability," or "sealing of criminal records" provisions will be construed to prevent the use of a conviction by the Commission to deny registration. The purpose of this release is to provide notice to applicants for registration with the Commission that expunged criminal convictions will be considered by the staff in connection with making fitness determinations for registration and that registration may be denied based on expunged convictions in appropriate circumstances.[1]

FOR FURTHER INFORMATION CONTACT: David S. Mitchell, Attorney, Legal Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The staff of the Division of Trading and Markets ("Division") has received inquiries concerning the Division's policy with respect to the effect to be accorded to the state's subsequent treatment of an applicant's criminal conviction under state law in determining such applicant's fitness for registration with the Commission, and more precisely, with respect to the use of expunged criminal convictions to deny registration. For the reasons enumerated in this release, the Division has determined to use expunged criminal convictions in connection with fitness determinations for registration notwithstanding the effect which state law would accord to such convictions in state licensing proceedings, and to recommend that registration be denied based on expunged convictions in appropriate circumstances.

I. Background

A. State Expungement Statutes

As of June 1979, twenty-eight states and Puerto Rico had adopted some type of statutory expungement procedure.[2] Many of these statutes provide for relief from disabilities as follows: A defendant who has successfully completed probation and is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, shall be permitted by the court to withdraw his guilty plea. If that defendant was convicted over a plea of not guilty, the court must set aside the verdict of guilty. In either case, the court is required to dismiss the information against the defendant who is thereafter released from most penalties and disabilities resulting from the offense of which he was convicted (California, Arizona, Nevada, Texas, and Washington). A number of other state laws provide that following successful completion of the probation period, an additional period of time must elapse before the defendant may petition the state court for similar relief (Kansas, New Jersey, Pennsylvania, and Utah). Still other state laws stipulate that a defendant who successfully completes the probation period may petition the court to seal or limit release of the records relating to his conviction (Colorado, Maryland, Massachusetts, Nevada, New Jersey, Rhode Island, and Ohio). Under most of these statutes, the "expunged" conviction is not wiped out or treated as if it never occurred. The majority of them simply reward the convicted defendant for good behavior during and/or following probation by removing certain penalties and disabilities which flow from a criminal conviction.

B. Present Commission Policy

The Commission requires an applicant for registration to disclose every felony or misdemeanor conviction (other than minor traffic violations and offenses in which the charge was adjudicated in a juvenile court or under a youth offender law) regardless of whether the record was expunged, set aside, or sealed.[3] The Commission has thus already adopted a policy of declining to treat an expunged conviction during the application process as if it had never occurred.[4] The question remains as to whether to look to state law in determining the effect of that expungement.

It appears that the staff has previously looked to state law to determine whether to disregard a conviction which

[1] The word "expunged" will be used throughout this release as a term of art to indicate the relief provided by the various state expungement, relief from criminal disability and sealing of criminal records provisions currently in effect. The special case of pardons is not discussed.

[2] *See* National Criminal Justice Information and Statistics Service, Law Enforcement Assistance Administration, U.S. Dept. of Justice, Privacy and Security of Criminal History Information: Compendium of State Legislation (1978 & Supp. 1979) ("Compendium"). Based on the Division's research, modifications which have been made with respect to state statutory expungement procedures since the publication of the Compendium do not affect the correctness of this summary or of the analysis contained in this statement of interpretative position.

This release does not discuss state expungement provisions which relate to first drug-related offenses. It is viewed by us as unlikely that the Commission would attempt to deny registration to an applicant premised solely on a minor drug-related offense involving possession. Similarly, inasmuch as CFTC Form 8-R requires an applicant to disclose convictions, this release does not consider expungement provisions for cases where the charges are dismissed prior to conviction or the defendant is acquitted, since an applicant is not required to disclose such information in any event. Finally, inasmuch as CFTC Form 8-R specifically directs an applicant not to disclose offenses in which the charge was adjudicated in a juvenile court or under a youth offender law, this release does not address expungement provisions of the youth offender laws, *e.g.*, Section 2 of the Youth Corrections Act, 18 U.S.C. 5021(b) (1976).

[3] A note to Question 12A on CFTC Form 8-R directs each applicant to: "Include every such offense regardless of whether the record was expunged, set aside or sealed; there was a post-conviction dismissal; a State certificate of relief from disabilities or similar document was issued which relieves the holder of forfeitures, disabilities or bars that result from a conviction; or a pardon was granted. (Exclude offenses in which the charge was adjudicated in a juvenile court or under a youth offender law.)"

[4] As the Commission explained when it adopted Form 8-R:

State laws are not uniform with respect to the treatment of expungements and the note to item 12A thus places all applicants for registration on an equal basis. More importantly, however, the fact that a conviction has been expunged does not change the fact that the individual was found to have participated in activities which may constitute grounds for denial of registration. The Commission believes that this information is necessary for a proper evaluation of an applicant's fitness for registration in the commodities industry, even though state authority may have seen fit to expunge a conviction for purposes related to the administration of state law. In this respect, it should be understood that an affirmative answer to an adverse action question does not automatically result in a denial of registration to an applicant. In determining whether to grant or deny registration, the Commission considers all relevant factors respecting the adverse action and the applicant.

42 FR 23988, 23989-90 (May 11, 1977).

was expunged pursuant to state law. This practice, however, has not been followed as a result of any deliberate policy determination by the Commission or the Division; instead, the reference to state law has occurred in the absence of such a determination and on an informal, ad hoc basis.

II. Reasons for Considering an Expunged Conviction Notwithstanding the Effect Which State Law Accords to the Expungement

Section 8a(2)(B)(i) of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 12a(2)(B)(i) (1976), provides, in pertinent part, that "[t]he Commission is authorized to refuse to register any person if it is found * * * that the applicant is unfit to engage in the business for which the application for registration is made, because such applicant * * * was convicted of a felony in any *State* or Federal court." (Emphasis added.) Thus, the Act makes state and federal felony convictions a basis for making fitness determinations and does not contain an exception for convictions expunged pursuant to state law. It is the fact of the conviction, and not its subsequent treatment under state law, which is required to be considered in interpreting and applying the licensing procedures under the Act. As a matter of law, Congress, but not a State, has the power to compel the Commission to treat an expunged conviction as immaterial to the administration and interpretation of the licensing procedures under the Act.[5]

The legislative history of the Act indicates Congress' intent that the Commission not be bound by the variations of the laws of the fifty states in deciding to grant or deny registration, inasmuch as on of the principal concerns which prompted Congress to amend the Act in 1974 was the incipient application of state laws to commodity matters.[6] Moreover, using state law to determine the effect of state statutory expungements might well undercut the "exclusive jurisdiction" provision contained in section 2(a)(1) of the Act.[7] A primary purpose of that provision was for the Commission to develop a uniform body of law in commodities regulation.[8] Predicating the grant or denial of registration on the peculiarities of state law could frustrate the achievement of this objective, as registration decisions would undoubtedly vary, depending on whether the convicting state had an expungement procedure and also, on whether and in what manner the state courts had construed the provisions creating it.[9] More importantly, Congress has authorized the Commission to administer the licensing procedures of the Act, a federal statute. Insofar as this authority enables the Commission to override conflicting state laws in the exercise of this function, "[i[t is merely one aspect of respecting the Supremacy Clause of the Constitution whereby federal law is higher than state law." *Brown v. Allen*, 344 U.S. 443, 510 (1953) (opinion of Frankfurter, J.).

The decisions of various courts of appeals limiting the extent to which certain federal statutes require reference to state expungement law in their interpretation and application furnish additional support for the Division's interpretation.[10] These precedents are predicated upon principles of federalism which are equally applicable here.

Accordingly, the Division concludes that it would be inappropriate to defer automatically to a state's subsequent treatment of a criminal conviction in determining the fitness of applicants for registration pursuant to the provisions of a federal statute. Therefore, the Division does not intend to give the manner in which a particular state chooses to deal with a party subsequent to his conviction controlling importance insofar as the grant or denial of registration with the Commission—a function of federal, not state, law—is concerned.

The Division is publishing this Interpretation as a logical corollary of the Commission's policy of requiring the disclosure of such convictions.[11] This does not mean that the Division will disregard an expungement of a conviction in evaluating an applicant's conviction; instead, the expungement may constitute evidence of rehabilitation.

By issuing this Interpretation, the Division wishes to emphasize that it intends to administer the licensing procedures of the Act in accordance with this Interpretation. Accordingly, all applicants for registration with the Commission are hereby so advised.

Dated: November 30, 1981.

By the Division of Trading and Markets.

John L. Manley,

Director, Division of Trading and Markets.

[FR Doc. 81-34802 Filed 12-3-81; 8:45 am]

BILLING CODE 6351-01-M

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[5] *See, e.g., Garcia-Gonzales v INS*, 344 F 2d 804, 808 (9th Cir.), *cert denied*, 382 U.S. 840 (1965). *Compare United States v Potts*, 528 F 2d 883, 887 (9th Cir. 1975) (Sneed, J., concurring).

[6] *See* H.R Rep No 93-975, 93d Cong., 2d Sess. 48 (1974); H.R Rep No 93-1383 (Conference Report), 93d Cong., 2d Sess 35-36 (1974).

[7] 7 U.S.C 2 (Supp III 1979).

[8] *See, e.g.*, H.R Rep No 95-1181, 95th Cong., 2d Sess. 14 (1978); S Rep. No. 95-850, 95th Cong., 2d Sess. 10, 13 (1978).

[9] In fact, only a minority of state expungement statutes provide either explicitly or implicitly that a state regulatory agency may not consider an expunged conviction in evaluating an applicant's fitness for a license or that an applicant may answer in the negative with respect to an expunged conviction in response to a question concerning previous convictions. Hence, the possibility of conflict between the Division's interpretation and state law is minimal.

[10] *See, e.g., Kolios v. INS*, 532 F.2d 786 (1st Cir.) *cert. denied*, 429 U.S. 884 (1976) (deportation of aliens); *Gonzalez de Lara v. INS*, 439 F.2d 1316 (5th Cir. 1971) (deportation of aliens), *Garcia-Gonzales v. INS*, 344 F.2d 804 (9th Cir.), *cert. denied*, 382 U.S. 840 (1965) (deportation of aliens); *United States v. Padia*, 584 F.2d 85 (5th Cir. 1978) (federal firearms convictions); *United States v. Potts*, 528 F.2d 883 (9th Cir. 1975) (en banc) *overruling United States v. Hoctor*, 487 F.2d 270 (9th Cir. 1973) (federal firearms convictions); *United States v. Mostad*, 485 F.2d 199 (8th Cir. 1973), *cert. denied*, 415 U.S. 947 (1974) (federal firearms convictions).

[11] *See* 42 FR 23969-90 (May 11, 1977), and the Note to Question 12A on CFTC 8-R.

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; New System of Records

AGENCY: Department of the Army, DOD.

ACTION: Addition of a new system of records.

SUMMARY: The Department of the Army proposes to add a system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for this system of records is set forth below.

DATES: tThis system shall become effective January 6, 1981, unless public comments are received which result in a contrary determination.

ADDRESSES: Send all comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of the Adjutant General (DAAG-AMR-R) HQDA, Room 1146, Hoffman Building 1, Alexandria, VA 22331, Telephone (703) 325-6163.

SUPPLEMENTARY INFORMATION: The Department of the Army notices for systems of records subject to the Privacy Act of 1974, Title 5, United States Code, section 552a (Pub. L. 93-579; 44 Stat. 1896, *et seq.*) have been published in the **Federal Register** at:

FR Doc. 79-37052 (44 FR 73729) December 17, 1979

FR Doc. 81-85 (46 FR 1002) January 5, 1981

FR Doc. 81-897 (46 FR 6460) January 21, 1981
FR Doc. 81-3374 (46 FR 9692) January 29, 1981
FR Doc. 81-5883 (46 FR 13544) February 23, 1981
FR Doc. 81-7250 (46 FR 15531) March 6, 1981
FR Doc. 81-7621 (46 FR 16111) March 11, 1981
FR Doc. 81-10724 (46 FR 21220) April 9, 1981
FR Doc. 81-10791 (46 FR 21221) April 9, 1981
FR Doc. 81-12660 (46 FR 23523) April 27, 1981
FR Doc. 81-15109 (46 FR 27518) May 20, 1981
FR Doc. 81-16678 (46 FR 29981) June 4, 1981
FR Doc. 81-19043 (46 FR 33069) June 26, 1981
FR Doc. 81-25194 (46 FR 43231) August 27, 1981
FR Doc. 81-26729 (46 FR 45793) September 15, 1981
FR Doc. 81-32240 (46 FR 55134) November 6, 1981
FR Doc. 81-33755 (46 FR 57337) November 26, 1981

A new system report as required by 5 U.S.C. 552a(o) was submitted for this system on November 4, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 1, 1981.

AO725.01bDAAG

SYSTEM NAME:

Family Life Communications Info and Referral Service.

SYSTEM LOCATION:

Primary system exists at Headquarters, Department of the Army, Quality of Life Office, the Pentagon, Washington, D.C. 20310.

Decentralized segments exist within Family Assistance/Quality of Life Offices/Army Community Service Centers at major commands and installations Army-wide. Addresses are contained in the appendix to the Army inventory of system notices published at 44 FR 73729, December 17, 1979.

Statistical data will be maintained by the Office, Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, D.C. 20310.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army service members, civilian employees, their families, social service organizations (Federal, state, local) acting on behalf of the member, employee, or family member. Other military service personnel and civilian employees may be included when such individuals are stationed with Army elements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, mailing address, and telephone number of the individual; documentation reflecting nature or basis of service desired or required in the following typical matters, but only to the extent or degree required to determine the proper office, command, or installation that should handle details, resolve problems, or provide responses, or to best answer the inquiry: pay, medical, education, housing, voting, commissary/exchange privileges and practices, community service programs provided by chaplains, alcohol/drug abuse, Equal Employment Opportunity program, etc., and related processing papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by the Department of the Army to provide family assistance to service members (active duty/reserve/retired), civilian employees, and their families in programs that affect family life. Statistical data may be provided commanders of managers at all levels of the Army in support of their functions or programs.

Information may be disclosed to bonafide Federal, state, or local social service or welfare organizations.

STORAGE:

At the primary site, records are maintained in manual files. At major Army commands and installations, information and data may be stored on magnetic tape, disk, cassette, or dataphone message tapes in addition to manual folders and on computer printouts.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in buildings guarded by security personnel and rooms are secured by locked doors when not in use. During duty hours, records are used only by authorized personnel, with disclosure limited to agency personnel whose official duties require handling. Automated records are protected by an authorized password system for access terminals, controlled access to operation rooms, and controlled output distribution.

RETENTION AND DISPOSAL:

Information will be retained for 2 years following resolution of the problem or provision of information, after which it will be destroyed. Automated records used to provide statistical data may be retained indefinitely; however, individually identifiable data are purged within 2 years following the resolution of the problem or provision of information.

SYSTEM MANAGER AND ADDRESS:

The Adjutant General, Headquarters, Department of the Army, Quality of Life Office, The Pentagon, Washington, D.C. 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system of records contains information about them should contact either the SYSMANAGER or the major Army command or installation to which initial inquiry was directed.

Written requests for information should include the full name, social security number, current address, and telephone number of the requester.

For personal visits, the individual should be able to provide some acceptable identification such as valid driver's license, student or employer identification card, building pass, social security account card, etc.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; his/her family; social or welfare organizations under Federal, state, or local jurisdiction; official military/civilian records; other Components of the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-34859 Filed 12-4-81; 8:45 am]
BILLING CODE 3710-08-M

Defense Investigative Service

Privacy Act of 1974; Amendments to a System of Records Notice

AGENCY: Defense Investigative Service, DOD.

ACTION: Notice of amendments to a system of records notice.

SUMMARY: The Defense Investigative Service proposes to delete from its

investigative files system notice all references to criminal investigative files. This change is necessary because all criminal investigative files are being transferred to the new Assistant to the Secretary of Defense (Review & Oversight) as part of a transfer function action.

DATES: This system notice shall be amended as proposed without further comments.

ADDRESS: Any public comments, including written data, views or arguments concerning the amendments should be addressed to the system manager identified in the notice.

FOR FURTHER INFORMATION CONTACT: Dale L. Hartig, DIS (V0020), 1900 Half St, SW Washington, DC 20324, telephone 202–693–1740.

SUPPLEMENTARY INFORMATION: The Defense Investigative Service system of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 552a) have been published to date in the Federal Register as follows

FR Doc. 81–86 (46 FR 966) January 5, 1981.

FR Doc. 81–897 (46 FR 6845) January 21, 1981.

The proposed amendments are not within the purview of the provision of 5 U.S.C. 552a(o) of the Act which requires the submission of a new altered system report.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 1, 1981.

Amendments

V5–01

SYSTEM NAME:

Investigative Files System

CHANGES:

SYSTEM LOCATION:

Delete the second sentence, "The Special *** of these records" Delete from third sentence, "District Offices" replace with, "Regional Offices."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete from the first paragraph the phrase, "and reservists and" and substitute the following phrase, "members of Reserve units;". Delete the second paragraph entirely.

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete the parenthetical sentence in the second paragraph. Delete from the fourth paragraph the following: "such as the Personnel Security Investigation Request," "such as personnel history documents and fingerprint records," and "such as release statements, case transfer forms and documents directing the inquiry." Delete from the fifth paragraph the phrase, "such as warning sheets * * * and 552a." Delete the sixth paragraph entirely.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete references to Section IIIA, DoD Directive 5200.2b; DoD Directives 5210.8 and 5210.9; and Section I, DoD Instruction 5210.26 entirely. Substitute "DoD Directive 5200.1, Department of Defense Information Security Program" and DoD Directive 5200.2, Department of Defense Information Security Program". Delete "Sections III and V," referenced for DoD Directive 5105.42, Charter for Defense Investigative Service." Delete entirely the last reference to DSA Regulation 5705.2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Delete first six paragraphs and replace with "To insure that the acceptance or retention of persons to sensitive DoD positions, or granting individuals access to classified information, including those employed in defense industry, is clearly consistent with national security;

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DoD and federal investigative elements;

For dissemination to appropriate federal agencies or other DoD components when information regarding personnel security matters is reported by ISR; and

To furnish orally or by letter criminal information which is received by DIS personnel in the course of their duties which is of direct interest to local law enforcement agencies."

Delete the numbers before the paragraphs under the users subsection.

Delete from the specific uses subsection all paragraph ending phrases "by the (nth) category of users, above." Delete the last paragraph and substitute, "To transfer information from this record system to other DoD components."

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Delete all subsection titles. Delete from the second paragraph, "in this notice * * * disclosure acounting system." Delete the fifth paragraph, "Generally, ISR's * * * only 60 days," and substitute, "Reciprocal investigations are retained for only 60 days." Delete the last sentence of the last paragraph.

SYSTEM MANAGER AND ADDRESS:

Delete entire entry and substitute "Director, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 20203."

NOTIFICATION PROCEDURE:

Add "the Office of" after the words "addressed to: in the first sentence and delete "Office" after the words "Legal Affairs." Delete, "More information or a" from third sentence and substitute, "A". Delete "may be" from third sentence and substitute "is". Delete in the fourth sentence "Information and Legal Affairs Office, 1900 Half St., S.W., Washington, D.C. 20324" and substitute "The Office of Information and Legal Affairs, adress above."

RECORD ACCESS PROCEDURES:

Delete "Information Office" and substitute "Office of Information and Legal Affairs".

CONTESTING RECORD PROCEDURES:

Delete "Assistant for Information" and substitute "Office of Information and Legal Affairs."

RECORD SOURCE CATEGORIES:

Delete "Categories of sources of records." Delete the phrase, "transportation companies, (airlines, railroad, etc.)" from the seventh category.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Delete the last sentence and substitute "See 32 CFR 298a.14 for the DIS exemption rules."

SYSTEM NAME:

V5–01 Investigative Files System

SYSTEM LOCATION:

Defense Investigative, Service, Investigative Files Division, P.O. Box 1211, Baltimore MD 21203 has primary control over the system and is responsible for the maintenance of completed investigative records. DIS Operational Centers; Regional Offices; Field Offices; Resident Agencies and various DIS headquarters staff elements which originate and have temporary control over portions of the records.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel who are on active duty; applicants for enlistment or appointment; members of Reserve units; National Guardsmen; DoD civilian personnel who are paid from appropriated funds; industrial or

contractor personnel who are working in private industry in firms which have contracts involving access to classified DoD information or installations; Red Cross personnel and personnel paid from non-appropriated funds who have DoD affiliation; ROTC cadets; former military personnel; and individuals residing on, having authorized official access to, or conducting or operating any business or other functions at any DoD installation or facility.

CATEGORY OF RECORDS IN THE SYSTEM:

Official Reports of Investigation (ROI's) prepared by DIS or other DoD, Federal, state or local official investigative activities.

DIS Information Summary Reports (ISR's) which records unsolicited information received by DIS concerning a person or incident which is of direct interest to other DoD components or Federal agencies.

Attachments to ROI's or ISR's including exhibits, subject or interviewee statements, police records, medical records, fingerprint cards, credit bureau reports, employment records, education records, release statements, summaries of or extracts from other similar records or reports.

Case control and management documents which are not reports of investigation, but that serve as the basis for investigation, or which serve to guide and facilitate investigative activity, including documents providing the data to open and conduct the case; documents initiated by the subject; and documents used in case management and control.

DIS file administration and management documents accounting for the disclosure, control and access to a file.

Authority for maintenance of the system:

Section 301 of 5 U.S.C. Department Regulations

Section 310 of 44 U.S.C. Records Management

Sections 2, 3, 4, 5, 6, 8 and 9, Executive Order 10450, Security Requirements for Government Employment.

Section 6(A), Executive Order 11652, Classification and Declassification of National Security Information and Material.

DoD Directive 5105.42, Charter for the Defense investigative Service.

DoD Directive 5200.1, Department of Defense Information Security Program.

DoD Directive 5200.2, Department of Defense Personnel Security Program.

Section IV A and B, DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense.

Section V A 2., DoD Instruction 5210.25, Security Acceptability of American National Red Cross Employees at Department of Defense Installations and Activities.

Encl 3, paragraphs b 2 and 2, DoD Directive 5210.41, Security Criteria and Standards for Protecting Nuclear Weapons.

Section III, DoD Directive 5210.45, Personnel Security in the National Security Agency.

Section VII, DoD Directive 5210.55, Selection of Department of Defense Military and Civilian Personnel for Assignment to Presidential Support Activities.

Section IV, C, DoD Directive 5220.6, Industrial Personnel Security Clearance Program.

Section V B, DoD Instruction 5220.28, Application of Special Eligibility and Clearance Requirements in the SIOP–ESI Program for Contractor Employees.

Section 1 (a) and 2, Executive Order 10865, Safeguarding Classified Information Within Industry.

Section III, DoD Instruction 5030.34, Agreement between the Department of Defense concerning Protection of the President and Other Officials.

Paragraph 10, Director of Central Intelligence Directive No. 1/14, Uniform Personnel Security Standards and Practices Governing Access to Sensitive Compartmented Information, C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure that the acceptance or retention of persons to sensitive DoD position, or granting individuals access to classified information, including those employed in defense industry, is clearly consistent with national security;

For maintenance and use by the requesting activity when collected during reciprocal investigations conducted for other DoD and federal investigative elements;

For dissemination to appropriate federal agencies or other DoD components when information regarding personnel security matters is reported by ISR; and

To furnish orally or by letter criminal information which is received by DIS personnel in the course of their duties which is of direct interest to local law enforcement agencies.

Users of DIS investigative information are:

DIS personnel in the course of their official duties;

Other accredited DoD investigative components, DoD agencies, elements of the Military departments designated by the departments and representatives of the Secretary of Defense and the Joint Chiefs of Staff;

Accredited federal criminal and civil law enforcement and intelligence agencies;

State and local official criminal law enforcement agencies;

Other accredited federal agencies conducting investigations to evaluate suitability for employment or access to classified information; and

Congressional committees and the Government Accounting Office.

Specific Uses of DIS investigative records are:

To determine the loyalty, suitability, eligibility, and general trustworthiness of individuals for access to Defense information and facilities.

To determine the eligibility and suitability of individuals for entry into and retention in the Armed Forces.

To provide information pertinent to the protection of persons under the provisions of 18 U.S.C. 3056.

For use in criminal law enforcement investigations including statutory violations, counterintelligence, as well as counterespionage and other security matters.

In the event that records maintained in this system indicate a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide information in judicial or adjudicative proceedings including litigation, or in accordance with a court order.

To make statistical evaluations of DIS investigative activities.

To respond to Freedom of Information and Privacy Act access requests.

To provide information in response to Inspector General, and EEO or other complaint investigations and Congressional inquiries.

To determine the eligibility and suitability of an individual for personnel actions in the Armed Forces of the United States, as deemed appropriate.

A record such as identification data, from this system of records may be disclosed as a routine use to a federal, state, local or foreign agency

maintaining relevant information or to business enterprises to obtain employment records if necessary to obtain information relevant to an assigned investigation.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To transfer information from this record system to other DoD components.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Paper records in file folders, microfilm, magnetic tape or supplementary index cards.

Investigations are centrally retrievable through the DIS Case Control System (DDCS) or the Defense Central Index of Investigations (DCII) System described separately.

Completed investigative records are maintained and stored in power files, open shelves and filing cabinets which are housed in secured areas accessible only to authorized personnel who are properly screened and have a need to know. Information contained on magnetic tape is secured in the same manner as the DCII, described separately. Recipients of investigative information are responsible for safeguarding information within the guidelines provided by DIS.

Retention of closed DIS investigative files is authorized for 15 years maximum, except as follows: (1) Files which have resulted in adverse action against an individual will be retained 25 years; (2) Files developed on persons who are being considered for affiliation with the Department of Defense will be destroyed within one year if the affiliation is not completed. In cases involving a pre-appointment investigation, if the appointment is not made due to information developed by investigation, the file will be retained 25 years. If the appointment is not made for some other reasons not related to the investigation, the file will be destroyed within one year; (3) Information within the purview of the Department of Defense Directive 5200.27, 'Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense', is destroyed within 90 days after acquisition by DIS unless its retention is required by law or unless its retention has been specifically authorized by the Secretary of Defense or his designee.

Reciprocal investigations are retained for only 60 days.

Partial duplicate records of personnel security investigations are retained for 60 days by DIS field elements.

SYSTEM MANAGER AND ADDRESS:

Director, Personnel Investigations Center, P.O. Box 1211, Baltimore, MD 20203.

NOTIFICATION PROCEDURE:

Requests should be addressed to the Office of Information and Legal Affairs, Defense Investigative Service, 1900 Half St., S.W., Washington, D.C. 20324. The full name, date and place of birth, and social security account number are necessary for retrieval of information. A notorized statement verifying the identity of requesters is required. The Office of Information and Legal Affairs, address above, may be visited by personnel making inquiries regarding this system. A check of personal identification will be required of all visitors making such inquiries.

RECORD ACCESS PROCEDURES:

Access may be obtained through the Office of Information and Legal Affairs at the address listed above.

CONTESTING RECORD PROCEDURES:

DIS rules for contesting and appealing initial determinations may be obtained from the Office of Information and Legal Affairs at the address listed above.

RECORD SOURCE CATEGORIES:

Subjects of investigations.

Records of other DoD activities and components.

Federal, state, county and municipal records.

Employment Records of private business and industrial firms.

Educational and disciplinary records of schools, college, universities, technical and trade schools.

Hospital, clinic and other medical records.

Records of commercial enterprises such as real estate agencies, credit bureaus, loan companies, credit unions, banks and other financial institutions which maintain credit information on individuals.

The interview of individuals who are though to have knowledge of the subject's background and activities.

The interview of witnesses, victims and confidential sources.

The interview of any individuals deemed necessary to complete the DIS investigation.

Miscellaneous directories, rosters and correspondence.

Any other type of record deemed necessary to complete the DIS investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system of records which fall within the scope of 5 U.S.C. 552a (k)(2), (k)(3), and (k)(5) may be exempt from the provisions of subsections 5 U.S.C. 552a(c)(3), (d), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). See 32 CFR 298a.14 for the DIS exemption rules.

[FR Doc. 81-34886 Filed 12-3-81; 8:45 am]
BILLING CODE 3810-01-M

Office of the Secretary

Privacy Act of 1974; Addition of a New System of Records

AGENCY: Office of the Secretary of Defense.

ACTION: Addition of a new system of records.

SUMMARY: The Office of the Secretary of Defense proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974. The system notice for the new system is set forth below.

DATE: This system shall become effective January 4, 1982 unless public comments are received which result in a contrary determination.

ADDRESSES: Send all comments to the system manager identified in the system notice.

FOR FUTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, The Pentagon, Washington, D.C. 20301. Telephone 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of Secretary of Defense system notices for system of records subject to the Privacy Act of 1974, Title 5 United States Code, section 552a (Pub. L. 93-579; 44 Stat. 1896 *et seq.*) have been published in the **Federal Register** at:

FR Doc. 81-897 (46 FR 6427) January 21, 1981

FR Doc. 81-5568 (46 FR 12772) February 18, 1981

FR Doc. 81-6246 (46 FR 14031) February 25, 1981

FR Doc. 81-6491 (46 FR 14154) February 26, 1981

FR Doc. 81-7597 (46 FR 16114) March 11, 1981

FR Doc. 81-8041 (46 FR 16926) March 16, 1981

FR Doc. 81-8127 (46 FR 17074) March 17, 1981

FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981
FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23907) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 20, 1981
FR Doc. 81-20404 (46 FR 35963) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21498 (46 FR 37751) July 22, 1981
FR Doc. 81-23482 (46 FR 40788) August 12, 1981
FR Doc. 81-25838 (46 FR 44494) September 4, 1981
FR Doc. 81-28992 (46 FR 49177) October 6, 1981
FR Doc. 81-32239 (46 FR 55139) November 6, 1981

A new system report as required by 5 U.S.C. 5552a(o) was submitted for this system on October 10, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 1, 1981.

DMRA&L 22.0

SYSTEM NAME:

DoD Dependent Children's School Program Files.

SYSTEM LOCATION:

Active Students—DoD operated overseas dependents schools, regional offices, and the Office of Dependents Schools (ODS), Alexandria, Virginia.

Former High School Students—Permanent records (high school transcripts) are retained at the school for 4 years subsequent to graduation, transfer, or termination, then forwarded to the regional office for 1 year where they are compiled and forwarded to the Washington National Records Center (WNRC) except Panama. Records for the Panama region are retired to the East Point, Georgia, Federal Archives Records Center (FARC).

Former Panama Canal College Students—Permanent records (college transcripts) and retained at the college for 10 years, then retired to East Point FARC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students in the DoD operated overseas dependent schools.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. *Enrollment files:*

Documents relating to the admission, registration, and departure of dependent school students. Included are pupil enrollment applications, course preference, admission cards, drop cards, and similar or related documents.

B. *Daily attendance register files:*

Documents reflecting the daily attendance of pupils at dependent schools. Included are forms, printouts, bound registers and similar or related documents.

C. *Elementary school academic records.*

Documents reflecting the standardized achievement, mental ability, yearly grade average, attendance of each student and the teachers' comments. Included are forms, notes, and similar or related documents.

D. *Elementary school report card files:*

Documents reflecting grades, personality traits, and promotion or failure. Included are report cards and similar or related documents.

E. *Elementary school teacher class register files:*

Documents reflecting daily, weekly, semester, or annual scholastic grades and averages, absence and tardiness data.

F. *Elementary school student files:*

Documents pertaining to individual elementary school students. Included in each folder are reading and health records; individual education plans; intelligence quotient; achievement, aptitude, and similar test results; notes related to pupil's progress and characteristics; and similar matters used by counselors and successive teachers.

G. *Secondary school absentee files:*

Documents reflecting absence of students. Included are homeroom teachers' registers, secondary school daily attendance records of absentees reported by teachers, tardy slips for admission of students to classroom, transfer slips notifying teachers of new class or homeroom assignment, notices of change by school principal to teacher upon change or classroom, student applications for permission to be absent, student pass slips, and similar or related documents.

H. *Secondary school academic record files:*

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

I. *Secondary school report card files:*

Documents reflecting scholastic grades, personality traits, and promotion or failure. Included are report cards and related documents.

J. *Secondary school teacher class register files:*

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and tardiness, and withdrawal data. Included are class registers and similar or related documents.

K. *Secondary school class reporting files:*

Documents reflectng teacher reports to principals and use as source documents for preparing secondary school academic record cards. Included are forms, correspondence, and similar or related documents.

L. *Credit transfer certificate files:*

Documents reflecting secondary school scholastic credits earned. Including are certificates and similar or related documents.

M. *Secondary school student files:*

Documents pertaining to individual secondary school students. Included in each folder are student health records; individual education plans; absence reports and correspondence with parents pertaining to absence; records of achievement and aptitude tests; notes concerning participation in extracurricular activities, hobbies, and other special interests or activities of the student; and, miscellaneous memorandums used by student counselors.

N. *College absence, withdrawal, and add files:*

Student applications for permission to be absent from final exams. Student drop and add class records and administrative withdrawal letter.

O. *College academic record files:*

Documents reflecting student grades and credits earned. Included are forms, notes, and similar or related documents.

P. *College report card files:*

Documents reflecting scholastic grades and promotion or failure. Included are report cards and related documents.

Q. *College teacher class register files:*

Documents reflecting daily, weekly, semester, or annual scholastic marks and averages, absence and withdrawal data. Included are class registers and similar or related documents.

R. *College class reporting files:*

Documents reflecting teacher reports to Registrar and used as source documents for preparing college transcripts. Included are forms, correspondence, and similar or related documents.

S. *Credit transfer certificate files:*

Documents reflecting college scholstic credits earned. Included are certificates and similar or related documents.

T. *College student files:*

Documents pertaining to individual college students. Included in each folder are absence reports, records of achievement, and aptitude tests.

U. *Automated support files:*

Automated data files are composed of records containing the following information (varies by regional system): student registration data-student identification number, student name, sex, grade level, bus number, date of enrollment, date of birth, course numbers and names, teacher, credit, grades received, dates of absences, and sponsor's name, status, rank, date of rotation, organization, location of unit, local address, emergency address and phone.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Recurring provisions of the DoD Appropriations Act and Department of Defense Directive 1342.6, "Department of Defense Dependents' Schools," dated October 17, 1978, with change 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS, USES, AND PURPOSES OF SUCH USES:

Internal users, uses, and purposes:

A. Dependent children's school program files (general):

1. Records of students attending DoD operated overseas dependent schools are used by school officials, including teachers, to:

a. Determine the eligibility of children to attend these schools;

b. Schedule children for transportation;

c. Record daily and/or class attendance of students and date(s) of withdrawal;

d. Determine tutition paying students and record status of payments;

e. Determine students located in areas not serviced by dependents schools so that alternative arrangements for education can be made and payment made, as required;

f. Monitor special education services required by and received by the student; and,

g. Used to develop and maintain reading and health records, including school related medical needs.

2. Records may also be released to other officials of the Department of Defense requiring information for operation of the Department (including defense investigative agencies) on a case-by-case basis in accordance with established policies and procedures.

B. Dependent children's school program files (elementary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for elementry students by school personnel cited above.

2. Used in the following manner to record:

a. Teacher or standardized test data;

b. Attendance, absences, and/or tardiness of each student;

c. Recommendations for promotion or retention including teacher comments;

d. Daily, weekly, semester, or annual grades; and,

e. Notes related to the individual pupil's progress and learning characteristics useful to professional school personnel in counseling the student and in the determination of his/her proper placement.

C. Dependent children's school program files (secondary):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an education program for secondary students.

2. Documents are used by school personnel cited above in the following manner to:

a. Record teacher and/or standardized test data;

b. Record attendance, absences, and/or tardiness of each student;

c. Form the basis for a decision on a student request for permission to be absent from a class or classes;

d. Determine proper class or grade placement or graduation;

e. Determine scholastic grades and/or grade point average;

f. Form the basis for school recommendations for student financial aid for postsecondary education;

g. Form the basis for preparing the secondary school transcript;

h. Determine secondary school academic credits earned; and

i. Note special interest or hobbies of the student.

D. Dependent children's school program files (college):

1. Used by school officials, including teachers, in the current and/or gaining school to develop and provide an educational program for college students.

2. Documents are used by school personnel cited above in the following manner to:

a. Record teacher and/or standardized test data;

b. Record attendance and absences of each student;

c. Form the basis for a decision on a student request for permission to be absent from a class or classes;

d. Determine proper class or grade placement or graduation;

e. Determine scholastic grades and/or grade point average;

f. Form the basis for school recommendations for student financial aid for college education;

g. Form the basis for preparing the college transcript; and

h. Determine college academic credits earned.

E. Automated support. Automated support is used by school and regional officials (where applicable) to:

1. Provide academic data to each student upon request, provide report cards, etc., at the end of each grading period, provide transcripts upon request, and provide hard copy for manual files.

2. Provide academic data within the region and to ODS.

3. Provide data within the Department of Defense on a need-to-know basis.

4. Provide data to other government agencies and Congress when a specific authorized need requires it.

External users, uses, and purposes:

Documents of students attending the DoD overseas dependent schools may be used by authorized Federal representatives for employment purposes.

Academic data may be provided to other educational institutions and employers or prospective employers in accordance with current policies and procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are paper records in file folders.

RETRIEVABILITY:

A. Elementary school academic records and secondary school and college academic records (transcripts) are filed alphabetically by school, school year, and last name of student.

B. Elementary, secondary, and college teacher class register files are filed by

school, school year, and last name of teacher.

C. Remaining dependent school student files are filed by school, school year, and last name of student.

D. The automated files are indexed by a variety of data, depending upon the region and school involved (some have regionally assigned student indentification numbers, others are by last name of student). Also, any combination of data in the file can be used to select individual records. Only authorized personnel have required information to access the systems or process jobs.

SAFEGUARDS:

Paper records are maintained in files accessible only to authorized personnel.

Automated records:

A. Description of the automated process. Current hard copy records of all information are kept in locked file cabinets in limited access school offices. Computer-produced student records and reports become an integral part of the manual system and are retained in limited access school offices and/or locked cabinets. Computer disks, tapes, etc., are maintained in limited access areas within the various computer centers, regional offices, and/or schools. Approved special requests for data can be supported by ad hoc inquiry. Any combination of data can be used to select individual records for special processing.

B. Physical safeguards. Computer facilities and remote terminals are located in schools and regional offices throughout the school system. Particular regional systems vary; however, the same basic safeguards are employed (in various combinations) in all the systems. Computer hardware disk cards and other materials are secured in locked facilities after normal duty hours or are maintained in secure military computer centers. During school hours, storage media is stored in areas where access can be monitored. On-line access is protected by combinations of the following various factors: (1) Users must have file and/or disk names; (2) users must have possession or approval to gain possession of appropriate disk(s); and (3) users must have specifically designed codes and/or keys to permit read/write operations.

C. Storage media. Hard copy files are stored in the school offices of each participating school and regional offices. Computer files are stored on magnetic tape and disks, as outlined above.

D. Risk analysis. All personal information which is collected and/or maintaned for this system is stored in locations adequately secure for such information. Administrative safeguards have been instituted to prevent access to information in the automated systems.

RETENTION AND DISPOSAL:

A. *Enrollment files:*

Maintained at the respective school for 1 year after graduation, withdrawal, transfer, or death of the student, then destroyed.

B. *Daily attendance register files:*

Destroyed after reviewing attendance registers for the next school year.

C. *Elementary school academic records files:*

When a student transfers to another school, this file is forwarded by mail to officials of the receiving school on request in accordance with current regulations, or destroyed at the school 5 years after graduation, death, or withdrawal of the student.

D. *Elementary school report card files:*

Released to parents or student at the end of the school year or on transfer of the student.

E. *Elementary school teacher class register files:*

Destroyed at the school concerned after 5 years.

F. *Elementary school student files:*

1. When a student transfers to another school, the reading and health records are released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school.

2. Remaining documents pertaining to the students are forwarded by mail to the officials of the receiving school or the parent/guardian on request in accordance with current regulations; if not requested, documents are destroyed at the school concerned 1 year after graduation, death, or withdrawal of the student.

G. *Secondary school absentee files:*

Destroyed at the school after 1 year.

H. *Secondary school academic record files (high school transcript):*

1. Permanent file.

2. When a student transfers to another DoD dependents school, this file (transcript) is forwarded by mail to officials of the receiving shcool on request.

3. When a student transfers to a non-DoD school, a copy of the transcript is forwarded to the receiving school on request in accordance with current regulations.

4. Files not forwarded to another DoD school are retained at the school concerned for 4 years, the regional office for 1 year and then retired to the WNRC (or East Point FARC if in the Panama region) for an additional 60 years.

I. *Secondary school report card files:*

Released to parents of student or student (if over 18 years of age) at the end of the school year or on transfer of student.

J. *Secondary school teacher class register files:*

Retained at the school concerned for 5 years and then destroyed.

K. *Secondary school class reporting files:*

Destroyed at the school after 1 year.

L. *Credit transfer certificate files:*

Destroyed at the school after 1 year.

M. *Secondary school student files:*

1. Retained at the school concerned for 2 years after graduation, death, or withdrawal of the student.

2. When a student transfers to another school:

a. A copy of the record may be released to the parents or student (if over 18 years of age) for hand-carrying to the receiving school.

b. An official copy of the record will be forwarded to the receiving shcool in accordance with current regulations upon request. (The original record is retained at the school.)

N. *College absentee files:*

Destroyed at the school after 1 year.

O. *College academic record files (college transcripts):*

1. Permanent file.

2. When a student transfers to another college or university, this file (transcript) is forwarded by mail to officials of the receiving school upon receipt of an authorized request.

3. Original files (transcripts) are retained at the college for 10 years then retired to East Point FARC.

P. *College report card files:*

Released to student at the end of the semester or school year, or on transfer of student.

Q. *College teacher class register files:*

Retained at the school for 5 years and then destroyed.

R. *College class reporting files:*

Destroyed at the school after 1 year.

S. *Credit transfer certificate files:*

Destroyed at the school after 1 year.

T. *College school student files:*

1. Retained at the school for 2 years.

2. When a student transfers to another school:

a. A copy of the record may be released to the parents or student (if 18 years of age) for hand-carrying to the receiving school.

b. An official copy of the record will be forwarded to the receiving school upon request pending receipt of authorized request. (The original record is retained at the school.)

U. *Automated files:*

Automated files are normally retained for 1 year. However, this may vary as all information is documented in the manual files and the information in automated form may be destroyed earlier or later than 1 year for various internal purposes.

SYSTEM MANAGER AND ADDRESS:

Dr. Anthony Cardinale, Director, Department of Defense Dependents Schools, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, telephone: (202) 325–0188.

NOTIFICATION PROCEDURE:

Information may be obtained from officials of the school concerned or from the System Manager.

RECORD ACCESS PROCEDURES:

A. Written requests for information on the records system and for instructions concerning personal visits may be forwarded to the principal of the school within 4 years after graduation, transfer, withdrawal, or death of student.

B. The fifth year, the principal should be contacted for elementary records or the System Manager for secondary records.

C. Subsequently, all requests for secondary records may be forwarded to the Department of the Army, HQ DA (DAAG–AMR), Washington, D.C. 20310, except for information from schools in Panama. These requests should be sent to: Director, DoDDS–Panama, APO Miami 34002.

D. All requests for college records should be sent to the college for the first 10 years, then to the Director, DoDDS–Panama, address above.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 C.F.R., Part 286b, and OSD Administrative Instruction 81.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals concerned and their parents/guardians, teachers, and school administrators.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 81-34875 Filed 12-3-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES82-21-000]

Central Telephone & Utilities Corp.; Application

November 30, 1981.

Take notice that on November 19, 1981, Central Telephone & Utilities Corporation (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue not more than $300,000,000 of short-term debt to be issued not later than December 31, 1983, with final maturity dates of not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 17, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34861 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5589-000]

Energenics Systems Inc.; Application for Preliminary Permit

November 30, 1981.

Take notice that Energenics Systems Inc. (Applicant) filed on October 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5589 to be known as Hidden Dam Hydroelectric Project located at the existing outlet of the Corps of Engineers' (Corps) Hidden Dam on the Fresno River in the County of Madera, California. The project would utilize waters released from the Hidden Reservoir for irrigation and other purposes. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems Inc., 1727 Q Street, NW., Washington, D.C. 20009.

Project Description—The proposed project would consist of a powerhouse containing a single generating unit with a rated capacity of 2,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV power line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental, and economic feasibility studies as well as prepare an application for an FERC license. The estimated cost for conducting these studies and preparing an application for an FERC license is $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 29, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34862 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5587-000]

Energenics Systems Inc.; Application for Preliminary Permit

November 30, 1981.

Take notice that Energenics Systems Inc. (Applicant) filed on October 30, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5587 to be knows as the Buchanan Dam Hydroelectric Project located at the Corps of Engineers' (Corps) Buchanan Dam on the Chowchilla River in Madera County, California. The project would utilize waters released from the Buchanan Reservoir for irrigation and other purposes. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would consist of a powerhouse containing two generating units with a combined rated capacity of 3,000 kW, a transmission line connecting the powerhouse to the existing Pacific Gas and Electric Company's 12-kV power line downstream of the powerhouse, and appurtenant facilities.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental, and economic feasibility studies as well as prepare an application for an FERC license. No new roads would be required to conduct these studies. The estimated cost for conducting these studies and preparing an application for an FERC license is $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, or or before January 29, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34863 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5497-000]

Mr. A. H. Haley; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

November 30, 1981.

Take notice that on October 7, 1981, Mr. A. H. Haley (Applicant) filed an application, under section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705, and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project, Project No. 5497, would be located on Falls Creek near the town of Port Angeles in Clallam County, Washington. The project would partly occupy United States lands within the Olympic National Forest. Correspondence with the Applicant should be directed to: Mr. A. H. Haley, Falls Creek Small Hydro, 1421 S. Cherry, Port Angeles, Washington 98362.

Project Description—The proposed project (would utilize components of an abandoned power project that was last operated in 1963) would consist of: (1) an existing diversion structure within the east bank of Falls Creek; (2) an existing 150-foot long flume; (3) a 10-inch diameter, 800-foot long penstock; (4) an existing powerhouse, to be enlarged, containing two generating units with a total rated capacity of 200 kW; and (5) an 80-foot long 7.2-kV transmission line connecting the powerhouse with the existing transmission line north of the project.

Purpose of Project—Project energy would be sold to a local utility or the Bonneville Power Administration.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to submit on or before February 2, 1982, appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the

granting of an exemption. If an agency does not file comments on or before February 2, 1982, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 8, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file an acceptable competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirement of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34864 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5557-000]

Hydro Management, Inc.; Application for Preliminary Permit

November 30, 1981

Take notice that Hydro Management, Inc. (Applicant) filed on October 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5557 to be known as the Squeezer Creek Power Project located on Squeezer Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: W. H. Edelman, III, President, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The project would consist of: (1) a 3-foot high, 22-foot long diversion dam; (2) a 16-inch diameter, 7,000-foot long penstock; (3) a 13,000-foot long transmission line; and (4) a powerhouse containing generating unit with a rated capacity of 604 kW. Applicant estimates that the average annual energy output would be 3,650 MWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies and preparing a license application is estimated by the Applicant to be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34865 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4695-000]

Midvale Irrigation District; Application for Preliminary Permit

November 30, 1981.

Take notice that Midvale Irrigation District (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4695 to be known as the Pilot Canal Chute Project located on the Wind River in Fremont County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr.

Jack Long, Manager, Midvale Irrigation District, Post Office Box 128, Pavillion, Wyoming 82523.

Project Description—The proposed project would consist of: (1) The existing U.S. Bureau of Reclamation Pilot Canal Chute on the Pilot Canal downstream of the Pilot Butte Reservoir; (2) a proposed diversion structure at the head of the Pilot Canal Chute; (3) a penstock; (4) a powerhouse with an estimated installed capacity of 2.5 MW; (5) a proposed transmission line about 6 miles long to the existing Meadow substation; and (6) appurtenant facilities. The estimated average annual energy output is 7.0 GWh. Potential customers for the project energy are located in the U.S.B.R. project area.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, consultation would be carried out with the appropriate Federal, State and local agencies. The Applicant estimates the cost of studies and preparation of a license application to be $21,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34666 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5584-000]

ZX Irrigation Co.; Application for Preliminary Permit

November 30, 1981.

Take notice that ZX Irrigation Company (Applicant) filed on October 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5584 to be known as the Coffeepot Project located on the Chewaucan River, near town of Paisley, in Lake County, Oregon. The proposed project would affect U.S. lands within Fremont National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: ZX Irrigation Company, P.O. Box 7, Paisley, Oregon 97636.

Project Description—The proposed project would consist of: (1) A 130-foot high earthfilled dam with two tainter gate spillways, impounding; (2) a 2,660-acre reservoir with a capacity of 115,000 acre-feet; (3) a powerhouse containing two generating units, one rated at 3,600 kW and one rated at 150 kW; and (4) a seven-mile long transmission line. The average annual energy generation would be 9 million kWh. The project would be constructed mainly for irrigation with power generation as a secondary benefit.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. No ground disturbing work will be conducted.

The cost of the work to be performed under the preliminary permit is estimated to be $103,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 1, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (b) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E.

Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34867 Filed 12-3-81; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Uranium Hexafluoride; Separative Work Charges, and Base Charges for Natural Uranium

The Department of Energy (DOE) hereby announces changes in the base charges for uranium in the form of uranium hexafluoride (UF_6). Accordingly, the notice entitled, "Uranium Hexaflouride: Separative Work Charges, and Base Charges for Natural Uranium," as published in the **Federal Register** on September 29, 1977, (42 FR 51636) as amended by notices published on January 21, 1980 (45 FR 3948) and March 19, 1981 (46 FR 17578) is further amended by deleting paragraph 2 and inserting the following paragraph in lieu thereof:

2. *Base Charges for Natural Uranium*

(a) The base charge for natural uranium furnished on other than a short notice, one-time basis, is $28.15 per pound of contained U_3O_8 in the form of concentrate and $78.45 per kg of contained uranium in the form of UF_6.

(b) The base charge for natural uranium furnished on a short-notice, one-time basis, is $36.30 per pound of contained U_3O_8 in the form of concentrate and $100.10 per kg of contained uranium in the form of UF_6.

Effective date: This notice is effective December 4, 1981.

Dated: November 18, 1981.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy.

[FR Doc. 81-34805 Filed 12-3-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1999-1]

Availability of Environmental Impact Statements

Responsible Agency: USEPA, Office of Federal Activities.

Information Contact: Ms. Kathi Wilson, (202) 245-3006.

EISs Filed: November 23-27, 1981.

Comment Due Dates: Drafts—January 18, 1982; Finals—January 4, 1982.

Corps of Engineers (COE): Final—Bethel Small Boat Harbor Improvement, Alaska (EPA EIS #810963).

COE: Final—Kaulana Bay Navigation Improvements, Hawaii County, Hawaii (EPA EIS #810957).

DOI: Bureau of Reclamation: Draft—Tucson Aqueduct Construction and Operation, Pinal and Pima Counties, Arizona; Extended review 1/22/82 (EPA EIS #810961).

DOI: National Park Service: Draft Revised—Yellowstone National Park Grizzly Bear Management Program, Wyoming, Montana and Idaho; Extended review 1/30/82 (EPA EIS #810959).

DOT: Federal Highway Administration (FHWA): Draft—Patton Way Construction, Webster Street to Lincoln Avenue, Alameda County, California; Extended review 1/29/82 (EPA EIS #810854).

DOT: FHWA: Draft—US 22/Weirton Bypass Construction, Brooke and Hancock Counties, West Virginia (EPA EIS #810955).

Environmental Protection Agency: Region 2: Final—Lajas-Boqueron 201 Facilites Plan, Puerto Rico (EPA EIS #810964).

Department of Housing and Urban Development (HUD): Final—Walnut Hills Development, Mortgage Insurance, Salt Lake County, Utah (EPA EIS #810956).

HUD: 104H: Draft—Mother Cabrini Neighborhood Flood Control, Webb County, Texas; Extended review 1/21/82 (EPA EIS #810962).

Nuclear Regulatory Commission: Draft—Byron Station Units 1 and 2, License, Ogle County, Illinois (EPA EIS #810958).

USDA: Forest Service: Final—Elkhorn Wilderness Study, Helena and Deerlodge National Forests, Broadwater and Jefferson Counties, Montana (EPA EIS #810960).

Withdrawal

HUD: Draft—Rosewood Subdivision, Dallas County, Texas (EPA EIS #800968)—published FR 12/24/80; has been officially withdrawn by HUD.

Dated: December 1, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81-34860 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-37-M

[PH-9-FRL-1988-2; OPP 42047B]

California; Approval of State Plan for Certification of Commerical and Private Applicators of Restricted Use Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) grants final approval of the California State Plan for the Certification of Commerical and Private Applicators of Restricted Use Pesticides (California State Plan).

EFFECTIVE DATE: November 4, 1981.

FOR FURTHER INFORMATION CONTACT: Nancy Frost, Environmental Protection Agency, 215 Fremont St., San Francisco, CA 91405 (415-974-8162).

SUPPLEMENTARY INFORMATION: Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR 171 require each State desiring to certify applicators to submit a plan to EPA for approval. Any State certification program shall be maintained according to the State Plan approved by EPA.

A Notice of Contingent Approval of the California State Plan by EPA was published in the **Federal Register** of July 30, 1980 (45 FR 50652). This approval allowed the State of California to certify applicators who are then permitted to use or supervise the use of pesticides classified for restricted use under FIFRA. Complete copies of the California State Plan were made available for public inspection and public comments were solicited.

EPA received comments from one environmental group regarding the adequacy of the California pesticide regulatory program. Specifically questioned was whether California's procedures for certifying applicators adequately protect the pesticide applicator, the general public, and the environment from the adverse effects of pesticide use.

Prevention of unreasonable adverse effects from pesticide use is the goal of EPA's pesticide regulatory program. The certification of applicators to use restricted use pesticides is an element of the pesticide regulatory program. The State of California certification program meets the standards set by EPA for a certification of applicators program. Therefore, EPA finds that the California certification program contributes to the goal of prevention of unreasonable adverse effects from pesticide use.

Another comment asked whether public participation was encouraged in the development of the California State Plan. A notice of EPA's Intent to Grant Contingency Approval of the California State Plan was published in the **Federal Register** of July 8, 1977 (42 FR 35184). A notice of Contingent Approval was published in the **Federal Register** of July 30, 1980 (45 FR 50652). In both notices, opportunity for public review and comment was provided. Additionally, the California Department of Food and Agriculture (CDFA) issued a public notice and report describing regulation changes proposed for its certification program. In response to testimony, the regulations were modified to avoid confusion found in the original language. EPA believes that the public has had adquate opportunity to participate in the development of the California State Plan.

Contingent Approval of the California State Plan was granted by EPA pending promulgation of regulations pertaining to the definition of certified applicators and recordkeeping requirements. California has adopted these regulations. EPA finds that all criteria for an approvable State Plan have been met.

In addition to the finalizing of regulations, CDFA has provided the following clarification via a letter dated June 27, 1980:

> Once the regulations are adopted a householder who wishes to use a federally restricted material within the confines of a dwelling will be classified as a commerial applicator and will be required to take the regular Industrial and Institutional Pest Control examination. Examinees who obtain a score of 70 percent or greater will be issued a commerical applicator certificate and will be required to comply with all regulations pertaining to certified commerical applicators.

EPA is following the Congressional intent of FIFRA that States shall certify applicators of restricted use pesticides and hereby grants final approval to the California State Plan.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it merely authorizes the State of California to certify commerical and private applicators of restricted use pesticides. This approval will not impose any new cost or burdens.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: November 4, 1981.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 81-34839 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-38-M

[ER-FRL-1999-1]

Intent To Prepare Environmental Impact Statement (EIS); Texas Gasification Project

CONTACT: Mr. Clinton B. Spotts, Regional EIS Coordinator, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75270 (telephone: (214) 767-2716 or (FTS) 729-2716).

SUMMARY: Pursuant to EPA regulations for preparation of EISs (40 CFR, Part 6), EPA intends to prepare a Draft EIS for the proposed issuance of a NPDES permit to Phillips Coal Company for discharge of wastewater from the surface mine of the proposed Texas Gasification Project which includes a lignite surface mine located in Hopkins, Rains and Wood Counties, Texas. A detailed Notice of Intent has been issued and can be obtained from the above contact. EPA will hold a meeting to determine the scope of the Draft EIS on Thursday, January 7, 1982, at 7:30 pm at the Hopkins Regional Civic Center, 1200 Houston Street, Sulphur Springs, Texas.

Dated: December 1, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

FR Doc. 81-34881 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-37-M

[A-7-FRL-1998-6]

Applicability of New Source Performance Standards to ADM Milling Co.; Missouri

Applicability of New Source Performance Standards (NSPS) under the Clean Air Act has been determined as indicated below. ADM Milling Company is in the process of repairing damage resulting from a lightning strike which caused a series of explosions and a fire to their milling facility in North Kansas City, Missouri. According to 40 CFR 60.15, an existing facility may become subject to the standards of performance for new sources upon reconstruction. NSPS have been promulgated to regulate the emission of particulate matter from each affected facility at any grain storage elevator which has a permanent grain storage capacity of one million bushels or more (40 CFR 60, Subpart DD). As defined in Subpart DD, a grain elevator is any plant or installation at which grain is unloaded, handled, cleaned, dried, stored or loaded. Based on the company's letter of November 19, 1980, EPA has determined that the replacement of grain handling equipment (one of eight affected facilities identified in Subpart DD) will qualify as reconstruction as defined in 40 CFR 60.15. In a letter to the source dated December 23, 1980, EPA notified ADM Milling that the replacement will be subject to the requirements of 40 CFR Part 60, Subpart DD. The Iowa Public Service Company is an electric and gas utility serving customers in Iowa, South Dakota, and Nebraska. To meet its projected generating requirements, the company proposes to construct the George Neal Generating Unit No. 5, a 600-megawatt western coal-fired electric utility steam generating unit located at Salix, Iowa. NSPS (40 CFR 60, Subpart Da) have been promulgated to regulate the emission of particulate matter, sulfur dioxide, and nitrogen oxides into the atmosphere from certain electric utility steam generating units. Under these regulations, units capable of combusting more than 73 megawatts heat input of fossil fuel and which commence construction or modification after September 18, 1978, must meet the requirements of Subpart Da. Since this project will have a heat imput exceeding 73 megawatts and did not commence construction (as defined at 40 CFR 60.2) on the steam generating unit prior to September 19, 1978, it must meet the requirements of 40 CFR 60, Subpart Da. This applicability determination was made by the Iowa Department of Environmental Quality, the delegate agency for enforcement of NSPS in Iowa, on April 29, 1981. EPA concurred in this determination by letter to the source dated June 15, 1981.

DATES: Under Section 307(b)(1) of the Clean Air Act, a judicial review of these actions is available only by the filing of a petition for review in the United States Court of Appeals for the Eighth Circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of this notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

FOR FURTHER INFORMATION CONTACT: Charles W. Whitmore, Chief, Technical Assistance Section, Air and Radiation Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, 816/374-6525. Copies of the background material and determinations are available for

public inspection during normal business hours at the above location.

Dated: November 12, 1981.

John J. Franke, Jr.,

Regional Administrator.

[FR Doc. 81-34840 Filed 12-3-81; 8:45 am]

BILLING CODE 6560-38-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SES Performance Review Board; Members

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the SES Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Beverly A. Gary, Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506, 202/634-7002.

SUPPLEMENTARY INFORMATION: Pursuant to requirements of section 4314(c)(1), Chapter 43, Title 5, U.S.C., membership of the SES Performance Review Board is as follows: Armando M. Rodriguez, Equal Employment Opportunity Commissioner (chairman); Harriett G. Jenkins, Director of Equal Employment Programs, National Aeronautics and Space Administration; Anthony Ingrassia, Assistant Director, Office of Labor-Management Relations, Office of Personnel Management; and Chris Roggerson, Executive Assistant to the Chairman, Equal Employment Opportunity Commission (alternate).

Signed at Washington, D.C., this 25th day of November 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman Equal Employment Opportunity Commission.

[FR Doc. 81-34834 Filed 12-3-81; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL RESERVE SYSTEM

Big Lake Bancshares, Inc.; Formation of Bank Holding Company

Big Lake Bancshares, Inc., Big Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 89.2 percent or more of the voting shares of Citizens State Bank of Big Lake, Big Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34825 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Chase Manhattan Corp.; Acquisition of Bank

The Chase Manhattan Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Chase Manhattan Bank (USA), National Association, Wilmington, Delaware, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34821 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Cherry Creek Bankshares, Inc.; Formation of Bank Holding Company

Cherry Creek Bankshares, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Cherry Creek National Bank, Denver, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34819 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Community Bancshares, Inc.; Formation of Bank Holding Company

Community Bancshares, Inc., Independence, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Community State Bank, Independence, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing

the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34818 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Energy Banks; Formation of Bank Holding Company

Energy Banks, Casper, Wyoming, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Casper, Casper, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34817 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

F&M Holding Co., Inc.; Formation of Bank Holding Company

F&M Holding Company, Inc., Foley, Alabama, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers and Merchants Bank, Foley, Alabama. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34816 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Flagship Banks, Inc.; Acquistion of Bank

Flagship Banks, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Century Bank of Gainesville, Gainesville, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34815 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Hartford National Corp.; Acquisition of Bank

Hartford National Corporation, Hartford, Connecticut, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Mattatuck Bank and Trust Company, Waterbury, Connecticut. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34814 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Madison Financial Corp.; Acquisition of Bank

Madison Financial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank of Wheeling, Wheeling, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34828 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Madison Financial Corp.; Acquisition of Bank

Madison Financial Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Madison National Bank of Niles, Niles, Illinois. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34829 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Northwest Georgia Financial Corp.; Formation of Bank Holding Company

Northwest Georgia Financial Corporation, Dallas, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank, Dallas, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34813 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Old Stone Corp.; Proposed Acquisition of Wachovia Realty Investments

Old Stone Corporation, Providence, Rhode Island, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets and assume the liabilities of Wachovia Realty Investments, Winston-Salem, North Carolina.

Applicant would engage, in a limited basis, in the activity of mortgage banking for the sole purpose of selling or holding the assets acquired as part of the transaction until maturity. Applicant would not make any new mortgage loans as a result of this transaction. These activities would be performed from offices of Applicant in Providence, Rhode Island, and the geographic area to be served is the southeastern portion of the United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than December 23, 1981.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34826 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Schreiner Bancshares, Inc.; Acquisition of Bank

Schreiner Bancshares, Inc., Kerrville, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Ingram State Bank, Ingram, Texas and First National Bank, Boerne, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34822 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Preston State Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 24, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34827 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Stone City Bancshares; Formation of Bank Holding Company

Stone City Bancshares, Bedford, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.7 per cent of the voting shares of Stone City Bank of Bedford, Bedford, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34823 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Suncoast Bancorp, Inc.; Formation of Bank Holding Company

Suncoast Bancorp, Inc., Vero Beach, Florida, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Commercial Bank of Vero Beach, Vero Beach, Florida. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34824 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Valley Bancorp, Inc.; Formation of Bank Holding Company

Valley Bancorp, Inc., El Paso, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The Valley Bank of El Paso, El Paso, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C.1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 25, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34820 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than December 26, 1981.

A. Federal Reserve Bank of New York, New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York 10045:

1. *Barclays Bank Limited* and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (commercial finance; Florida): To engage through their subsidiary, Barclays American/Business Credit, Inc. ("BA/BCI"), from an office located in Tampa, Florida, in commercial finance by making secured loans to small and medium size businesses, serving the State of Florida. This notification is for the relocation of an existing office in Tampa, Florida.

2. *The Chase Manhattan Corporation*, New York, New York (mortgage banking and related lending activities; New Jersey and Pennsylvania): To make or acquire, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but not limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties; to service loans and other exensions of credit for any person; to sell mortgage loans in the secondary market; and to offer mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office of the Chase Home Mortgage Corporation located in the area of Green Tree

Executive Campus, Marlton, New Jersey 08053, and will serve central and southern New Jersey and the Philadelphia, Pennsylania areas.

3. *The Chase Manhattan Corporation,* New York, New York (mortgage banking and related lending and insurance activities; Virginia and Washington, D.C.): To make or acquire, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including, but not limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties; to service loans and other extensions of credit for any person; to sell mortgage loans in the secondary market; and to offer mortgage term life insurace, accident and health insurance directly related to such lending and servicing activities. These activities will be conducted from an office of the Chase Home Mortgage Corporation located in Annandale, Virginia 22003, and will serve NorthernVirginia and Washington D.C.

B. **Federal Reserve Bank of Cleveland** (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Pittsburgh National Corporation,* Pittsburgh, Pennsylvania (mortgage banking and insurance activities; California): To engage through its subsidiary, The Kissell Company, in making acquiring and serving loans and other extensions of credit secured by real estate mortgages; and acting as an agent in the sale of accident and health insurance and mortgage redemption life insurance in connection with mortgages made or serviced. These activities will be conducted from an office in La Mesa, California, servicing San Diego and Imperial counties in California.

2. *Toledo Trustcorp, Inc.,* Toledo, Ohio (investment and financial advisor activities, Ohio and Wisconsin): To engage through its subsidiary, SeaGate Capital Management Company, in providing investment, economic and financial advice to individuals, corporations and other entities. These activities would be conducted from an office in Toledo, Ohio, serving Ohio and Wisconsin.

C. **Other Federal Reserve Banks.** None.

Board of Governors of the Federal Reserve System, November 27, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34649 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 29, 1981.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First National Boston Corporation,* Boston, Massachusetts, (trust activities, Florida): A bank holding company, to engage, through a subsidiary, Old Colony Trust Company of Southwest Florida, N.A. ("OCTC"), in the full range of functions or activities which may be performed or carried on by a trust company, including activities of an agency, custodial, fidiciary, and investment advisory nature in accordance with Section 225.4(a)(4) of Federal Reserve Regulation Y (12 CFR 225.4(a)(4)). These activities will be performed by OCTC from an office to be located in Sarasota, Florida, serving the western half of the State of Florida.

2. *First National Boston Corporation,* Boston, Massachusetts, (trust activities of Florida): To engage through a subsidiary Old Colony Trust Company of Southeast Florida, N.A. ("OCTC"), in the full range of functions or activities which may be performed or carried on by a trust company, including activities of an agency, custodial, fidicuary, and investment advisory nature in accordance with Section 225.4(a)(4) of Federal Reserve Regulation Y (12 CFR 225.4(a)(4)). These activities will be performed by OCTC from an office to be located in Deerfield Beach, Florida, serving the eastern half of the State of Florida.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland (mortgage banking, finance company, commercial and consumer credit card company leasing and credit life, accident and health insurance activities; Pennsylvania): To engage, through its subsidiary, Homeowners Loan Corporation, in the following activities: engaging generally in the business of a mortgage banker, mortgage broker and mortgage servicing firm, including but not limited to second mortgage financing; originating, buying, selling and otherwise dealing in mortgage loans as principal or agent; servicing mortgage loans for affiliated or nonaffiliated entities; acting as adviser in mortgage loan and second mortgage loan transactions; making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a credit card company; engaging generally in the business of leasing personal property, including but not limited to the leasing of various types of equipment and data processing equipment; originating, buying, selling or otherwise dealing in consumer finance paper, sales finance paper, credit card receivables and personal property leases as principal or agent; servicing consumer finance, sales finance and credit card receivables, and personal property leases for affiliated or nonaffiliated entities; and engaging in the sale as agent of credit life, credit disability, credit accident and health, loan redemption and loan cancellation insurance in connection with extensions of credit by bank and nonbank subsidiaries of the holding company (loan redemption and loan cancellation insurance will be limited to decreasing term policies and will not include level term policies). Such activities will be conducted at an office at 1469 Beers

School Road, Coraopolis, Pennsylvania, serving the State of Pennsylvania. Comments on this application must be received not later than December 21, 1981.

2. *Southern Bancorporation, Inc.*, Greenville, South Carolina (consumer finance; Oklahoma): To engage through its subsidiary World Acceptance Corporation in making extensions of credit as a licensed consumer finance lender. This activity would be conducted from an office in Okmulgee, Oklahoma, and would serve Okmulgee and certain other portions of the country.

C. **Federal Reserve Bank of Minneapolis** (Lester G. Gable, Vice President) 350 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Industrial National Corporation*, Providence, Rhode Island (consumer finance and insurance activities; Illinois, Iowa): To engage *de novo* through activities and insurance agency activities involving the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be conducted from a new office located in Moline, Illinois serving the following Illinois counties: Bureau, Carroll, Henderson, Henry, Knox, Lee, Marshall, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren, Whiteside and Woodford; and the following Iowa counties: Cedar, Clinton, Louisa, Muscatine and Scott.

2. *Industrial National Corporation*, Providence, Rhode Island (consumer finance and insurance activities; Minnesota): To engage *de novo* through its indirect subsidiary, Mortgage Associates, Inc., in consumer finance activities and insurance agency activities involving the sale of credit life and credit accident and health insurance directly related to an extension of credit. These activities would be conducted from a new office located in Bloomington, Minnesota serving the State of Minnesota and the following Wisconsin counties: Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eaw Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Trempealeau and Washburn.

3. *Northwest Bancorporation*, Minneapolis, Minnesota (insurance underwriting activities; Iowa): To engage, through its subsidiary, Banco Credit Life, in underwriting, as reinsurer, credit life and disability insurance made available in connection with extensions of credit by its Iowa subsidiaries of Northwest Bancorporation. Such insurance will be directly underwritten by an insurer or insurers qualified to underwrite in Iowa, and will therefore be assigned or ceded to Banco Credit Life. These activities will be conducted from an office of Northwest Bancorporation in Minneapolis, Minnesota, serving the State of Iowa.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

First Interstate Bancorp, Los Angeles, California (commercial finance activities; western United States): To engage, through its subsidiary First Interstate Commercial Corporation, in making or acquiring loans and other extensions of credit such as commercial loans secured by a borrower's inventory, accounts receivable, or other assets and servicing loans. These activities would be conducted from offices in Portland, Oregon and Denver, Colorado, serving California, Oregon, Washington, Idaho, Utah, Montana, New Mexico, Arizona, Colorado, Wyoming, Nevada, Illinois and Texas.

2. *Canadian Commercial Bank*, Edmonton, Alberta, Canada, and *CCB Bancorp, Inc.*, Los Angeles, California (mortgage banking, loan servicing, leasing, investment adviser, and real estate appraisal activities; United States): To engage through its subsidiary, CCB Realty Services Corporation (CCBRSC), in the activities of making, acquiring, advising and servicing, for the account of CCBRSC and for the account of others, real estate loans and other extensions of credit; leasing real property where such leases would serve as the functional equivalent of extensions of credit; and performing real estate appraisal services; and, through CCBRSC's wholly-owned subsidiary, CCB Realty Advisory Services Corporation, (CCBRASC), in the activity of acting as adviser to a real estate investment trust, or a corporation serving the functionally equivalent purpose as a REIT and other investors. These activities would be conducted from an office in Los Angeles, California, serving the entire United States.

3. *Canadian Commercial Bank*, Edmonton, Alberta, Canada, and *CCB Bancorp, Inc.*, Los Angeles, California (commercial finance, servicing, and leasing activities; United States): To engage through their subsidiary, CCB Commercial Finance Corporation, in the activities of making, acquiring, and servicing, for the account of CCB Commercial Finance Corporation and the account of others, loans and other extensions of credit; purchasing conditional installment sales finance contracts; and leasing real and personal property where such leases would serve as the functional equivalent of extensions of credit. These activities would be conducted from an office in Los Angeles, California, serving the entire United States.

E. **Other Federal Reserve Banks:** None.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34850 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Central Bancorporation, et al.; Acquisition of Bank

Central Bancorporation, Central Colorado Company, and C.C.B., Inc., all of Denver, Colorado, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank in Battlement Mesa, Battlement Mesa, Colorado. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications should submit views in writing to the Reserve Bank to be received not later than December 29, 1981. Any comment on the applications that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34841 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Citadel Bancorporation; Formation of Bank Holding Company

Citadel Bancorporation, Colorado Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.5 percent of the voting shares of The Citadel Bank, Colorado Springs, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34844 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Clearwater Home State Bancshares; Formation of Bank Holding Company

Clearwater Home State Bancshares, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Home State Bank of Clearwater, Clearwater, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.

Assistant Secretarty of the Board.

[FR Doc. 81-34845 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

County Bankshares, Inc.; Formation of Bank Holding Company

County Bankshares, Inc., Blue Island, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Heritage/County Bank and Trust Company, Blue Island, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34842 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Merchants Bancorporation; Formation of Bank Holding Company

Merchants Bancorporation, Hanceville, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Merchants Bank, Hanceville, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34846 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc.; Acquisition of Bank

Southwest Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to The Mercantile National Bank of Corpus Christi, Corpus Christi, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34847 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

TB&T Bancshares, Inc.; Formation of Bank Holding Company

TB&T Bancshares, Inc., Brownsville, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 81 percent, less directors' qualifying shares, of the voting shares of Texas Bank & Trust of Brownsville, Brownsville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34848 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

Yip Financial Investment, Ltd., et al.; Formation of Bank Holding Company

Yip Financial Investment, Ltd., Hong Kong, B.C.C.; Yip Bancorporation, N.V., Netherlands Antilles; Yip Bancorp, San Francisco, California; and Chung Hwa Bancorp, San Francisco, California, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring 100 percent of the voting shares, less directors' qualifying shares, of Commercial Bank of San Francisco, San Francisco, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than December 29, 1981. Any comment on the applications that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 30, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-34843 Filed 12-3-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 143]

Chesapeake & Potomac Telephone Co. of Maryland, Maryland Public Service Commission; Proposed Intervention in Telecommunications Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Maryland Public Service Commission concerning the application of The Chesapeake and Potomac Telephone Company of Maryland for an increase in telecommunications rates. GSA represents the interest of the executive agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Charles V. Curcio, Assistant General Counsel, Automated Data & Telecommunications Division, General Services Administration, Washington, D.C. (mailing address: General Services Administration (LX), 18th & F Streets N.W., Washington, D.C. 20405, telephone 202-566-1156), on or before January 4, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34796 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-25-M

[E-81-30]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the North Dakota Public Service Commission involving natural gas rates, Docket No. 10,280.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the North Dakota Public Service Commission involving the application of the Montana-Dakota Utilities Company for an increase in its natural gas rates in Docket No. 10,280.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34798 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-29]

Delegation of Authority to the Secretary of Energy

1. *Purpose.* This delegation authorizes the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Missouri Public Service Commission involving electric rates, Case ER-82-66.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(A)(4) and 486(d)), authority is delegated to the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Missouri Public Service Commission involving the application of the Kansas City Power and Light Company for an increase in its electric rates in Case ER-82-66.

b. The Secretary of Energy may redelegate this authority to any officer, official, or employee of the Department of Energy.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Energy shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Energy filings.

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34797 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AM-M

[Intervention Notice 142]

Potomac Electric Power Co., Public Service Commission of Maryland; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Service Commission of Maryland concerning the application of the Potomac Electric Power Company for an increase in its electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Albert A. Vicchiolla, Assistant General Counsel, Office of General Counsel (LT), General Services Administration, 425 Eye Street, N.W., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20406), telephone 202-275-6101, on or before January 4, 1982, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

[Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)]

Dated: November 20, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34795 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Notices of Open Meetings

Correction

In FR Doc. 81-34451, published at page 58367, on Tuesday, December 1, 1981, on page 58368, in the first column, in the second "Date:" paragraph, in the second line "p.m." should be corrected to read "a.m."

BILLING CODE 1505-01-M

Advisory Committees; Notice of Agenda Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing an additional agenda item for a meeting of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel (the Section) scheduled for December 14 and 15, 1981. On December 15, the Section will discuss in open session investigational device exemption and institutional review board regulations as they apply to contact lens studies. The meeting of December 14 and 15 was announced by a notice in the **Federal Register** of November 13, 1981 (46 FR 56052).

FOR FURTHER INFORMATION CONTACT: Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34657 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81D-0300]

Antimicrobial Drugs for Intramammary Infusion; Availability of Proposed Guideline; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; availability of proposed guideline; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the time for submitting comments on a proposed revised guideline concerning the evaluation of antimicrobial drugs for intramammary infusion (infectious bovine mastitis) as related to target animal safety and effectiveness.

DATE: Comments by February 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3450.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 9, 1981 (46 FR 50152), FDA announced the availability of a proposed revised guideline (last revised in 1973) that describes the types of studies needed to establish target animal safety and effectiveness of antimicrobial drugs for intramammary infusion for treatment and control of infectious bovine mastitis. The agency invited submission of written comments on or before December 7, 1981.

In a letter dated November 3, 1981 (on file with the Dockets Management Branch), the Animal Health Institute (AHI) requested that FDA extend the comment period for an additional 60 days. AHI asserted that it needs more time to prepare adequate comments. The agency concludes that additional time for submission of comments is appropriate.

Interested persons may submit written comments on the proposed revision to the guideline to the Dockets Management Branch (address above) on or before February 5, 1982. Respondents should submit two copies (except that individuals may submit one copy) identified with the docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34661 Filed 11-30-81; 11:25 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0357]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Calgon Corp. has filed a petition

proposing that the food additive regulations be amended to provide for the safe use of polydimethyldiallyl ammonium chloride as a coagulant aid in the clarification of water used in the manufacture of food-contact paper and paperboard.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b) (5))), notice is given that a petition (FAP 8B3372) has been filed by Calgon Corp., Calgon Center, Box 1346, Pittsburgh, PA 15230, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of polydimethyldiallyl ammonium chloride as a coagulant aid in the clarification of water used in the manufacture of food-contact paper and paperboard.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting the document may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–34452 Filed 12–3–81; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81M–0358]

Ciba Vision Care; Premarket Approval of Ciba Vision Care Salt Tablets

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Ciba Vision Care Salt Tablets for all soft (hydrophilic) contact lenses, sponsored by Ciba Vision Care, Atlanta, GA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On April 10, 1981, Ciba Vision Care, Atlanta, GA, submitted to FDA an application for premarket approval of the Ciba Vision Care Salt Tablets for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On November 5, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Ciba Vision Care Salt Tablets states that the tablets are intended for the preparation of normal saline solution for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution or new salt tablets for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will

publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34660 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81C-0353]

Colgate-Palmolive Co.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Colgate-Palmolive Co. has filed a petition proposing to amend the color additive regulations to provide for the safe use of External D&C Yellow No. 5 as a color additive in drug and/or cosmetic toilet soaps.

FOR FURTHER INFORMATION CONTACT: Neal D. Singletary, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition (CAP 0C0149) has been filed by Colgate-Palmolive Co., 300 Park Ave., New York, NY 10022, proposing that Part 74 (21 CFR Part 74) be amended to provide for the safe use of External D&C Yellow No. 5 as a color additive in drug and/or cosmetic toilet soaps.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-34458 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0375]

Ethicon, Inc.; Premarket Approval of PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Clear)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Clear) sponsored by Ethicon, Inc., Somerville, NJ 08876. After reviewing the recommendation of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7745.

SUPPLEMENTARY INFORMATION: On October 5, 1979, Ethicon, Inc., Somerville, NJ 08876, submitted to FDA an application for premarket approval of the PDSS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Clear), intended for use as absorbable sutures and ligatures, particularly where the combination of an absorbable suture and extended wound support (up to 6 weeks) is desirable. The application was reviewed by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 13, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 27, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34655 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0374]

Ethicon, Inc.; Premarket Approval of PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Dyed)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Dyed) sponsored by Ethicon, Inc., Somerville, NJ 08876. After reviewing the recommendation of the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On June 18, 1979, Ethicon Inc., Somerville, NJ 08876, submitted to FDA an application for premarket approval of the PDS™ (Polydioxanone) Synthetic Absorbable Surgical Suture (Dyed), intended for use as absorbable sutures and ligatures, particularly where the combination of an absorbable suture and extended wound support (up to 6 weeks) is desirable. The application was reviewed by the General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 13, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 27, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34634 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0308]

L. D. Caulk Co.; Premarket Approval of Omniplastic™ Bone Cement

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Omniplastic™ Bone Cement sponsored by the L. D. Caulk Co., Milford, DE. After reviewing the recommendation of the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On February 27, 1981, the L. D. Caulk Co., Milford, DE, submitted to FDA an application for premarket approval of the Omniplastic™ Bone Cement. The application was reviewed by the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, an FDA advisory committee, which recommended approval of the application. On September 16, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection in the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the

application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 25, 1981.

Williams F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34656 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0354]

Magnesium Elektron, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Magnesium Elektron, Inc., has filed a petition proposing to amend the food additive regulations regarding components of paper and paperboard in contact with aqueous and fatty foods.

FOR FURTHER INFORMATION CONTACT: Neal D. Singletary, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3317) has been filed by Magnesium Elektron, Inc., Star Route A, Box 202-1, Flemington, NJ 08822, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of ammonium zirconium carbonate and its tartaric acid adduct as insolubilizers for the binders used in coatings for paper and paperboard in contact with aqueous and fatty foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-34453 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81F-0345]

Reynolds Metals Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Reynolds Metals Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of high-temperature laminates under expanded use conditions.

FOR FURTHER INFORMATION CONTACT: Terry C. Troxell, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3586) has been filed by Reynolds Metals Co., 6603 W. Broad St., Richmond, VA 23261, proposing that § 177.1390 *High-temperature laminates* (21 CFR 177.1390) be amended to provide for the safe use of high-temperature laminates (including retortable pouches) identified in § 177.1390(c) under the following extended use conditions: (1) increase the maximum processing temperature by 25° F (13.9° C) to 275° F (135° C) and (2) extend the use of these liminates to packaging alcoholic foods containing no more than 8 percent ethanol.

The potential environmental impact of this action is being reviewed. If the agency finds that an enviornmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: November 20, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-34454 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81N-0257]

Studies of Effects of Marketed Drugs; Cooperative Agreements; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration is correcting the generic name of a drug that was inadvertently listed by the registered trademark in the notice regarding studies of effects of marketed drugs published in the **Federal Register** of October 6, 1981 (46 FR 49206).

EFFECTIVE DATE: October 6, 1981.

FOR FURTHER INFORMATION CONTACT: Judith K. Jones, Bureau of Drugs (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4580.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 81-28977 appearing at page 49206 in the issue of Tuesday, October 6, 1981: On page 49209 in the second column under the heading "COMMON OTC DRUGS," the word "neosynephrine" is corrected to read "phenylephrine."

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34658 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81M-0359]

Vitarine Co., Inc.; Premarket Approval of the Vitarine System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of The Vitarine System for all soft contact

lenses, sponsored by The Vitarine Co., Inc., Springfield Gardens, NY. The Virarine System is intended for use in the preparation of normal saline solution to be used in heat disinfection of all soft contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by January 4, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On May 22, 1981, The Vitarine Co., Inc., Springfield Gardens, NY, submitted to FDA an application for premarket approval of The Vitarine System for all soft contact lenses. The application was reviewed by the ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On November 5, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), salt tablets for preparing solutions for use in heat disinfection of soft contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of The Vitarine System states that the solution prepared from the salt tablets is intended to make normal saline solution for use in heat disinfection of all soft contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before January 4, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 25, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-34659 Filed 12-3-81; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 81G-0282]

UOP, Inc.; Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 81-32938, appearing at page 56505, in the issue of Tuesday, November 17, 1981, make the following change:

On page 56505, in the third column, in the eighth line in the "SUMMARY:" paragraph change "is merase" to "isomerase".

BILLING CODE 1501-01-M

[Docket No. 81M-0347]

Dow Corning Ophthalmics, Inco; Premarket Approval of SILCON® (Silafilcon A) Contact Lens

Correction

In FR Doc. 81-33110, appearing on page 57134, of the issue of Friday, November 20, 1981, make the following correction:

In the heading, "Summary" paragraph, and "Supplementary Information" paragraph, the word "Silcon" should

have read "SILCON®," each time it appeared.

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-82-1102]

Privacy Act of 1974; Proposed Amendment to System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the routine use of a system of records.

EFFECTIVE DATE: The amendment shall become effective without further notice on January 4, 1982 unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Robert English, Departmental Privacy Act Officer, Telephone 202-755-5336. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The Department is adding Internal Revenue Service to the routine uses section of the Accounting Records (HUD/DEPT-2) system of records to permit the Department to obtain the addresses of former mortgagors to whom the Department owes distributive shares, but whom the Department cannot otherwise locate for the purpose of making payment of the shares. Additionally, the Department is adding a HUD contractor to service the assigned mortgage notes to the routine uses section to permit the Department to use contractual support in the servicing of assigned mortgage notes. These additions do not require the submission on a Report of a New System since they are compatible with the purpose for which the system is maintained.

The words "to obtain current mailing address" and "HUD contractor-for mortgage note servicing" have been added to the routine uses section of the notice. The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 46 FR 54878 (November 4, 1981). Appendix A, which lists the addresses of HUD's Field Offices was published at 46 FR 54914 (November 4, 1981). Previously, the system was published at 46 FR 54879 (November 4, 1981). The notice is published below in its entirety, as amended.

(5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., November 25, 1981.

Judith L. Tardy,

Assistant Secretary for Administration.

HUD/DEPT—2

SYSTEM NAME:

Accounting Records

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addressess, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Mortgagors; mortgagees; grant/project and loan applicants and recipients; HUD personnel; vendors; brokers; bidders; managers; tenants; individuals within Disaster Assistance Programs; builders, developers, contractors, and appraisers; individuals writing to the Department; employees on HUD/FHA projects; investors; subjects of audit; closing agents; former mortgagors and purchasers of HUD-owned properties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Lease and loan collection register; schedules of payments receivable and received; premiums due; claim files and fee billing statements; escrow and Certificates of Deposit files; cash flow and budget control files; earnest money register; purchase order log; imprest fund; area managers' accounting records; restitution, maintenance, and market expenses; distributive shares records; salary; savings bonds; bills of lading; vouchers; invoices; receipts; cancelled checks; mortgages, builders and contractors financial statements, records and audit reports; requests for termination of home mortgage insurance; deposit and receipt records; detailed accounting reports concerning diversified payments, disbursements, and cancelled checks; repurchases of mortgages; adjustments from recoveries, manual adjustments, and defaults; acquired home property records; sales closing papers; statements of accounts; tax records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

See 113 of the Budget and Accounting Act of 1950 31 U.S.C. 66a. (Pub. L. 81-784).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Users paragraphs in prefatory statement. Other routine uses: U.S. Treasury—for disbursements and adjustments thereof: Internal Revenue Service—for reporting of sales commissions and to obtain current mailing address; General Accounting Office, General Services Administration, Department of Labor, Local housing authorities, and taxing authorities—for audit, accounting and financial reference purposes; mortgagee lenders—for accounting and financial reference purposes; HUD contractor—for mortgage note servicing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Desks; safes; locked filing cabinets; central files; book cases; ledger trays and binders; tables; magnetic tape/disc/drum.

RETRIEVABILITY:

By Social Security number; name; case file number; schedule number; audit number; control number; receipt number; voucher number; contract number; address.

SAFEGUARDS:

Security checks, limited authorization and access, security guards; computer records are maintained in secure areas with access limited to authorized personnel and technical restraints employed with regard to accessing the records.

RETENTION AND DISPOSAL:

GSA schedules of retention and disposal; destruction after six months; transfer to either a Federal Records Center or Archives.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Finance and Accounting, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURE:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is

required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Department Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Subject individuals; other individuals; current or previous employers; credit bureaus; financial institutions; private corporations or firms doing business with HUD; Federal and non-federal governmental agencies; HUD personnel.

[FR Doc. 81-34786 Filed 12-3-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Intent To Prepare an Environmental Impact Statement and Notice of Public Scoping Meetings on Commercial Harvest of Anadromous Fish on Hoopa Valley Indian Reservation, Calif.; Correction

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of public scoping meetings; correction.

SUMMARY: This document corrects a notice of public scoping meetings on the commercial harvest of anadromous fish on the Hoopa Valley Indian Reservation, California that appeared at pages 56057 and 56058 in the **Federal Register** of November 13, 1981, 46 FR56057-56058. This action is necessary to correct omissions of time and place of scoping meetings.

FOR FURTHER INFORMATION CONTACT: Donald B. Knapp, Natural Resources Specialist, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4391.

The following corrections are made in FR Doc. 81-32761 appearing on page 56057 in the issue of November 13, 1981:

1. On page 56057, third column, third paragraph, "Crescent, California" is corrected to read "Crecsent City, California."

2. On page 56057, third column, fifth paragraph, "Wednesday, December 9, 1981, Bureau of Indian Affairs" is corrected to read "Wednesday, December 9, 1981, 1:00 p.m. and 7:00 p.m., Bureau of Indian Affairs."

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: November 30, 1981.

Theodore C. Krenzke,

Acting Deputy Assistant Secretary—Indian Affairs (Operations).

[FR Doc. 81-34600 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Reclamation

[INT-DES81-50]

Water Allocations and Water Service Contracting, Central Arizona Project, Arizona; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Central Arizona Project (CAP) water allocations and its associated contracting activities for the delivery of project water. The Secretary of the Interior, who has sole and legal responsibility for allocating CAP waters, announced on November 12, 1981, his "proposed action" on the CAP dealing with water allocations. This proposed allocation for CAP water is consistent with the intent of this environmental statement which considers a range of alternatives and the resulting environmental impacts that would encompass the overall allocation ultimately made by the Secretary. A final allocation of CAP water is required so that identified CAP users may design and construct the facilities required to treat and deliver the CAP water to the point of use.

Copies of the statement and the appendix are available for inspection at the following locations:

Office of Environmental Affairs, Bureau of Reclamation, Department of the Interior, Room 7622, Washington, DC 20240, Telephone (202) 343-4991

Library Branch, Division of Management Support, E&R Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234-3019

Office of the Regional Director, Bureau of Reclamation, Nevada Highway and Park Street, Boulder City, NV 89005, Telephone (702) 293-8411

Arizona Projects Office, Bureau of Reclamation, Suite 2200 Valley Center, 201 North Central Avenue, Phoenix, AZ 85073, Telephone (602) 261-3577

Libraries

Phoenix City Library, 12 East McDowell Road, Phoenix, AZ 85004

Tucson City Library, 200 South 6th Avenue, Tucson, AZ 85701

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director at the addresses listed above at no charge. Please refer to the statement number above.

Written comments on the draft statement may be submitted to the Regional Director on or before January 29, 1982.

Dated: December 1, 1981.

Bruce Blanchard,

Director, Enviromental Project Review.

[FR Doc. 81-34856 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-09-M

Geological Survey

Favorable Petroleum Geological Provinces—Alaska

AGENCY: Geological Survey, Interior.

ACTION: Notice of the procedures for classifying and designating certain lands in the State of Alaska as favorable petroleum geological provinces (FPGP's).

SUMMARY: Classification will be made by the Director, USGS, based on a technical evaluation of direct or indirect geologic evidence. Three areas are initially being designated as FPGP's pursuant to section 1008 of the Alaska National Interest Lands Conservation Act (ANILCA). They are: the Cook Inlet Tertiary Onshore Province, the Gulf of Alaska Tertiary Onshore Province, and the Cape Lisburne Province. The provinces designated initially are those in which exploratory drilling has resulted in the actual discovery of oil or gas. Other onshore provinces in Alaska not affected by this action will be designated as FPGP's if oil or gas is discovered therein, or whenever the Director of the U.S. Geological Survey (USGS) determines that oil and gas discoveries on lands within undesignated provinces are highly probable, after evaluating new geological, geophysical, and/or drilling data. This action is a preliminary step in the Department's planning process leading to the opening of applicable

onshore Federal lands in the State of Alaska to oil and gas leasing pursuant to section 1008 of ANILCA and does not represent a decision to lease any particular lands.

Maps depicting the designated FPGP's are available from the USGS Regional Conservation Manager, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT:

Mr. Joe Jones, Regional Conservation Manager, 800 A Street, P.O. Box 259, Anchorage, Alaska 99510 (907–217–4463) or Mr. Larry P. Bauer, Branch of Fluid Minerals Management, Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092 (703–860–7535).

SUPPLEMENTARY INFORMATION:

Background Information

Under section 1008 of the ANILCA, the Secretary of the Interior is directed to establish an oil and gas leasing program for applicable Federal lands in the State of Alaska pursuant to the Mineral Leasing Act (MLA) of 1920, as modified by ANILCA. Excluded from this program are lands in the National Petroleum Reserve—Alaska (NPR–A) and lands being studied under sections 1001 and 1002 of ANILCA. On March 12, 1981, the Secretary announced his intentions to move expeditiously in implementing this program and has directed that a schedule be developed which will permit competitive and/or noncompetitive leasing within the next 2 years.

The process set forth in section 1008 is under way. Expressions of interest have been requested and analyzed; applications are being accepted for conducting geophysical surveys, consultation has been initiated and will continue, and the available geological and geophysical data, including oil and gas studies, have been evaluated. Based on a Bureau of Land Management call for expressions of interest and the public response to that notice, the Department has determined that sufficient interest has been indicated in exploring areas for oil and gas under section 1008(c) of ANILCA.

This determination of interest begins the leasing process and the designation of FPGP's is the next step in the Department's overall planning process under section 1008(c) for making available areas for leasing. This Notice sets forth the criteria and procedures used to classify lands in the State of Alaska and designates three provinces initially.

Criteria and Procedures

Criteria: While the FPGP nomenclature is new, the prupose of the FPGP classification is similar to that of the Known Geologic Structures (KGS's) classification under the Mineral Leasing Act, i.e., the purpose of these classifications is to identify which lands are to be leased competitively. However, the criteria to be applied in making these two classification actions are different. The KGS classification applies to the immediate structure of a known producing or producible oil and gas field. The FPGP classification applies to a total province encompassing many possible specific structures or traps, and does not necessarily require the past or present existence of a producing or producible well.

Designations will be made on the basis of direct or indirect evidence. Direct evidence is the actual discovery of oil and gas. In classifying lands on the basis of indirect evidence, the Director of USGS must be convinced, based on a technical evaluation of available geologic, geophysical, and/or drilling data that there is a high probability that oil or gas will be discovered within the province.

Procedures: The Director of the USGS shall be responsible for classifying and designating lands as favorable petroleum geologic province. Designation shall be effected through publication of a Notice in the **Federal Register**.

The designations set forth in this Notice serve as initial designations. Whenever an oil and/or gas discovery is made hereafter within an undesignated province or available data indicate a high probability for such a discovery in that province and the appropriate classification action taken. Newly available geological and geophysical data, as well as the information contributed by unsuccessful oil and gas tests, will be evaluated periodically to ensure timely classification actions on the basis of indirect evidence.

Classification and Designation

For the purposes of section 1008 of ANILCA, the Geological Survey has divided the onshore sedimentary basins in Alaska into 14 provinces.

They are:

Alaska Peninsula Province
Bristol Basin Onshore Province
Brooks Range Province
Cape Lisburne Province[1]
Cook Inlet Onshore Mesozoic Province
Cook Inlet Onshore Tertiary Province[1]
Copper River Basin Province
Gulf of Alaska Onshore Tertiary Province[1]
Hope Basin Onshore Province
Interior Lowlands Province
Kodak Island Province
Southeastern Alaska Province
Yukon-Koyukuk Basins Province
Yukon-Porcupine Basins Province

The division of the onshore areas in Alaska into the above provinces is a judgment that was made on the basis of currently available geologic and geophysical data and in light of the purposes of section 1008 of ANILCA. The provinces delineated for the purposes of section 1008 differ, however, from provinces used by the USGS for resources assessment purposes because the objectives and purposes of classification and assessment are not synonymous, i.e., identification of areas, specifically Federal lands, subject to competitive leasing as opposed to estimating the overall oil and gas resources potential of a particular region. The list of provinces subject to designation as FPFG's may be revised or the boundaries of established provinces adjusted as new information becomes available.

In assessing each of the provinces identified above as to whether they should be designated as FPGP's at this time, the available geologic, geophysical, and drilling data, as well as the exploration history of each province, were evaluated separately. Indirect evidence developed through prior studies and other available indirect evidence were evaluated. The Director concluded, based on a geologic evaluation, that there is a less than high probability for the discovery of oil and gas in those provinces where actual discoveries have not been made. Until more conclusive evidence is developed, we are limiting the initial designations to those areas in which actual discoveries have been made. Discoveries have been made in three provinces. They are: Cape Lisburne Province, Cook Inlet Tertiary Onshore Province, and the Gulf of Alaska Tertiary Onshore Province. The Cook Inlet Onshore Tertiary Province contains 2 oil fields and 12 gas fields. This province also extends offshore where drilling has resulted in the discovery of 5 oil fields and 3 gas fields. The Gulf of Alaska Onshore Tertiary Province includes the Katalla field which is the site of Alaska's first oil production. The field produced 154,000 barrels of iol from 1902 until 1933, when the wells were shut in. Other wells drilled within this province have had oil shows. The Cape Lisburne Province is that portion of the North Slope west of

[1] Provinces herein designated as FPGP's.

the National Petroleum Reserve—Alaska. The eastward extension of this Province contains the giant Prudhoe Bay oil field, the Kuparuk oil field, the Barrow gas fields, and an oil field at Umiat.

Based on the foregoing, the following provinces are hereby designated as favorable petroleum geological provinces:

Cape Lisburne Province
Cook Inlet Tertiary Onshore Province
Gulf of Alaska Tertiary Onshore Province

Maps identifying these areas are available from the USGS Regional Conservation Manager in Anchorage, Alaska. A description of the lands included in these specific areas is on file in that office.

Additional designations will be made as a result of new discoveries or if an analysis of new data indicates that exploration of the province has a high probability for discovery.

This action is being taken as part of the Department's overall planning process for opening applicable Federal lands in the State of Alaska for oil or gas leasing and does not represent a decision to lease any particular lands, whether or not designated in this notice. Separate announcements will be issued subsequently by the Bureau of Land Management inviting applications for the leasing of applicable Federal lands. Prior to that action, additional consultation will be effected with applicable groups as identified in section 1008 of ANILCA.

Dated: November 30, 1981.

Dallas L. Peck,

Director.

[FR Doc. 81-34792 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-10-M

National Park Service

[FEIS-81-52]

Lincoln Boyhood National Memorial, Indiana; Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371, et seq.), the National Park Service, U.S. Department of the Interior has prepared a Final Environmental Impact Statement for the General Management Plan for Lincoln Boyhood National Memorial.

In the proposal, the intent to relocate certain intrusive roads and parking areas; place utilities underground; conduct an interpretive program; and designate the area an historic zone is discussed. Two alternatives are considered: Continuation of the existing situation (No Action) and the Draft Plan Alternative, which would provide more extensive development.

A limited number of copies of the combination General Management Plan/Final Environmental Impact Statement are available upon request to the Superintendent, Lincoln Boyhood National Memorial, Lincoln City, Indiana 47552, telephone 812/937-4757.

Public reading copies will be available for review at the memorial at the above address and at:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, Telephone 202/343-6843

Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, Telephone 402/864-3431

Dated: November 24, 1981.

J. Dunning,

Regional Director.

[FR Doc. 81-34876 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-70-M

San Antonio Missions National Historical Park, Bexar County, Tex.; Availability of Draft General Management Plan/Development Concept Plan and Finding of No Significant Impact

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared a Finding of No Significant Impact for the Draft General Management Plan/Development Concept Plan for San Antonio Missions National Historical Park, Bexar County, Texas.

The Environmental Assessment for the Draft General Management Plan/Development Concept Plan was distributed and made available by publication in the **Federal Register** of October 1, 1981, and a News Release in local news media sources.

A Finding of No Significant Impact has now been completed. Based on public review, input received, and on management objectives, a Draft General Management Plan has been formulated, which provides for visitor opportunities and resource protection of the historical park; and yet represents an intermediate level of development and cost.

Copies of the Finding of No Significant Impact are available at the following locations: San Antonio Missions National Historical Park, 727 East Durango, Room A612, San Antonio, Texas 78206; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Post Office Box 728, Santa Fe, New Mexico 87501.

It is the conclusion of the National Park Service that the proposal is not a major Federal action that will significantly affect the human environment; therefore no environmental impact statement will be prepared.

Anyone wishing to provide comments on the Finding of No Significant Impact for the Draft General Management Plan/Development Concept Plan should provide them to the Superintendent, San Antonio Missions National Historical Park, at the address provided above, on or before January 4, 1982.

Following public review of the Finding of No Significant Impact, the final General Management Plan/Development Concept Plan will be prepared and implemented.

Dated: November 25, 1981.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-34877 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations; Correction

In the **Federal Register** issue of November 20, 1981 (46 FR 57143), Levi Strauss & Co. was listed as a parent corporation with one subsidiary—Santone Industries, Inc. That subsidiary should have been listed as an addition to Levi Strauss & Co.'s previous filing found in the issue of December 19, 1980 (45 FR 83683).

Whenever a parent corporation adds or deletes a subsidiary, it must file a complete updated notice, listing all wholly-owned subsidiaries which will participate in the operations. This is in accordance with 49 CFR 1136.4(a) and (c), Change(s) in participation in intercorporate hauling.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34807 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Asamera Oil (U.S.) Inc., 3333 Quebec Street, Suite 5000, Denver, Colorado 80207 (mailing address: Asamera Oil (U.S.) Inc., P.O. Box 118, Denver, Colorado 80201).

2. Wholly-owned subsidiary which will participate in the operation and State of incorporation: (i) Asamera Petroleum Corporation/Colorado.

1. My name is Ronald L. Brink and my business address is 3904 Broadway, Quincy, IL 62301. I own 100% of the stock of the subsidiaries named below.

2. The wholly-owned subsidiaries that will participate in the operations, and their states of incorporation are as follows:

(a) Hollembeak Construction Co., P.O. Box 733, 4600 North 24 Street, Quincy, IL 62306. Hollembeak Construction Co. is an Iowa corporation incorporated in 1967.

(b) R. L. Brink Corp., P.O. Box 587, 4600 North 24 Street, Quincy, IL 62306. R. L. Brink Corp. is an Illinois corporation incorporated in 1980.

(c) Thompson, Inc., 3904 Broadway, Quincy, IL 62301. Thompson, Inc. is an Illinois corporation, incorporated in 1954.

1. Parent Corporation: Caldwell Implement Company, Inc., Box 295, Burlington, Kansas 66839.

2. Wholly-owned subsidiary which will participate in the operations: Caldwell's Inc., West 24 Highway, Topeka, Kansas 66608.

Incorporated in the state of Kansas.

1. Parent corporation and address of principal office: The Echlin Manufacturing Company, 100 Double Beach Road, Branford, Connecticut 06405.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Ace Electric Company, Inc., Highway 69 South, P.O. Box 151, Columbus, Kansas 66725.

(b) Automotive Controls Corp., Echlin Road and U.S. Route 1, Branford, Connecticut 06405.

(c) Ballwin-Washington Inc., Old Ballwin Road, Ballwin, Missouri 63011.

(d) Blackstone Manufacturing Co., Inc. 4630 West Harrison Street, Chicago, Illinois 60644.

(e) BWE Corporation, 11045 Gage Avenue, Franklin Park, Illinois 60131.

(f) Echlin International Sales, Inc., Echlin Road and U.S. Route 1, Branford, Connecticut 06405.

(g) Echlin Canada Inc., 500 Carlingview Drive, Rexdale, Ontario, Canada M9W 5H1.

(h) Echlin of Puerto Rico, Inc., Industrial Park, El Tuque, Ponce, Puerto Rico 00731.

(i) The Echlin Sales Company, Echlin Road and U.S. Route 1, Branford, Connecticut 06405.

(j) Kravex Manufacturing Corp., 300 W. Bristol Street, Philadelphia, Pennsylvania 19140.

(k) Lift Parts Mfg. Co., Inc., 333 East Touhy Avenue, Des Plaines, Illinois 60018.

(l) Mechanex Inc., 3773 South Jason Street, Englewood, Colorado 80110.

(m) Peerless Instrument Co., 6101 Grosse Point Road, Chicago, (Niles), Illinois 60648.

(n) Roto-Master, Inc., 7101 Fair Avenue, North Hollywood, California 91605.

(o) Sierra Supply Company, 725 McKinley Avenue, P.O. Box 444, Litchfield, Illinois 62056.

(p) Tekonsha Engineering Company, 537 Church Street, Tekonsha, Michigan 49092.

1. Parent corporation and address of principal office: Florida Crushed Stone Company, 1616 South 14th Street, Leesburg, Florida 32748.

2. Wholly-owned subsidiaries which will participate in the operations, and state of incorporation:

(i) C. L. Industries, Inc., a Florida corporation.

(ii) Chemical Lime, Inc., a Florida corporation.

(iii) Kings Bay Sand Company, a Georgia corporation.

(iv) Tri-State Carriers, Inc., a Florida corporation.

(v) Montgomery Sand Co., a Georgia corporation.

(vi) Granite Panelwall, Inc., a Georgia corporation.

(vii) Azucar, Inc., a Florida corporation.

(1) Parent corporation and address of principal office: Nabisco Brands, Inc., 9 W. 57th St., New York, NY 10019.

(2) Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

a. All Brand Importers, Inc., 1 Hollow Lane, Lake Success, NY 11042.

b. American Distilled Spirits Co., Inc., 1 Hollow Lane, Lake Success, NY 11042.

c. Associated Products, Inc., 445 Park Ave., NYC 10022.

1) Everlon Fabrics Corp., 295 Fifth Ave., NYC 10016.

2) The Hervin Company, P.O. Box 309, Tualatin, OR 97062.

3) Hygiene Industries, 295 Fifth Ave., NYC 10016.

d. Clinton Corn Processing Co., Inc., 3 First National Plaza, Chicago, IL 60602.

e. De Leon Peanut Co., P.O. Box 747, Durant, OK 74701.

f. Fireside Food Products Co., East Hanover, NJ 07936.

g. Freezer Queen Foods, Inc., 2544 Clinton St., Buffalo, NY 14240.

h. Juliius Wile Sons & Co., Inc., 1 Hollow Lane, Lake Success, NY 11042.

i. Nabisco confections, Inc., 810 Main St., Cambridge, MA 02139.

j. Nabisco, Inc., East Hanover, NJ 07936.

k. National Peanut Corp., 625 Madison Ave., New York, NY 10022.

M. The J. B. Williams Co., Inc., 767 Fifth Ave., NYC 10022.

l. Standard Brands, Inc., 625 Madison Ave., New York, NY 10022.

1. Parent corporation and address of principal office: National Utilities & Industries Corporation, One Elizabethtown Plaza, Elizabeth, New Jersey 07207.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Elizabethtown Gas Company, a New Jersey Corporation.

(ii) Utility Propane Company, a New Jersey Corporation.

1. *Parent & Participator*—SKF Industries, Inc., 1100 First Avenue, King of Prussia, PA 19406.

2. *Participating Subsidiaries—State of Incorporation:*

(1) McQuay-Norris, Inc., Delaware.

(2) SKF Warehouses, Inc. Delaware.

(3) Bremen Bearing Corp., Delaware.

(4) SKF Textile Products, Inc., Delaware.

1. Parent Corporation: Ogden Corporation, 277 Park Ave., New York, NY 10017.

2. Wholly-owned subsidiaries and State of incorporation:

(A) Hain Pure Food Co., Inc., a California Corporation.

(B) Ogden Food Products Corporation, a Delaware Corpororation.

(a) Progresso Quality Foods Division.

(b) Tillie Lewis Foods Division.

(C) Ramirez & Feraud Chili Co., Inc., a California Corporation.

1. Parent corporation and address of principal office: Pechiney Ugine Kuhlmann Corporation, 825 Third Avenue, New York, NY 10022.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

a. Howmet Aluminum Corporation, 825 Third Avenue, New York, NY 10022.

b. Eastalco Share Inc., 475 Steamboat Road, Greenwich, CT 06830.

c. Howmet Culvert Corporation, 425 Edrudo Road, Vineland, NJ 08360.

d. Howmet Turbine Components Corporation, 825 Third Avenue, New York, NY 10022.

e. The New England Aircraft Products Company Spring Lane, Farmington, CT 06032.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34808 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-219]

New York Dock Railway-Abandonment-in Kings County, NY; Findings

The Commission has issued a certificate authorizing New York Dock Railway to abandon its 0.75 mile rail line at Fulton Terminal, extending from the railroad floatbridge on the East River near Port Authority Pier 4, south to the foot of Joralemon Street and north, along Furman Street to Fulton Street, in Kings County, NY. The certificate authorizing abandonment will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34809 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

[OPY-2-231A]

Motor Carriers; Permanent Authority; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: November 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC-F-14724, filed October 27, 1981. MC-MOE-HAN TRUCKING CO., INC. (MC-MOR-HAN) (P.O. Box 368, Shullsburg, WI 53586)—CONTINUANCE IN CONTROL—KORTH TRANSFERS, INC. (KORTH) P.O. Box 247, Reedsburg, WI 53959). Representative: Donald B. Levine, 29 S. LaSalle St., Suite 905, Chicago, IL 60603. (312)-236-9375. Mc-Mor-Han seeks authority to continue in control of Korth upon the institution by Korth of operations, in interstate or foreign commerce, as a motor common carrier. Robert L. McCoy and Raymond M. Hanna, stockholders of Mc-Mor-Han, seek authority to acquire control of said rights through the transaction. Mc-Mor-Han is a carrier, and it controls GMC Motor Truck Sales, Inc., which holds authority issued by the Commission in MC-155774, which authorizes the transportation of metal products and building materials, over irregular routes, between points in Jones County, IA, on the one hand, and, on the other, points in the U.S. Such common control was approved in MC-F-14631.

Note.—Korth has filed, as a directly related application, its initial common carrier application. That application, docketed No. MC-159053, is published in this same **Federal Register** issue.

[FR Doc. 81-34810 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

[OPY-2-231]

Motor Carriers; Permanent Authority; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting

protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: November 27, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

MC 159053, filed October 27, 1981. Applicant: KORTH TRANSFER, INC., P.O. Box 247, Reedsburg, WI 53959. Representative: Donald B. Levine, 29 S. LaSalle St., Suite 905, Chicago, IL 60603, 312–236–9375. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *food and related products*, in bulk, in tank vehicles, between points in Lee and Clinton Counties, IA, and Cook County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This application is directly-related to MC–F–14724, published in this same **Federal Register** issue.

[FR Doc. 81–34811 Filed 12–3–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49, CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–5–209

Decided: November 24, 1981.

MC 93318 (Sub–21), filed November 12, 1981. Applicant: JOE D. HUGHES, INC., P.O. Box 96469, Houston, TX 77013. Representative: J. Marshall Forsyth (same address as applicant), 713–678–1500. Transporting *Mercer commodities*, between points in ND and SD on the one hand, and, on the other, points in AL, CO, FL, GA, KS, LA, MS, MT, NM, OK, TX, UT, and WY.

MC 105159 (Sub–47), filed November 12, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products*

between points in IA, IL, MO, OH, and WI, on the one hand, and, on the other, points in MO, OK, and TX.

MC 119399 (Sub-151), filed November 9, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64802. Representative: Keith R. McCoy (same address as applicant), 417-623-5229. Transporting *machinery* and *transportation equipment*, between Dallas, TX; Milwaukee, WI; and points in Lake and Knox Counties, IL; Rock and Waupecka Counties, WI; Lancaster County, NE; Orange County, CA; Dade County, FL; Fulton and DeKalb Counties, GA and Morris County, NJ; on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NY, NC, OH, OK, PA, SC, TN, TX, WV, and WI.

MC 121729 (Sub-4), filed November 12, 1981. Applicant: THERMO EXPRESS, INC., 17939 Lansome Road, Castro Valley, CA 94546. Representative: Gerald K. Gimmel, 4 Professional Drive, Gaithersburg, MD 20879, (301) 840-8565. Transporting *such commodities* as are dealt in by food and grocery houses, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 135598 (Sub-61), filed November 13, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 29 So. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S.

MC 148018 (Sub-8), filed November 13, 1981. Applicant: JAMES S. BATT, d.b.a BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Kevin M. Clark, 1003 No. 8th St., Suite 200, Boise, ID 83702, (208) 344-7714. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company of St. Louis, MO.

MC 153858 (Sub-2), filed November 9, 1981. Applicant: B. J.'S EXPRESS, INC., 3225 Swindell Road, Lakeland, FL 33805. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701, (305) 869-5936. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, between points in Hillsborough County, FL, on the one hand, and, on the other, points in GA, AL, LA, AR, MS, NC, SC, TX, NE, TN, KY, and OH.

MC 155258 (Sub-1), filed November 12, 1981. Applicant: ALTON DELIVERY SERVICE, INC., 100 W. 43rd St., New York, NY 10036. Representative: John D. Heffner, 1776 K St., NW., Suite 700, Washington, D.C. 20006, (202) 296-0600. Transporting *printed matter* between points in the U.S., under continuing contract(s) with Conde Nast Publications, Inc., of New York, NY.

MC 156568 (Sub-1), filed November 9, 1981. Applicant: 4-CITY TOURS, 18 Gayle St., Hampton, VA 23669. Representative: John Carlyn Christian (same address as applicant), (804) 722-4273. To operate as a *broker* at Hampton and Virginia Beach, VA, arranging the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Virginia Beach, Williamsburg, and Yorktown, VA, and points in York, James City, and Isle of Wight Counties, VA, and extending to points in the U.S. (except AK and HI).

MC 157689, filed October 16, 1981 previously noticed in **Federal Register** (republication) publication of November 10, 1981. Applicant: T & L EXPRESS, LTD., 1211 Majestic Way, Webster, NY 14580. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187, (617) 696-7610. Transporting (1) *food and related products*, (2) *pulp, paper and related products*, (3) *rubber and plastic products*, (4) *chemicals and related products*, (5) *metal products*, and (6) *clay, concrete, glass and stone products*, between points in CT, DE, IA, IL, IN, KY, MA, MD, MI, MO, NJ, NY, OH, PA, RI, VA, WI, WV, and DC.

Note.—Purpose of republication is to include commodities in (6) above.

MC 158198, filed November 13, 1981. Applicant: HUDSON FOODS, INC., P.O. Box 777, Rogers, AR 72756. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, (515) 682-8154. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Geo. A. Hormel & Co., of Austin, MN.

MC 158388 (Sub-1), filed November 12, 1981. Applicant: JARON TRUCKING, INC., 123 Christie St., Newark, NJ 07105. Representative: Eugene M. Malkin, Two World Trade Center, Suite 1832, New York, NY 10048-0640, (212) 466-0220. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with Maribel International Freight Forwarders, Inc., and G. F. International, Inc., both of Jamaica, NY, and United States Lines, Inc., of Cranford, NJ.

MC 159008 (Sub-1), filed November 13, 1981. Applicant: NORTHERN CARRIERS, INC., 3814 11th St., Rockford, IL 61110. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Carbide Saw Mill Co., of Rockford, IL, Pier One Imports Midwest, Inc., of West Chicago, IL, Milk Specialties Co., of Dundee, IL, RAY-O-VAC Corporation of Madison, WI, Alumax Extrusions, Inc., of St. Charles, IL, and Caron International, Inc., of Rochelle, IL.

MC 159068, filed November 13, 1981. Applicant: T & B TRUCKING, INC., 1236 Alexander Ave., Catonsville, MD 21228. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (303) 739-4860. Transporting *food and related products*, between Baltimore, MD, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 159228 filed November 9, 1981. Applicant: LAKE SHORE BUSES, INC., Route 1, Ashland, WI 54806. Representative: Robert E. Bassett, 1304 11th Ave. West, Ashland, WI 54806, (715) 682-2754. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Ashland, Bayfield, Iron, and Price Counties, WI, and extending to points in MN, IL, and MI.

MC 159268, filed November 13, 1981. Applicant: BUSETTE CHARTER SERVICE, INC., 70-20 Austin St., Suite 102, Forest Hills, NY 11375. Representative: Peter A. Greene, 1920 N St., NW., Suite 700, Washington, DC 20036, (202) 331-8800. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, in motor vehicles not exceeding 27 passengers (excluding the driver), between points in CT, NY, and NJ, on the one hand, and, on the other, those points in the U.S. in and east of OH, KY, TN, and AL.

MC 159269, filed November 13, 1981. Applicant: CARTWRIGHT TRANSFER & STORAGE, INC., 6 So. Main, Sand Springs, OK 74063. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848-7946. Transporting *pulp, paper and related products* between points in Creek, Oklahoma, and Tulsa Counties,

OK, on the one hand, and, on the other, points in AR, CO, KS, LA, MO, MS, NM, TN, and TX.

MC 159279, filed November 13, 1981. Applicant: JEM-REM, INCORPORATED, d.b.a. LUXURY TOURS, 1810 West Foothill Blvd., Upland, CA 91786. Representative: George Grove, Jr., 7080 Hollywood Blvd., Suite 114, Hollywood, CA 90028, (213) 466-3404. Transporting *passengers and their baggage*, in the same vehicle with passengers, (a) between points in San Bernardino County, CA, and Clark and Washoe Counties, NV, (b) between points in Los Angeles, Orange, and San Bernardino Counties, CA, and (c) between points in San Bernardino County, CA, and Coconino and Mohave Counties, AZ.

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Decided: November 25, 1981.

MC 41098 (Sub-69), filed November 16, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833-8884. Transporting *toys and games*, between points in Los Angeles and Orange Counties, CA, on the one hand, and, on the other, points in the U.S.

MC 79658 (Sub-15), filed November 16, 1981. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47703. Representative: Michael L. Harvey (same address as applicant), (812) 424-2222. Transporting (1) *medical equipment* and (2) *equipment, materials, parts and supplies* used in the repair and installation of medical equipment, between points in the U.S., under continuing contract(s) with General Electric Company, of Milwaukee, WI.

MC 99899 (Sub-8), filed November 17, 1981. Applicant: CERTIFIED FREIGHT LINES, INC., 201 W. Branch St., Arroyo Grande, CA 93420. Representative: Wyman C. Knapp, Suite 1800, 707 Wilshire Blvd., Los Angeles, CA 90017, 213-627-8471. Transporting (1) *food and related products*, between points in CA, on the one hand, and, on the other, points in OR, WA, and AZ, (2) *paper and newsprint*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in San Luis Obispo County, CA, and (3) *furniture and fixtures*, between points in Fresno County, CA, on the one hand, and, on the other points in OR and WA.

MC 107818 (Sub-110), filed November 16, 1981. Applicant: GREENSTEIN TRUCKING COMPANY, 208 NW. 12th Ave., Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353-9707. Transporting *drugs, intravenous and distilled water solutions, and hospitals supplies*, between points in Cook and Lake Counties, IL, on the one hand, and, on the other, points in GA and FL.

MC 111849 (Sub-6), filed November 16, 1981. Applicant: WILSON MOVING AND STORAGE, INC., 129 Strongs Ave., Rutland, VT. 05701. Representative: Reginald C. Wilson (same address as applicant), 802-773-6070. Transporting *printed matter and paper and plastic products*, between points in Rutland County, VT, on the one hand, and, on the other, points in ME, NH, MA, CT, RI, NY, NJ, and PA.

MC 112989 (Sub-153), filed November 13, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John T. Morgans (same address as applicant), (503) 747-1283. Transporting *lumber and wood products*, between points in CO, NM, OK, and TX, on the one hand, and, on the other, points in CO, ID, MT, NM, OK, OR, TX and WA.

MC 118838 (Sub-93), filed November 17, 1981. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *such commodities* as dealt in by a manufacturer or distrubutor of building materials, metal products, oil field supplies, and agricultural chemicals, between points in the U.S., under continuing contract(s) with Northern Pacific Lumber Co., of Portland, OR.

MC 121829 (Sub-1), filed November 18, 1981. Applicant: J. S. McCLARY d.b.a. MACK'S TRANSFER & STORAGE, 211 Ridge St., P.O. Box 897, Georgetown, SC 29440. Representative: J. S. McClary (same address as applicant), (803) 546-5377. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S.

MC 123329 (Sub-58), filed November 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, CN T2P 2P9. Representative: Roy F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452-6415. Transporting in foreign commerce only, *chemicals and related products*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in St. Clair County, MI.

MC 123329 (Sub-59), filed November 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452-6415. Transporting in foreign commerce only, *chemicals and related products*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in WA, OR, and CA.

MC 123329 (Sub-60), filed November 17, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403, (406) 452-6415. Transporting in foreign commerce only, *clay, concrete, glass or stone products*, between ports of entry on the U.S.-Canada International Boundary line on the one hand, and, on the other, points in WA, ID, MT and ND.

MC 126018 (Sub-6), filed November 13, 1981. Applicant: PREM-PAK, INC., One Exeter Rd., North Hampton, NH 03862. Representative: Frank J. Weiner, 15 Court Sq., Boston, MA 02108, 618-742-3530. Transporting *pulp, paper, and related products*, between points in MA on the one hand, and, on the other, points in NH, VT and ME.

MC 144509 (Sub-8), filed November 13, 1981. Applicant: HOLSTON MOTOR EXPRESS, INC., P.O. Box 1670, Kingsport, TN 37660. Representative: Henry E. Seaton, 929 Pennslyvania Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 347-8862. Transporting *general commodities* (except classes A and B explosives), between points in Unicoi County, TN, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack with its regular-route authority in MC-144509 (Sub 5)X.

MC 145459 (Sub-5), filed November 16, 1981. Applicant: SERVICE EQUIPMENT & TRUCKING, INC., Box 162, Mattoon, IL 61932. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544-5468. Transporting *general commodities* (except classes A and B explosives), between points in Coles County, IL, on the one hand, and, on the other, points in the U.S.

MC 146758 (Sub-22), filed November 16, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007-4589. Representative: Phillip H. Ladlie (same address as applicant), (800) 533-6038. Transporting *rug cleaning machines and chemicals* between points in Fresno County, CA, and St. Louis, MO, on the

one hand, and, on the other, points in the U.S.

MC 148119 (Sub-4), filed November 13, 1981. Applicant: T.B. & P. EXPRESS, INC., State Rt. 67 & Middletown, P.O. Box 71, Daleville, IN 47334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting (1) *general commodities* (except classes A and B explosives), under continuing contract(s) with Belden Corp., of Geneva, IL, and (2) *such commodities* as are dealt in or used by manufacturers and distributors of containers, under continuing contract(s) with Ball Corporation, of Muncie, IN, between points in the U.S.

MC 148738 (Sub-4), filed November 9, 1981. Applicant: JOE MORRIS TRUCKING, INC., River Drive & Petersburg Rd., P.O. Box 341, Jackson, MN 56143. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting (1) *machinery*, under continuing contract(s) with Renn Industries, Inc., of Ft. Benton, MT, and AG-CHEM Equipment Co., Inc., of Jackson, MN, and (2) *metal products and Mercer commodities*, under continuing contract(s) with Midway Supply Division, Bastian-Blessing Co., of Jackson, MI, and Gensco, Inc., of Uvalde, TX, between points in the U.S.

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Decided: November 25, 1981.

MC 151458, filed November 17, 1981. Applicant: TED SNOW, Route #1, Fancy Gap, VA 24038. Representative: Wayne M. Harrell, P.O. Box 1124, Mt. Airy, NC 27030, (919) 789–5018. Transporting *portable utility buildings* between points in the U.S., under continuing contract(s) with Leonard Aluminum Utility Buildings, Inc., of Mt. Airy, NC.

MC 151459, filed November 17, 1981. Applicant: WILLIARD VAUGHN, Route 1, Box 84, Fries, VA 24330. Representative: Wayne M. Harrell, P.O. Box 1124, Mt. Airy, NC 27030, (919) 789–5018. Transporting *portable utility buildings* between points in the U.S., under continuing contract(s) with Leonard Aluminum Utility Buildings, Inc., of Mt. Airy, NC.

MC 151549, filed November 17, 1981. Applicant: J. W. RAWLEY, 431 Gravely St., Mt. Airy, NC 27030. Representative: Wayne M. Harrell, P.O. Box 1124, Mt. Airy, NC 27030, (919) 789–5018. Transporting *portable utility buildings*, between points in the U.S. under continuing contract(s) with Leonard Aluminum Utility Buildings, Inc. of Mt. Airy, NC.

MC 152658 (Sub-1), filed November 17, 1981. Applicant: HUCKS PIGGYBACK SERVICE, INC., 1200 N. Tryon St., Charlotte, NC 28206. Representative: Eric Meierhoefer, 1020 Vermont Ave., N.W., Washington, D.C. 20005, (202) 347–9332. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in NC and SC.

MC 153628 (Sub-1), filed November 17, 1981. Applicant: JIM LARSEN d.b.a. WIND RIVER TRUCKING, 215 First Ave, S.W., Park City, MT 59063. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, 303–839–5856. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and west of MI, OH, KY, TN and AL.

MC 155118 (Sub-1), filed November 16, 1981. Applicant: T.D.S. TRANSPORTATION, INC., 1700 South Wolf Rd., Des Plaines, IL 60018. Representative: Julie L. Roper (same address as applicant), 312–298–8800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Wagner Spray Tech Corporation of Plymouth, MN; Tonka Toys, Mound, MN; Foley Manufacturing Co., of Minneapolis, MN; Stuart Hall Co., Inc., of Kansas City, MO; Robbins & Myers of Memphis, TN; and Regal Rugs, Inc. of North Vernon, IN.

MC 155728, filed November 13, 1981. Applicant: MANGUM OIL & GAS COMPANY, P.O. Box 430, Mangum, OK 73554. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, 405–848–7946. Transporting *petroleum and petroleum products*, between points in AR, CO, KS, MO, OK, and TX.

MC 156778, filed November 16, 1981. Applicant: 7 HILLS TRANSPORT, INC., P.O. Box 6205, Rome, GA 30161. Representative: Lyons J. Heyman, Jr., P.O. Box 6205, Rome, GA 30161, (404) 232–7777. Transporting *textile products* between points in the U.S., under continuing contract(s) with Trend Mills, Inc., of Rome, GA.

MC 157649, filed November 16, 1981. Applicant: MID COASTAL TRUCKING SERVICE, INC., 210 West 22nd St., Oak Brook, IL 60521. Representative: Abraham A. Diamond, 29 So. LaSalle St., Chicago, IL 60603, (312) 236–0548. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, and WI, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, TN, and WI.

MC 158229, filed November 17, 1981. Applicant: FREEWAY CONTRACT CARRIERS, INC., 6841 Milton Drive, Rockford, IL 61109. Representative: Robert E. Knoppe, 79 W. Monroe St., Suite 500, Chicago, IL 60603, (312) 372–5541. Transporting (1) *equipment*, (2) *metal tray trucks*, (3) trailers, (4) *gondolas*, and (5) *industrial caster*, between points in the U.S., under continuing contract(s) with Modern Suspension Systems, Inc., of Rockford, IL.

MC 158358 (Sub-2), filed November 16, 1981. Applicant: RICHARD R. KROHN, d.b.a. NORTHWEST DELIVERY SERVICE, 4060 Trenton Avenue North, Plymouth, MN 55441. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402, (612) 339–4546. Transporting *food and related products*, between Minneapolis-St. Paul, MN, on the one hand, and, on the other, points in IA, KS, MN, and MO.

MC 158668 (Sub-1), filed November 9, 1981. Applicant: HEE CHAN d.b.a. HEE CHAN TOURS, 937 Stockton St., San Francisco, CA 94108. Representative: William D. Taylor, 100 Pine St. #2550, San Francisco, CA 94111, 415–986–1414. To operate as a *broker* at San Francisco, Oakland, San Jose, French Camp, Los Angeles, Sacramento, Hayward and Freemont, CA, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, between points in Alameda, Sacramento, San Mateo, Santa Clara, San Joaquin, San Francisco and Los Angeles Counties, CA on the one hand, and, on the other, points in NV.

MC 158839 (Sub-2), filed November 16, 1981. Applicant: SHAMROCK TRUCKING, INC., 5258 Springdale Rd., Forest Park, GA 30050. Representative: Archie B. Culbreth and John P. Tucker, Jr., 2200 Century Parkway, Suite 202, Atlanta, GA 30345, (404) 321–1765. Transporting *paper and paper products and plastic and plastic products* (except in bulk), between those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 158938, filed November 13, 1981. Applicant: BOSWELL FARMS, INC., 403 South State St., Lamoni, IA 50140. Representative: James M. Hodge, 1000 United Central Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting (1) *aircraft refuelers*, between points in Jackson County, MO, on the one hand, and, on the other, points in the U.S. and (2) *building and construction materials*, between Kansas City, MO. and points in Union County, IA, and Jackson County,

MO, on the one hand, and, on the other, points in the U.S.

[FR Doc. 81-34812 Filed 12-3-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Walter R. Johnson; Revocation of Registration

On October 23, 1981, the Acting Administrator of the Drug Enforcement Administration (DEA) issued an Order to Show Cause as to why the registration of Walter R. Johnson, M.D. should not be revoked for the reason that Respondent (Dr. Johnson) was no longer authorized to prescribe, administer, dispense, or possess narcotics or other controlled substances in the state of Missouri. On November 10, 1981, the Office of the Administrative Law Judge for the Drug Enforcement Administration received that Show Cause back from Respondent, indicating on the Order to Show Cause that he (Respondent) had retired from the practice of medicine on December 31, 1975.

Pursuant to 21 CFR 1301.54 (c) and (e), the Actng Administrator has considered the entire file in this matter and hereby publishes this Final Order pursuant to 21 CFR 1316.66.

The Acting Administrator finds that on September 6, 1980, Respondent applied to the Missour Bureau of Narcotics and Dangerous Drugs for a renewal of his Missouri Controlled Substances Registration. The application indicated a change of address from 818 Olive Street, St. Louis, Missouri 63101 to P.O. Box 998, St. Louis, Missouri 63188. Pursuant to Missouri Code of State Regulations, 13 CSR 50-131.010(1)(J), the "registration of any person shall terminate if and when such person * * * changes his * * * address as shown on the certificate of registration * * *". Accordingly, the Missouri Bureau of Narcotics and Dangerous Drugs sent a letter to Respondent on May 13, 1981, advising him that upon receipt of information relative to Respondent's new address, the Bureau would make a determination if a registration could be granted or if Respondent would be provided an opportunity to appear and show cause why his application should not be denied. Respondent did not respond to the letter dated May 13, 1981 sent to him by the Missouri Bureau of Narcotics and Dangerous Drugs.

Respondent also maintained a DEA Certificate of Registration during the period of time that this application to the Missouri Bureau of Narcotics and Dangerous Drugs was being processed. In fact, Respondent reapplied for continued registration with DEA in Schedules II and III under DEA Certificate of Registration AJ3824960. This latest reapplication, dated November 17, 1980, was approved and certified on November 20, 1980. It is that Certificate of Registration that is the subject of this Final Order.

The Acting Administrator finds that Respondent is no longer authorized by the State of Missouri to prescribe, dispense, possess or otherwise handle controlled substances in Missouri. This Administration has consistently held that termination of a registrant's state authority to handle controlled substances required DEA to revoke his DEA Certificate of Registration. See *Jack A. Braley, D.O.*, Docket No. 80-14, 45 FR 74596 (1980); *James Waymon Mitchell, M.D.*, Docket No. 79-16, 44 FR 71466 (1979); *David Sachs, M.D.*, Docket No. 77-22, 42 FR 29112 (1977); *Kenneth E. Wilson, D.D.S.*, 46 FR 25018 (1981); *Henry Weitz, M.D.*, 46 FR 34858 (1981). Therefore, it is the decision of the Acting Administrator to revoke Dr. Johnson's DEA registration.

Accordingly, pursuant to the authority vested in the Attorney General by Section 824 of Title 21, United States Code, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby revokes DEA Certificate of Registration AJ3824960 issued to Walter R. Johnson, M.D., effective December 4, 1981.

Dated: November 27, 1981.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 81-34857 Filed 12-3-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-12,058]

FMC Corp., Mining Equipment Division, Fairmont, West Virginia; Negative Determination Regarding Application for Reconsideration

By an application dated October 16, 1981, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers producing underground mining equipment (portal busses, shuttle cars and mine roof bolters) at the FMC Corporation, Fairmont, West Virginia. The determination was published in the **Federal Register** on September 25, 1981 (46 FR 47327).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

One of the petitioners claims that most of the production line machinery used in making the articles produced by the petitioning workers at FMC was imported. He also claimed that FMC lost many contracts to foreign competitors because of FMC's inability to compete.

The Department's review showed that the worker petition did not meet the "contributed importantly" test of section 222 of the Trade Act of 1974. The Department's survey of the firm's customers is a primary tool for determining the contributed importantly test. The Department's survey showed that none of the firm's customers reported imports of underground mining equipment (portal busses, shuttle cars or mine roof bolters) in 1979, 1980 or in the first five months of 1981. The Department, thus, found no adverse impact by foreign competitors on FMC's sales in 1979, 1980 or 1981 but found instead a number of domestic factors heavily affecting FMC's sales.

Increased imports of machinery used in the production of the worker group's articles does not provide a basis for certification. The Act rather addresses itself to increased imports of the articles produced by the worker group.

Conclusion

After review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 12th day of November 1981.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-34-835 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 14, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 14, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 23rd day of November 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Champion Spark Plug Co. Detroit Ceramic Div. (workers).	Detroit, Mich	11/18/81	11/12/81	TA-W-13,098	Plugs—spark, automotive.
Driver-Harris (USWA)	Harrison, N.J	11/20/81	11/12/81	TA-W-13,099	Wires—alloy, precision.
Dr Scholl Shoe Factory (UFCW)	Falmouth, Ky	11/17/81	11/14/81	TA-W-13,100	Footwear—women's.
Evans-Hampden Shoe Corp. (company)	Hampden, Maine	11/19/81	11/16/81	TA-W-13,101	Footwear—men's and women's.
Peter Stamping Co. (workers)	Fayette, Ohio	11/16/81	11/10/81	TA-W-13,102	Brakes—emergency, assemble.
Roblin Steel Co. (IAMAW)	No. Tonawanda, N.J	11/19/81	11/16/81	TA-W-13,103	Bars, coils, annealing operations—steel.
U.S. Steel Corp., Fairless Works (USWA)	Fairless Hills, Pa	11/19/81	11/17/81	TA-W-13,104	Products—steel
U.S. Steel Corp., American Bridge Div. (USWA)	Ambridge, Pa	11/19/81	11/17/81	TA-W-13,105	Steel—fabricated, structural.
Warren Tool Corp., Warren Tool Div. (USWA)	Warren, Ohio	11/19/81	11/17/81	TA-W-13,106	Tools—heavy, hand
Kenco Warehouse, Inc. Workers	Warren, Mich	11/17/81	11/11/81	TA-W-13,107	Distributors—auto parts.
Lukens Steel Co. (USWA)	Coatesville, Pa	11/19/81	11/17/81	TA-W-13,108	Plated and heads.

[FR Doc. 81-34836 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-39-M

Mine Safety and Health Administration

[Docket No. M-81-208-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidated Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Mathies Mine located in Washington County, Pennsylvania. The petition is filed under section 10(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. The petitioner uses safety chains as an additional safety and precautionary measure against the failure of coupling devices or accidental uncoupling. A bar is used to remove safety chains making it unnecessary for miners to go between the ends of haulage equipment.

3. Petitioner states that these safety chains provide an additional measure of safety for the miners affected and do not interfere with the designed operation of the automatic couplers and for this reason requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before January 4, 1982. Copies of the petition are available for inspection at that address.

Dated: November 24, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-34838 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Programs

[Application No. D-2652]

Proposed Exemption for Certain Transactions Involving the C & R Electric, Inc., Employees Retirement Plan, Located in Pewaukee, Wisconsin

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1954 (the Code). The proposed exemption would retroactively exempt the purchase on August 17, 1979 by the C & R Electric, Inc. Employees Retirement Plan (the Plan) of a parcel of real property from Raymond G. Wachsmuth and his wife, Cheryl F. Wachsmuth (the Wachsmuths), disqualified persons with respect to the Plan. Because Mr. Raymond G. Wachsmuth and his wife are the sole shareholders of C & R Electric, Inc. (the Employer) and Raymond G. Wachsmuth is the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 4, 1982.

EFFECTIVE DATE: If the proposed exemption is granted, the exemption will be effective August 17, 1979.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D–2652. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Department, telephone (202) 523–8196. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by Raymond G. Wachsmuth pursuant to section 4975(c)(2) of the Code, and in accordance with procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan that had total assets of $64,044 as of January 1, 1978. The investment decisions are made by the Plan trustees (the Trustees), Raymond Wachsmuth and his wife, Cheryl J. Wachsmuth.

2. In early 1978, the Trustees determined that the purchase of a parcel of unimproved real property (the Property), consisting of approximately 112 acres, located in the town of Saxeville, Wisconsin, would be a good investment for the Plan. However, the purchase of the Property at that time would have required a withdrawal of funds from certain long-term deposit accounts which would have resulted in penalties for early withdrawal.

3. In order to provide the Plan with the benefits of the Property without the disadvantage of early withdrawal penalties, the Wachsmuths decided to purchase the Property and retain it until such time as the long-term deposit accounts of the Plan matured. On February 22, 1978, the Wachsmuths purchased from an unrelated party the Property for $70,000 ($17,000 cash and a $53,000 mortgage). The interest rate was 7½% per annum.

4. At the close of the fiscal year ending June 30, 1979, the Trustees had determined that the Plan had sufficient assets to purchase the Property. Before committing the Plan's assets to the purchase of the Property, the Trustees sought legal advice from their attorney, Daniel P. Fay. It is represented that Mr. Fay advised the Trustees that the purchase by the Plan of the Property would be in the best interests of the Plan. The Plan, acting on the advice of legal counsel, purchased the Property from the Wachsmuths on August 17, 1979 for $76,500 ($26,700 in cash and assumption of the mortgage balance of $49,800), an amount equal to the original purchase price of $70,000 plus expenses incurred with respect to the Property for the period between February 22, 1978 and August 17, 1979. No commissions were paid by the Plan for the Property.

5. Subsequent to the purchase of the Property, the Trustees changed legal counsel. Shortly thereafter, legal counsel determined that the transaction of August 17, 1979 constituted a prohibited transaction. As a result of that discovery, the Trustees voluntarily filed an exemption application on January 22, 1981, for the sale of the Property by the Wachsmuths to the Plan. On May 4, 1981, an appraisal of the value of the Property as of August, 1979 (the Appraisal) was performed by Donald R. Hoeppner, an independent appraiser. Mr. Hoeppner valued the Property in the range of $78,000–$80,000 as of August 1, 1979. The applicant represented in a letter dated September 28, 1981, that Duane Stelter of Union State Bank in Wild Rose, Wisconsin stated that interest rates for residential mortgages in August, 1979 were approximately 11 percent per annum.

6. In summary, it is represented that the sale of the Property by the Wachsmuths to the Plan met the statutory criteria for an exemption under section 4975(c)(2) of the Code because: (a) The Trustees determined that the transaction was appropriate and was in the best interests of the Plan participant and his beneficiaries; (b) the Plan was able to assume a mortgage with an interest rate of 7½% at a time when mortgage interest rates were approximately 11 percent; and (c) the purchase price paid for the Property by the Plan was not greater than the market value of the Property at the time of sale as determined by the Appraisal.

Notice to Interested Persons

Because Raymond G. Wachsmuth and his wife are the sole shareholders of the Employer and Raymond G. Wachsmuth is the only participant in the Plan, it has been determined that there is no need to distribute the notice of pendency to interested persons.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person from certain other provisions of the Code, including any prohibited transaction provisions to which the exemption does not apply; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions

prohibited under section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75–26, 1975–1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the purchase of the Property by the Plan from the Wachsmuths as described herein, provided that the purchase price paid by the Plan for the Property was not greater than the fair market value of the Property at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction that is the subject of the exemption.

Signed at Washington, D.C. this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 81-34882 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2474]

Proposed Exemption for Certain Transactions Involving Carroll Company Employees' Thrift and Retirement Trust Located in Garland, Texas

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale by the Carroll Company Employees' Thrift and Retirement Trust (the Plan) to the Carroll Company (the Employer) of a plot of land (the Property) for $36,000 in cash. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan and the Employer.

DATE: Written comments and requests for a public hearing must be received by the Department on or before February 6, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20226, Attention: Application No. D–2474. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer and the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicants.

1. The Plan is the successor plan of the Carroll Company employees' Retirement Plan (the Prior Plan). The Prior Plan was terminated and its assets transferred to the Plan effective October 1, 1976. As of March 11, 1981, the Plan covered 52 participants and is described as a tax-qualified profit-sharing thrift plan. The Plan trustees are Malcolm Carroll, the president and primary shareholder of the Employer; Thomas M. Echols, the executive vice president and minority shareholder of the Employer; and Joe Jones, an employee of the Employer.

2. The Property is described as a 200 foot by 200 foot (40,000 square feet) lot located 244.5 feet south of Kingsley Road immediately adjacent to the eastern boundary of the Employer, whose address is 2900 West Kingsley Road, Garland, Texas (a suburb located to the northeast of Dallas, Texas). The Property does not have any street frontage. Access to the Property is currently provided by a 30 foot wide easement from Kingsley Road.

3. On July 1, 1969, the trustees of the Prior Plan purchased the Property from McCasland & Co., an unrelated party, for $20,000 as a long-term investment because of anticipated appreciation in land prices in the rapidly growing Garland Area. As of April 29, 1981, the Plan's total costs incurred in acquiring and maintaining the Property were $24,532.48, which includes $20,000.00 in principal, $1,856.25 in interest, $2,604.73

in property taxes, and $71.50 in closing costs.

4. Effective September 1, 1976, the Employer leased the Property from the Plan for a sum of $160 per month on a month-to-month basis with no fixed term. The Plan trustees, after consulting with local real-estate professionals at that time, determined that this rental rate was the fair rental value of the Property. The rental rate has remained the same. Through July 31, 1981, the total amount of rent paid was $9,280. Mr. Howard W. Dunham, Jr., CRE, MAI, SREA, an independent appraiser, estimates that the fair rental value of the Property as of September 1, 1976, was $160 per month, net, assuming that the tenant paid all expenses, including taxes, and that the fair rental value increased to $300 per month as of June 1, 1981. Mr. Dunham explains that long-term rental rates in the Dallas area generally change very slowly and have remained on a plateau during the later part of the 1960's and during the decade of the '70's but that a new plateau appears to be effective so far in the decade of the '80's. On July 27, 1976, Mr. Dunham estimated the fair market value of the Property at $24,000 as of July 22, 1976. The lease agreement mentioned above contains an option allowing the Employer to purchase the Property for this amount.

5. The Internal Revenue Service determined that a prohibited transaction existed with respect to the above-mentioned lease agreement after auditing the Plan for its fiscal year ending September 30, 1976. The Employer has filed Internal Revenue Service Form 5330, Return of Initial Excise Taxes Related to Pension and Profit-Sharing Plans, for the Plan's fiscal years ending September 30, 1976, 1977, 1978, 1979, and 1980, and has paid an excise tax on the amount involved each year. The Employer has not yet received a notice of deficiency, which determines the ending date of the "correction period," during which a prohibited transaction must be corrected in order to avoid imposition of the additional 100% excise tax (see section 4975(b) and 4975(f)(6) of the Code).

6. Upon execution of the lease agreement, the Employer, at its cost, constructed a 27,000 square foot warehouse on the Property and has, since that time, used the warehouse in conjunction with its business operations located next door. The warehouse on the Property has an entryway into and shares a common wall with other warehouse space of the Employer. Counsel for the Employer believes that under Texas law the Employer is deemed to be the owner of the warehouse building. The Employer has paid all ad valorem taxes and insurance costs relating to the building while the Plan has paid only ad valorem taxes attributable to the Property. Mr. Dunham has also appraised the fair market values of the property as of both January 29, 1981 and June 1, 1981 and of the improvements on the Property as of June 1, 1981. He estimates that the fair market value of the Property was $34,000 as of January 29, 1981, and $36,000 as of June 1, 1981, and that the fair market value of the improvements alone as of June 1, 1981, was $364,000 (resulting in a combined fair market value of the Property and the improvements of $400,000 as of June 1, 1981). In his appraisal as of January 29, 1981, Mr. Dunham states his opinion that the highest and best use of the Property would be to combine it with an adjacent tract to provide additional site area, consistent with the present use of the Property. In his appraisal as of June 1, 1981, Mr. Dunham states his opinion that the highest and best use for the Property and the improvements is for a one-story warehouse and that the subject building, except for some specified functional deficiencies, is a form of this highest and best use. Mr. Dunham has also stated that he is aware of no means of considering any special value of the Property to the Employer in view of the building constructed by the Employer on the Property or the location of the Property adjacent to the Employer's other business premises.

7. The Plan trustees have determined it to be in the best interest of the Plan and the Plan participants to sell the Property to the Employer. The Employer proposes to purchase the Property from the Plan for cash in the amount of its current fair market value immediately following the date the exemption is granted by the Department, in order to correct the prohibited transaction. The applicants represent that because of the location of the Property and the existence of the lease, it is unlikely that the Plan trustees will be able to locate a third party willing to purchase the Property for the price which the Employer is willing to pay. They also point out that simply terminating the prohibited lease would leave the Plan with a piece of real property which has escalated in value but which would not produce current income. The Employer will pay all expenses relating to the proposed sale. The applicants also represent that the Employer will file Form 5330 with the Internal Revenue Service and pay any remaining excise taxes due relating to prior prohibited transactions within 60 days after the date the Department grants the exemption and that within such period any difference between the rent that has been paid to the Plan by the Employer and the actual fair rental value of the Property, plus interest, will be paid to the Plan.

8. In summary, the applicants represent that the proposed transaction meets the statutory criteria of section 408(a) of the Act because (a) it is a one time transaction for cash, (b) the amount to be paid for the Property is the fair market value as determined by an independent appraiser, (c) the Plan's liquidity will be enhanced, (d) the Employer will pay all expenses relating to the proposed sale, and (e) the Plan trustees have determined that the proposed transaction is appropriate for the Plan and in the best interests of its participants and beneficiaries.

Notice to Interested Persons

By January 4, 1982, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include all current employees of the Employer and any persons who are not employees but are receiving or entitled to receive a benefit from the Plan. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their rights to comment and/or request that a hearing be held with respect to the proposed exemption. Notice will be provided to current employees by posting at all locations where labor-management type notices are normally posted, at all worksites and by first-class, postage pre-paid mail to all others.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the

exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale by the Plan to the Employer of the Property for $36,000 in cash, provided that this amount is not less than the fair market value of the Property on the date of the sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Adminstrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34905 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-114; Exemption Application No. D-2660]

Exemption From Prohibitions for Certain Transactions Involving Employees' Profit Sharing Plan of Downey Savings & Loan Assocation Located in Costa Mesa, California

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the contribution of 16 promissory notes, secured by first deeds of trust on improved real property, to the Employees' Profit Sharing Plan of Downey Savings & Loan Association (the Plan) by Downey Savings & Loan Association (the Employer) on September 15, 1981.

EFFECTIVE DATE: This exemption is effective as of September 15, 1981, the date the contribution was made.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8671. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On September 18, 1981, notice was published in the **Federal Register** (46 FR 46441) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for a transaction described in an application filed on behalf of the Employer. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements to notify interested persons as set forth in the notice of proposed exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code,

including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the contribution on September 15, 1981, of 16 promissory notes, secured by first deeds of trust on improved real property, to the Plan by the Employer provided such contribution was valued at its fair market value.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of this exemption.

Signed at Washington, D.C., this 27th day of November, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34904 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Application N. D-2817]

Proposed Exemption for Certain Transactions Involving Flournoy Electric Co., Inc., Money Purchase Pension Plan and Trust Located in Clearwater, Fla.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restictions of the Employess Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale of a parcel of unimproved real property (the Property) from the Flournoy Electric Company, Inc. Money Purchase Pension Plan and Trust (the Plan), to Mr. Roscoe C. Wooten, Jr. (Mr. Wooten), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, Mr. Wooten, and any other persons participating the the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before January 18, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-2817. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a tollfree number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c) (1) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of Mr. Wooten pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application of file with the Department for the complete representations of the applicant.

1. The Plan is a money purchase pension plan with six participants. Contributions to the Plan have been discontinued and the Plan is being maintained as a wasting trust. The Plan received a favorable determination letter from the Internal Revenue Service on May 29, 1979 with respect to the discontinuance of the Plan. Mr. Wooten and Mr. Gregory H. Wooten are the trustees of the Plan and exercise discretion with respect to the management of the Plan. As of October 31, 1980, the Plan had net assets of approximately $257,739.

2. Mr. Wooten is the president and majority shareholder of Merit Electric Company, Inc. (Merit) which is presently the Plan sponsor. Merit is the successor in interest of the merger of Flournoy Electric Company (Flournoy) and Merit which occurred on January 1, 1981.

3. On February 17, 1972, the Plan purchased the Property from an unrelated third party for $21,287. The Property consists of approximately ½ acre of land, is presently unimproved and is legally described as Lot 26, Block B, Potterfield Minature Farms, Plat Book 23, Page 70, Pinellas County, Florida. The Property is located adjacent to the offices and supply yard of Merit. At time of purchase the Property was improved by a building which was leased to unrelated third parties. The Plan has realized approximately $28,500 in rental since time of purchase and has incurred approximately $3,200 in expenses, consisting of real estate taxes and insurance.

4. Early in 1979 the building on the Property was deemed uninhabitable and Flournoy began storing materials in the building. In mid-1981 the building was deemed to be not suitable for storage purposes and was razed. The rent paid to the Plan by Merit and Flournoy for the use of the building was identical to the rent paid previously by unrelated third parties. The applicant recognizes that this arrangement constituted a prohibited transaction under the Act and Code. Accordingly, Merit represents that it will immediately pay all excise taxes which are applicable under section 4975(a) of the Code as a result of the arrangement.

5. The applicant seeks an exemption to allow the Plan to sell the Property to

Mr. Wooten. Mr. Ross A. Alexander, an M.A.I.-S.R.P.A. appraiser located in Clearwater, Florida, determined that the Property, as of June 5, 1981, had a fair market value of $31,800. Mr. James M. Millspaugh, an M.A.I. appraiser located in Clearwater, Florida, determined that as of June 16, 1981, the Property had a fair market value of $30,000. The applicant proposes to buy the Property at the higher appraised value. Messrs. Alexander and Millspaugh both represent that the value of the Property to Mr. Wooten is not greater than its appraised market value. The sale will be for cash and no sales commission will be involved in the transaction.

6. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria of section 408(a) of the Act because (a) the sale of the Property will enable the Plan to dispose of a non-income producing asset at a gain; (b) the proposed sales price of the Property is based on the highest market value as determined by two independent appraisers; (c) the sale will be a one-time transaction for cash and the Plan will not incur any sales commissions; and (d) the trustees of the Plan represent that the proposed transaction will be in the best interests of the Plan.

Notice to Interested Persons

By December 14, 1981, notice will be provided by hand delivery or mailed to each participant in the Plan. The notice will include a copy of the **Federal Register** notice of pendency and will inform interested persons of their right to comment on and/or request a hearing with regard to the proposal.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of the Property by the Plan to Mr. Wooten for the higher of $31,800 or the fair market value of the Property as of the date of sale.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34901 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-112; Exemption Application No. D-2309]

Exemption From Prohibitions for Certain Transactions Involving Donald B. French Profit-Sharing Plan and Trust Located in Lombard, Ill.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits the leasing of an art portfolio (the Art Portfolio) by the Donald B. French Profit Sharing Plan and Trust (the Plan) to Mr. Donald B. French (Mr. French), a disqualified person with respect to the Plan. Since Mr. French is a sole properietor with no common-law employees and is, therefore the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act) pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act by reason of section 4975 of the Internal Revenue Code of 1954 (the Code).

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W. Washington, D.C. 20216. (202) 523-7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On October 20, 1981, notice was published in the **Federal Register** (46 FR 51504) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1)(A) through (E) of the Code, for a transaction described in an application filed jointly by Mr. French and the Plan trustee. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for complete statement of the facts and

representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code including any prohibited transaction provisions to which the exemption does not apply; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 4975(c)(2) of the Code and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the intire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the leasing of the Art Portfolio by the Plan to Mr. French, provided that the terms and conditions of such lease are and will remain at least as favorable to the Plan as those it could obtain from an unrelated third party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 27th day of November, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34902 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-113; Exemption Application Nos. D-2550 and D-2551]

Exemption From Prohibitions for Certain Transactions Involving Houston Solvents & Chemicals Co., Inc. Employees' Profit-Sharing Plan Located in Houston, Tex.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption will permit: (1) The proposed cash sale by the Houston Solvents & Chemicals Co., Inc. Retirement Trust (the Retirement Trust) of its 66% interest in certain real property (the property) to W. T. Straley (Straley) and J. M. Clepper (Clepper), parties in interest with respect to the Retirement Trust and (2) the proposed cash sale by the Houston Solvents & Chemicals Co., Inc. Profit Sharing Plan (the Profit Sharing Plan) of its 34% interest in the Property to Straley and Clepper, parties in interest with respect to the Profit Sharing Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216 (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 4, 1981, notice was published in the **Federal Register** (46 FR 44920) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transactions involving the Retirement Trust and the Profit Sharing Plan (collectively, the Plans). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification requirements as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the

transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale by the Retirement Trust of its 66% interest in the Property for $131,392.88 to Straley and Clepper; and (2) the cash sale by the Profit Sharing Plan of its 34% interest in the Property for $67,556.44 to Straley and Clepper provided that at the time of the sale such amounts represent at least the fair market value of each Plan's interest in the Property.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 27th day of November 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34803 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-2834]

Proposed Exemption for Certain Transactions Involving Central States, Southeast and Southwest Areas Pension Fund Located in Chicago, Ill.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of four proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemptions would exempt certain transactions relating to the independent management of the assets of the Central States, Southeast and Southwest Areas Pension Fund (the Fund), Chicago, Ill. The proposed exemptions, if granted, would affect participants and beneficiaries of the Fund, their employers, the Fund's named fiduciary and investment managers, and other persons participating in the transactions.

DATE: Written comments must be received by the Department on or before January 4, 1982.

ADDRESSES: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D–2834. The application for exemptions and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Neil M. Grossman of the Department, telephone (202) 523–6915. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemptions from the restrictions of sections 406(a) and 407(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (D) of the Code. The proposed exemptions were requested in an application filed on August 18, 1981 by the Equitable Life Assurance Society of the United States (Equitable), pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Regorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

In 1977, the Department and the Internal Revenue Service granted Prohibited Transaction Exemption 77–11 (42 FR 54041, October 4, 1977) and Prohibited Transaction Exemption 77–12 (41 FR 62219, December 9, 1977) for numerous transactions relating to the independent management of the assets of the Fund pursuant to agreements entered into that year by Equitable, Victor Palmieri and Company Incorporated (VPCO), and the trustees of the Fund. These parties now intend to make certain changes in the 1977 asset management agreements. In general, the changes would provide for the management of new real estate investments on behalf of the Fund by Equitable, the management of essentially all of the Fund's existing real estate-related assets by VPCO, joint development of overall investment policies for the Fund by Equitable and the trustees, and modifications in the termination provisions of the agreements.

Prohibited Transaction Exemption 77–11 and Prohibited Transaction Exemption 77–12 were based, in large part, on the specific tems, conditions, and requirements of the 1977 agreements. In view of the changes contemplated in the agreements, Equitable, in its application of August 18, 1981 and subsequent submissions, requested that the Department "reaffirm" the following exemptions:

(1) Part VIII of Prohibited Transaction Exemption 77–11, which permits the adjustment and/or continuation by an investment manager of any loan, lease, service agreement, or other arrangement, or the holding by the Fund of any employer security or real property;

(2) Part IX of Prohibited Transaction Exemption 77–11, which permits an investment manager to engage the Fund in new transactions with certain parties in interest and disqualified persons;

(3) Part I of Prohibited Transaction Exemption 77–12, which permits the continuance of certain ground leases between Equitable and the Fund; and

(4) Part II of Prohibited Transaction Exemption 77–12, which permits the continuance of a loan from the Fund to a partnership in which certain persons related to VPCO are limited partners.

Equitable represents that it and VPCO will continue to comply with the terms and conditions of the exemptions, as set forth in Prohibited Transaction Exemption 77–11 and Prohibited Transaction Exemption 77–12, and that "reaffirmation" of the exemptions is in the interest of and protective of the rights of participants and beneficiaries of the Fund.

Interested persons are referred to Equitable's application of August 18, 1981 and subsequent submissions on file with the Department for the complete representations of the applicant.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemptions, if granted, will not extend to transactions prohibited under sections of the Act and sections of the Code not specified in the exemptions;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemptions to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemptions. Comments received will be available for public inspection with the applications for exemptions at the address set forth above.

Proposed Exemptions

Based on the facts and representations set forth in the application, the Department is considering granting the following requested exemptions under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975):

(1) An exemption from the restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (D) of the Code, for the adjustment and/or continuation by an investment manager of any loan, lease, service agreement, or other arrangement, or the holding by the Fund of any employer security or real property. If granted, this exemption will be subject to the same terms and conditions as the exemption set forth in Part VIII of Prohibited Transaction Exemption 77–11.

(2) An exemption from the restrictions of sections 406(a) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) through (D) of the Code, for an investment manager to engage the Fund in new transactions with certain parties in interest and disqualified persons. If granted, this exemption will be subject to the same terms and conditions as the exemptions set forth in Part IX of Prohibited Transaction Exemption 77–11.

(3) An exemption from the restrictions of sections 406(a)(1)(A) and (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(A) and (D) of the Code, for the continuance of certain ground leases between Equitable and the Fund. If granted, this exemption will be subject to the same terms and conditions as the exemption set forth in Part I of Prohibited Transaction Exemption 77–12.

(4) An exemption from the restrictions of sections 406(a)(1)(B) and (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1)(B) and (D) of the Code, for the continuance of a loan from the Fund to a partnership in which certain persons related to VPCO are limited partners. If granted, this exemption will be subject to the same terms and conditions as the exemption set forth in Part II of Prohibited Transaction Exemption 77–12.

The proposed exemptions, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemptions.

Signed at Washington, D.C., this 27th day of November, 1981.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34906 Filed 12-3-81; 8:45 am]

BILLING CODE 4510-29-M

Pension and Welfare Benefit Programs

[Applications D-1937, D-2004]

Proposed Class Exemption for Transactions Involving Certain Residential Mortgage Financing Arrangements

Note.—This document originally appeared in the **Federal Register** for Thursday, December 3, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed class exemption from

certain prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed class exemption would exempt transactions related to the issuance by an employee benefit plan of a commitment to provide mortgage financing to purchasers of certain residential construction and to the provision of loans pursuant to such commitments. The proposed exemption, if granted, would affect participants and beneficiaries of employee benefit plans involved in such transactions, certain employers who contribute to such plans, and other persons engaging in the described transactions.

DATES: Written comments must be received by the Department of Labor on or before January 4, 1982.

EFFECTIVE DATE: It is proposed to make the exemption effective as of January 1, 1975.

ADDRESSES: All written comments (preferably at least three copies) should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Applications D–1937, and D–2004. The applications for exemptions and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay S. Neuman, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523–8658. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of a proposed class exemption from the restrictions of section 406(a) of ERISA and from certain taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) of the Code. Exemptive relief for transactions described herein was requested in applications filed by the National Coordinating Committee for Multiemployer Plans (NCCMP) (D–1937), and by the National Association of Home Builders (NAHB) (D–2004) (collectively referred to herein as the applicants) pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

It should be noted that the applicants have requested retroactive and prospective relief for transactions which are described below. Since it appears that transactions of the general types described are customary for the residential mortgage financing industry, the Department proposes, in accordance with the applicants' requests, that the exemption be granted retroactively as well as prospectively.

A. Summary of the Applications

The facts and representations contained in these applications are summarized below. Interested persons are referred to the applications on file with the Department for the complete representations of the applicants.

1. *Background.* Residential building projects generally proceed with two types of financing: short-term loans to the project developer to pay for the cost of construction; and long-term (mortgage) loans to the purchasers of the residential units, the proceeds of which are used as partial payment to the developer for those units. The developer pays off the construction loan with the proceeds from the sales of the units.

Before a lender will make a construction loan, it must generally be satisfied that mortgage financing for purchasers of the units will be available when the units are ready for sale. Generally, such a lender, if it does not intend to provide the mortgage financing itself, will require a commitment from another lender obligating the second lender to make such mortgage financing available. Once a satisfactory commitment has been obtained, the construction loan will be made.

Often a developer seeking a short-term construction loan will contact a company that specializes in providing or obtaining commitments for mortgage financing, such as a state or federally chartered bank or savings and loan association, an insurance company, or similar entity (financial institution).

The financial institution first typically makes a determination as to the feasibility of the proposed project. If that determination is favorable, it may agree to provide or attempt to obtain a commitment for long-term financing. It charges the developer a fee for this service, usually a percentage of the total long-term financing obtained. The financial institution usually looks to institutional investors, including employee benefit plans, for such commitments.

A commitment to provide mortgage financing may take several forms. One typical arrangement obligates the lender to make loans up to a specific aggregate amount directly to purchasers of particular new dwelling units who qualify under guidelines set forth in the commitment.

Another common arrangement obligates the lender to purchase loans up to a specific aggregate amount that are originally made by the financial institution to the purchasers of the units, provided that the mortgages meet requirements set forth in the commitment. In this case, the financial institution itself will make a mortgage financing commitment to the short-term lender, and will rely on the commitment of the lender to purchase the resulting mortgages from it.

A typical commitment might contain requirements concerning, among other things, the type and quality of the underlying real estate security, the credit worthiness of the prospective borrowers, and the terms of the individual loans.

When a commitment is issued by a lender, a loan fee is normally paid to it by the financial institution. Part of the fee may be refundable if loans are made or mortgages are tendered and purchased pursuant to the commitment. It is the Department's understanding that this type of fee is designed to cover the lender's administrative and other expenses in connection with considering and issuing the commitment, and to compensate the lender in part for its having arranged to have funds available to meet its obligations under the commitment.

2. *Request for relief.* The applicants have requested relief which would enable employee benefit plans to issue written commitments to provide mortgage financing to purchasers of certain residential construction and, after the units are completed, to honor the commitments by making mortgage loans to purchasers of the units (or by buying mortgage loans on such units which have been originated by another financial institution) under the following circumstances.

Financing would be provided only for owner-occupied, single family dwelling units. These may consist of detached houses, town houses, condominiums or units in a multi-unit subdivision restricted by recorded documents which limit the use of the property to residential purposes and provide for maintenance of common facilities (planned unit development). A developer or builder of the units might be an employer of employees who are covered by the plan making the commitment, but in such a case the commitment and financing could only be made if the developer or builder (or any affiliate thereof) does not act as a plan

fiduciary with respect to the issuance of the commitment or the provision of the financing. Similarly, the applicant have proposed that no financial institution or construction lender associated with the financial arrangement or origination of mortgages to be purchased pursuant to the exemption (or any affiliate thereof) would be a plan fiduciary with respect to the issuance of the commitment or the provision of the financing by the plan.

Commitments issued by a plan would be in writing, and the loans made by a plan would be evidenced by a written note secured by a first lien on the new dwelling unit. The terms of the commitments, and of the loans, would be at least as favorable to the plan as similar commitments and loans involving unrelated parties, and would be consistent with customary practices in the residential mortgage industry. The commitments would set forth specific requirements for the loans regarding such matters as borrower qualification, fair market value appraisals of the units to be used as collateral, loan-to-value ratios, and insurance requirements. The loans would be made through an established financial institution which would select the receipient of the loan on behalf of the plan and make the loan on terms which are consistent with customary practices in the residential mortgage industry. A person may be retained to service the loans for the plan, which would include such duties as collecting and remitting payments to the plan, assuring payment of taxes and insurance premiums, and making decisions regarding foreclosures.

The applicants propose that loans be available to persons who are parties in interest with respect to the plan under section 3(14) of ERISA, but only if they are parties in interest solely by reason of being an employee of: an employer any of whose employees are covered by the plan; a person providing services to the plan; an employee organization any of whose members are covered by the plan; or any affiliate of the above. The exemption would not be available for loans from a plan to a person who would be a disqualified person with respect to the plan under section 4975(e)(2) of the Code.[1]

Finally, applicants propose that the plan would maintain, for the duration of any loan made under the exemption, records necessary to enable interested persons to determine whether the conditions of the exemption have been met.

Applicants represent that investments of this type are expected to provide a consistent high rate of return as well as the security and stability of income which is desirable for effective plan administration. They also represent that the requested exemption would help plans to achieve a better diversification of plan investments. Additionally, applicants believe that significant protections are inherent in mortgage lending because the lender can look to the credit worthiness of each individual borrower, backed by the security of the property as collateral. In this regard, they represent, and have submitted data to substantiate, that losses on loans of the type involved in this request have historically been minimal, and suggest that loans made pursuant to the requested exemption would be at least as secure due to the requirement that these loans and commitments be made only in the circumstances described above.

3. *Prohibited Transactions.* Applicants indicate that the above described transactions might violate the prohibited transactions provisions of ERISA and the Code[2] as a result of the following relationships. The financial institution to which the plan makes a commitment in exchange for a fee, or which sells loans to a plan, or selects loan recipients or services loans on behalf of the plan, may have a pre-existing relationship with the plan so as to make it a party in interest with respect to the plan as defined in section 3(14) (A) or (B) of ERISA. A developer of a project or a builder involved in the construction of the dwelling units who employs persons covered by the plan would be a party in interest under section (3)(14)(C) and, perhaps, section 3(14)(A). A mortgage loan might be made to a person who is a party in interest under section 3(14)(H) solely by reason of being an employee of an employer, a service provider, or an employee organization that is related to the plan.

Based on the above relationships, applicants represent that the following prohibited transactions might occur.

The receipt of a fee in exchange for a loan commitment between a plan and a financial institution which, for example, already services mortgages for the plan, might violate section 406(a)(1)(A) (which prohibits the sale or exchange or leasing of property between a plan and a party in interest) or section 406(a)(1)(D) (which prohibits a transfer to, or use by or for the benefit of, a party in interest of any assets of the plan). A commitment by a plan to make loans or purchase mortgages (or the making of such loans or purchasing of such mortgages), the proceeds of which will be used to purchase units developed or built, in whole or in part, by an employer who contributes to the plan, might give rise to a violation of section 406(a)(1)(B) (which prohibits a lending of money or other extension of credit between a plan and a party in interest) or section 406(a)(1)(D). If such a contributing employer is a fiduciary with respect to the plan, applicants suggest that the mere involvement of the builder might, in itself, constitute a violation of section 406(b)(1) (which prohibits a fiduciary from dealing with the assets of the plan in his own interest or for his own account), or section 406(b)(2) (which prohibits a plan fiduciary from acting in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or its participants and beneficiaries), or section 406(b)(3) (which prohibits a plan fiduciary from receiving any consideration for his own personal account from any party dealing with the plan in connection with a transaction involving plan assets).

The purchase of a mortgage by a plan from a financial institution providing services to the plan, or a direct loan by a plan, the proceeds of which are used to purchase a dwelling unit where the purchase results in the repayment of a construction loan made by such financial institution, might give rise to a violation of section 406(a)(1) (A) and (D).

A direct or indirect (through the purchase of a mortgage) loan by a plan to a purchaser of a dwelling unit who is an employee of a contributing employer, service provider, or related union might give rise to a violation of section 406(a)(1) (B) and (D).

Applicants also express concern that the provision of additional loan administration services by a financial institution already providing services to the plan might violate section 406(a)(1)(C) (which prohibits a furnishing of goods, services or facilities between the plan and a party in interest) or 406(a)(1)(D).

B. Description of the Proposed Exemption

On the basis of the applications for class relief filed by the NAHB and the NCCMP, and in view of the individual exemption requests for similar relief

[1] Under section 3(14) of ERISA, all employees of certain parties in interest with respect to a plan (for example, contributing employers, or unions covering plan members) are themselves parties in interest with respect to the plan. Under section 4975(e)(2) of the Code, relatively few of such employees would be disqualified persons. Accordingly, the exemption would include loans to "rank and file" employees, but would not cover loans to, for example, corporate directors or union officers.

[2] References herein to sections of ERISA also include the corresponding sections of the Code.

already received and acted upon by the Department,[3] and the expectation that similar individual requests would continue to be filed, the Department has determined to propose for public comment a class exemption along the lines suggested by the applicants, as described above. However, as explained below, the class exemption proposed herein does not provide all the relief requested by the applicants, and includes a number of conditions, in addition to those suggested by the applicants, which the Department believes would be necessary in order to make the findings required by section 408(a).

1. Applicants request that the Department grant relief from the prohibitions against fiduciary self-dealing and conflict of interest contained in section 406(b) for acts in connection with the above described transactions. The applications, however, were not specific enough to afford a sufficient basis for proposing such relief. Moreover, the Department is concerned that provision of such relief would not be in the interests of plans, and their participants and beneficiaries, or protective of the rights of participants and beneficiaries, because it appears that the decision to commit a plan to making or purchasing mortgages for a given project could be subject to certain abuses of the types which section 406(b) is designed specifically to guard against. The Department is proposing to require that such commitments be made on behalf of the plan by a financial institution which is not subject to the controlling influence of certain interested persons. The Department believes that this requirement should make unnecessary the granting of relief from section 406(b) by sufficiently insulating plan fiduciaries who might have an interest in the transaction from the decision making process. In addition, this requirement will help assure that conditions suggested by the applicants (for example, that such commitments must be no less favorable to the plan than commitments involving unrelated persons) would be met. This position is consistent with the position the Department has taken on matters involving very similar transactions.[4]

2. The NAHB application requested special relief to permit a non-profit corporation, which would be established by a regional, state or local home building association affiliated with NAHB, to amalgamate small loan commitments from employee benefit plans for presentation to financial institutions. According to the NAHB, such corporation would not actually place loans or handle loan servicing, but would arrange loan commitments working through plans and financial institutions. After amalgamating small commitments from plans, the corporation would take them to a financial institution for actual placement of the loan. As in the case of loans placed directly through a financial institution, certain general criteria might be established by the non-profit organization or the plans concerning the types of loans that would be acceptable. It is anticipated that the corporation may receive a fee for its loan placement activities, which the NAHB estimated "might be approximately ⅛ of one point."

In this regard, it does not appear to the Department that the NAHB has demonstrated that the inclusion of relief of this nature in the class exemption would be necessary in order to achieve the purposes for which the exemption was requested. Addtitionally, it appears that, to the extent an exemption would be required, plans wishing to avail themselves of this type of service might be able to do so under section 408(b)(2) of ERISA and 29 CFR 2550.408b–2 which, if certain conditions are met, exempt provision of services to plans from the prohibitions of section 406(a). For this reason, the Department is also not proposing relief under the class exemption for other transactions which involve solely the provision of services to a plan.

3. In addition to the above-described conditions suggested by the applicants, the Department believes that the following safeguards would be appropriate.

Under the proposed exemption, the financial institution which approves loans on behalf of the plan must be one which commonly makes mortgage loans on similar terms and conditions from its own funds. This condition will help assure that such institution has the expertise required, for example, to make competent selections of borrowers, and that the representations (that these transactions will be consistent with customary lending practices and at least as favorable to the plan as transactions involving unrelated parties) will be met. The Department has added a condition which will help assure that, in those instances where the plan will service the loans made pursuant to the exemption, such servicing will be carried on in a commercially reasonable manner, pursuant to appropriate procedures. Finally, as discussed above, the Department has conditioned relief on the making of the commitment by an independent financial institution.

Notice to Interested Persons

Because all plan participants and beneficiaries whose plans might invest in mortgages could conceivably be considered interested persons, the Department has determined that the only practical form of notice is publication in the **Federal Register.**

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of ERISA and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of ERISA and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of ERISA which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of ERISA; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of ERISA and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible,

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[3] *See*, for example, Prohibited Transaction Exemption (PTE) 80–76, 45 FR 69065, October 17, 1980; PTE 80–37, 45 FR 41089, June 17, 1980; and PTE 79–34, 44 FR 40950, July 13, 1979.

[4] *See*, PTE 76–1, Part B, 41 FR 12740, 12742, March 26, 1976; and the matters cited in footnote 3 above.

In this regard, the Department has given serious consideration to an alternative method of providing adequate safeguards. This would involve setting forth in the exemption very detailed standards (such as a variety of percentage limitations, specific requirements as to the content of commitments, etc.) which would help to decrease the possibility that the interests and rights of plan participants and beneficiaries would suffer as a result of issuing a commitment to a party in interest. The Department has used this type of approach in the area of individual exemptions, where it is possible to tailor the conditions and scope of relief to fit a particular situation. In the context of a request for relief for a large and varied class of persons, however, such an approach would deprive parties of desirable flexibility in establishing and maintaining a program which best suits them and which could be adapted to developments in the mortgage financing industry. Accordingly, it is the Department's view that this would not be a desirable approach. However, the Department continues to be willing to explore viable alternatives to an "independent fiduciary" requirements, and specifically requests public comment on this aspect of the proposed exemption.

in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of ERISA and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of ERISA and section 4975(c)(1)(E) and (F) of the Code.

Written Comments

All interested persons are invited to submit written comments on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the applications for exemption at the address set forth above.

Proposed Exemption

On the basis of the facts and representations set forth in the applications, the Department is considering granting the following class exemption under the authority of section 408(a) of ERISA and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75–1:

I. Transactions

Effective January 1, 1975, the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (ERISA) and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (Code) by reason of section 4975(c)(1)(A) through (D) of the Code shall not apply to the following transactions if the conditions set forth in part II below are met:

A. The issuance of a commitment by an employee benefit plan to provide mortgage financing to purchasers of new single-family residential dwelling units, either by making loans directly to purchasers or by purchasing mortgages originated by a third party;

B. The receipt by the plan of a fee in exchange for issuing such commitment; and

C. The actual making or purchase of a mortgage loan by the plan pursuant to such commitment.

II. Conditions

The following conditions apply to the transactions described in part I above:

A. The commitment must be in writing and must be at least as favorable to the plan as a commitment involving unrelated parties and consistent with customary practices in the residential financing industry;

B. The commitment must set forth customary guidelines concerning the loans that will be made pursuant to the commitment, including (but not limited to) appropriate requirements concerning the income levels and credit worthiness of borrowers, fair market value appraisals of the collateral, loan to value ratios, and title, hazard and private mortgage insurance;

C. The decision to issue the commitment must be made on behalf of the plan by an established financial institution, as to which neither the plan, an employer or group of employers contributing to the plan, nor an employee organization any of whose members are covered by the plan, has the power to exercise a controlling influence over the management or policies of such established financial institution;

D. The financing must be provided through an established financial institution which selects the recipient and makes (or, on behalf of the plan, purchases) the loan based on criteria that are consistent with customary practices in the residential mortgage industry, and which commonly makes mortgage loans on similar terms and conditions from its own funds;

E. The loan must be evidenced by a written note, the terms of which are (1) at least as favorable to the plan as the terms of a loan involving unrelated parties and (2) consistent with customary practices in the residential mortgage industry; and must be secured by a duly recorded first lien on the unit;

F. No person who is a developer or a builder involved in the development or construction of the units, or a lender who is associated with the construction financing arrangement for the units, or who is the originator of a mortgage which may be purchased by the plan pursuant to the commitment (or any affiliate of such person) shall have exercised any discretionary authority or control or rendered any investment advice that would make that person a fiduciary with respect to the decision to issue a commitment, setting the terms thereof, or the decision to make (or purchase) any loan pursuant thereto;

G. No loan may be made to a disqualified person as defined in section 4975(e)(2) of the Code, and, if the loan is made to a party in interest (as defined in section 3(14) of ERISA), that person is a party in interest solely by reason of being an employee of a person described in section 3(14)(B), (C), (D), (E) or (G) of ERISA;

H. If the loans are to be serviced by the plan, the plan shall have adopted in writing reasonable procedures, consistent with customary practices in the residential mortgage industry, designed to ensure that the loans will be serviced in a diligent and systematic manner (servicing a loan includes such duties as, for example, collecting mortgage payments, assuring that taxes and insurance premiums for the units are paid, and making all decisions relating to, and handling, foreclosures); and

I. (1) The plan shall maintain for the duration of any loan made pursuant to this exemption records necessary to enable the persons described in paragraph (2) of this section to determine whether the conditions of this exemption have been met, except that (a) a prohibited transaction will not be deemed to have occurred, if, due to circumstances beyond the control of the fiduciaries of the plan, records are lost or destroyed prior to the termination of the loan and, (b) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of ERISA, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the records are not maintained or are not available for examination as required by paragraph (2) below.

(2) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of ERISA, the records referred to in paragraph (1) of this section must be unconditionally available at their customary location for examination during normal business hours by: any trustee, investment manager, participant or beneficiary of the plan, or any duly authorized employee or representative of such person or of the Department of Labor or the Internal Revenue Service.

III. Definitions

For purposes of this exemption—

A. An "affiliate" of a person means a person defined in 29 CFR § 2510.3–21(e).

B. An "established financial institution" means an investment manager described in section 3(38) of ERISA with respect to the plan, or a savings and loan association subject to regulation by the Federal Home Loan Bank Board, which, in the normal course of its business, engages in transactions

of the types described in part I of this exemption.

C. A "residential dwelling unit" or "unit" means an owner-occupied, detached house, townhouse, condominium, or unit in a multi-unit subdivision (planned unit development) restricted by recorded documents which limit the use of the property to residential purposes and provide for maintenance of common facilities.

Signed at Washington, D.C., this 2d day of December, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-34947 Filed 12-2-81; 11:40 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[81-80]

Space and Terrestrial Applications Steering Committee (STASC), Proposal Evaluation Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee.

DATE AND TIME: December 8, 9, 10 and 11, 1981, 8 a.m. to 4:30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, Room 226B, Federal Building 10B, 600 Independence Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Calabrese, Code ERL-2, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-4450).

SUPPLEMENTARY INFORMATION: The Subcommittee was established to review and evaluate both solicited and unsolicited proposals which offer to conduct new research or data use investigations in the various discipline areas of the overall Space and Terrestrial Applications Program. The Subcommittee, chaired by Mr. Floyd I. Roberson, consists of 22 members. During this meeting the advisory Subcommittee will discuss and evaluate proposals submitted to NASA in response to the Applications Notice for Remote Sensing Fundamental Research. Throughout this session, the qualifications of the proposers will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

PURPOSE OF MEETING: The Renewable Resource Panel of the STASC Proposal Evaluation Advisory Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Applications Notice for Remote Sensing Fundamental Research.

It is imperative that the meeting be conducted December 8-11, 1981. In order to assure timely project initiation, contracts must be awarded in March, 1982. To meet the government's established contractual leadtime requirements, a technical evaluation must therefore be conducted in December, 1981. December 8-11 are the only dates in December which are mutually satisfactory for all essential Subcommittee members.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

November 30, 1981.

[FR Doc. 81-34793 Filed 12-3-81; 8:45 am]

BILLING CODE 7510-01-M

[81-81]

Space and Terrestrial Applications Steering Commmittee (STASC), Proposal Evaluation Advisory Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Space and Terrestrial Applications Steering Committee, Proposal Evaluation Advisory Subcommittee.

DATE AND TIME: December 15, 1981, 8 a.m. to 4:30 p.m.

ADDRESS: National Space Techology Laboratories, National Aeronautics and Space Administration, NSTL Station, MS 39529.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Calabrese, Code ERL-2, National Aeronautics and Space Administration, Washington, D.C. 20546 (202/755-4450).

SUPPLEMENTARY INFORMATION: The Subcommittee was established to review and evaluate both solicited and unsolicited proposals which offer to conduct new research or data use investigations in the various discipline areas of the overall Space and Terrestrial Applications Program. The Subcommittee, chaired by Mr. Floyd I. Roberson, consists of 22 members. During this meeting the advisory Subcommittee will discuss and evaluate proposals submitted to NASA in response to the Announcement of Opportunity for Remote Sensing Fundamental Research. Throughout this session, the qualifications of the proposers will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b(c)9, it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

PURPOSE OF MEETING: The Renewable Resource Panel of the STASC Proposal Evaluation Advisory Subcommittee will discuss, evaluate, and categorize the proposals submitted to NASA in response to the Applications Notice for Remote Sensing Fundamental Research.

NASA will use techniques which were developed with prior year data sets to conduct "quasi-operational" testing with the Missouri Farm Association during January, 1982. Before conducting this joint test, NASA must conduct a technical peer review to assess these techniques and to determine the most effective means of conducting the joint test. December 15 is the only date in December which is mutually satisfactory for all essential Subcommittee members.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

November 30, 1981.

[FR Doc. 81-34794 Filed 12-3-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is

hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506:

Date: December 18, 1981.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in English Literature I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1982.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information on a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action.

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-9367.

Stephen McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-34858 Filed 12-3-81; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Evaluation of Agreement State Radiation Control Programs; General Statement of Policy

AGENCY: Nuclear Regulatory Commission.

ACTION: Final general statement of policy.

SUMMARY: The Nuclear Regulatory Commission is adopting as a general statement of policy the recently revised "Guidelines for NRC Review of Agreement State Radiation Control Programs." This statement of policy is being issued to inform the States and the public of the criteria and guidelines which the Commission intends to use in its periodic evaluations of Agreement State Programs.

EFFECTIVE DATE: This general statement of policy is effective on December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Donald A. Nussbaumer, Assistant Director for State Agreements Program, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-492-7767.

SUPPLEMENTARY INFORMATION: On October 3, 1980, the NRC published in the **Federal Register** as a proposed General Statement of Policy its "Guide for Evaluation of Agreement State Radiation Control Programs." (45 FR 65726-65734). Interested persons were invited to submit written comments and suggestions on the proposed policy statement during the comment period which expired on December 22, 1980 (45 FR 80937, December 8, 1980). Based on the comments received and the Commission's own evaluation, a number of changes have been made to the policy statement.

This document is organized in much the same manner as the former "Guide." It contains six major sections, each of which deals with a separate program element. These sections are: Legislation and Regulations, Organization, Management and Administration, Personnel, Licensing, and Compliance. As in the former "Guide" each program element contains "Indicators" which address specific functions within the program element. A number of recommended "Guidelines" are listed under each "Indicator." The "Guidelines" replace the former "Guides for Acceptable Practice."

The indicator "Legal Authority" has been taken out of the Organization section and combined with Regulations to form a new section, Legislation and Regulations. The underlying authority granted the radiation control program in State legislation together with implementing regulations form the foundation of any regulatory program and are essential to the effectiveness of that program. A new indicator "Status of Regulations" has replaced "Compatibility." The guidelines under the indicator "Status of Regulations" indicate that certain State regulations must be essentially identical to NRC regulations and that other regulations must have a high degree of uniformity with NRC regulations. This is basically what is meant by compatibility as it is applied to regulations.

With regard to the Organization section, the only significant change was the moving of the indicator Legal Authority, to a new section.

The section on Management and Administration has been revised in a number of areas. The guidelines under Budget have been revised to list the specific program areas we feel require budgetary support. A specific dollar range, however, has been deleted. With the growing complexity of radiation control programs, (e.g., the additional requirement on States licensing uranium mills), inflation, and other considerations, it is becoming increasingly difficult to establish specific funding levels which could be useful in comparing State programs. A number of points should be stressed: (1) There have been a number of occasions in the past where States have not met the NRC's recommended guidelines and yet the overall program has functioned satisfactorily; (2) The States utilize a variety of accounting techniques and it has been difficult to develop a guideline that would be generally applicable to all States; (3) Past experience has shown that there is not a strong correlation between budget problems and problems in other program areas. For example, in most States, salaries constitute a major part of the radiation control program budget. There have been a number of cases where a State's overall budget was within the recommended guideline but yet the salaries were too low to recruit and retain adequate staff. Conversely, States with more than adequate salaries have had an overall budget below the recommended guideline. Our conclusion is that the diversity of State programs and the variety of accounting techniques employed by the State makes the use of specific budget level guidelines of little value. Other editorial changes have been made to the Management and Administration section.

The indicator "Duties" has been changed to "Staff Supervision" which we feel more accurately expresses the subject of the guidelines. We have eliminated "salaries" as a separate indicator, and have placed it under a new indicator "Staff Continuity." Salary levels are important only from the standpoint of being able to recruit and retain staff. The indicator "Recruiting" has been eliminated. The guideline relating to job descriptions has been moved to "Qualifications." The

guideline regarding vacancy notification procedures has been eliminated since, as pointed out by one commenter, State recruitment practices vary according to State personnel office procedures. Based on our experience, there does not appear to be any reason for recommending one recruitment practice over another.

Only minor changes have been made to the Licensing section. Under "Licensing Procedures" the guideline pertaining to the preliminary review of applications within 30 days of receipt has been eliminated. The time needed to review an initial license application is a purely administrative matter. An artificial time limit serves no useful purpose. It is the quality of the licensing action that has a bearing on public health and safety. The timely review of licensee renewal applications may, however, be important. The recommended guideline pertaining to the issuance of license expiration notices to licensees 30–60 days prior to expiration has also been eliminated. License renewal is the responsibility of the licensee. The issuance of expiration notices by the State is a purely administrative matter.

No significant changes have been made to the Compliance section.

A number of changes have been made to the Categories assigned to various indicators. Category III has been eliminated. All guidelines previously included in Category III indicators were considered to be more appropriately identified as Category II. A separate Category III is no longer needed.

The "Guidelines for NRC Review of Agreement State Radiation Control Programs" will be used by the NRC staff during its onsite reviews of Agreement State programs. Such reviews are conducted at approximately 18 month intervals or less if deemed necessary. As a result of the review of a State program, the NRC determines that the Agreement State's program is either:

(1) Adequate to protect the public health and safety; or

(2) Inadequate to protect the public health and safety.

A program may be adequate to protect the public health and safety although in need of improvement in specified areas. In some cases, the NRC may be unable to make a finding at the time of the review because of unresolved items or inadequate information necessitating a follow-up review. In such cases, NRC follows up on these matters by correspondence, follow-up onsite reviews or at the time of the next regular scheduled review. No significant items will be left unresolved over a prolonged period.

A determination is also made that the program is either:

(1) Compatible with the NRC Regulatory program in areas related to the public health and safety; or

(2) Incompatible with the NRC Regulatory program; or

(3) NRC is unable to make a finding at the time of the review because of unresolved items or inadequate information.

A dispositive finding of adequacy and compatibility is made at the time the staff submits a consolidated assessment to the Commission in an annual report on all Agreement States.

In making a finding of adequacy, the NRC considers areas of the State program which are critical to its primary function, i.e., protection of the public health and safety. For example, a State that does not have qualified personnel, fails to take adequate licensing actions or has no inspection program, would not be considered to have a program adequate to protect the public health and safety. Basic radiation protection standards, such as exposure limits, also directly affect the States' ability to protect public health and safety. The NRC feels that it is important to strive for a high degree of uniformity in technical definitions and terminology, particularly as related to units of measurement and radiation dose. Maximum permissible doses and levels of radiation and concentrations of radioactivity in unrestricted areas as specified in 10 CFR Part 20 are considered to be important enough to require States to be essentially equivalent in this area in order to protect public health and safety. Certain administrative procedures, such as those involving the licensing of products containing radioactive material intended for interstate commerce, also require a high degree of uniformity. If no serious performance problems are found in an Agreement State program and if its standards and program procedures are compatible with the NRC program, a finding of adequacy and compatibility is made. In a case where a State has not formally updated radiation standards in important areas, but other areas of the program are not deficient, a State could be found to be adequate but not compatible with the NRC program. It is also possible that a State program could have up-to-date regulations, all proper procedures, and adequate staff, but still fail to perform the necessary work. In this case, a program could be found to be inadequate to protect the public health and safety, yet compatible with the Commission's program. In the worst case, a program can be found to be both inadequate and incompatible with the NRC program.

Guidelines for NRC Review of Agreement State Radiation Control Programs

1981.

Prepared by Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Introduction

Section 274 of the Atomic Energy Act was enacted by the Congress in 1959 to recognize the interests of the States in atomic energy, to clarify the respective responsibilities of State and Federal Governments, and to provide a mechanism for States to enter into formal agreements with the Atomic Energy Commission (AEC), and later the Nuclear Regulatory Commission (NRC), under which the States assume regulatory authority over byproduct, source, and small quantities of special nuclear materials, collectively referred to as agreement materials. The mechanism by which the NRC discontinues and the States assume regulatory authority over agreement materials is an agreement between the Governor of a State and the Commission. Before entering into an Agreement, the Governor is required to certify that the State has a regulatory program that is adequate to protect the public health and safety. In addition, the Commission must perform an independent evaluation and make a finding that the State's program is adequate from the health and safety standpoint and compatible with the Commission's regulator program.

Current Guidelines

In 1980, the NRC staff initiated a major revision of the guide for review of Agreement State programs (two earlier revisions reflected primarily minor and editorial changes). This was necessitated by changes in NRC licensing and compliance policy, the Uranium Mill Tailings Radiation Control Act of 1978 and inflationary impacts on budgeting. In view of increased public interest in radiation control matters and the Agreement State program, the Commission has published these Guidelines, which constitute Commission policy in the form of a document entitled "Guidelines for NRC Review of Agreement State Radiation Control Programs." This document provides guidance for evaluation of operating Agreement State programs based on 20 years of combined AEC–NRC experience in administering the Agreement State program. The

document will be used by the NRC in its continuing program of evaluating Agreement State programs.

The "Guidelines" contain six sections, each dealing with one of the essential elements of a radiation control program (RCP) which are: Legislation and Regulations, Organization, Management and Administration, Personnel, Licensing, and Compliance. Each section contains (a) a summary of the general significance of the program elements, (b) indicators which address specific functions within the program element, (c) categories which denote the relative importance of each indicator, and (d) guidelines which delineate specific objectives or operational goals.

Categories of Indicators

The indicators listed in this document cover a wide range of program functions, both technical and administrative. It should be recognized that the indicators, and the guidelines under each indicator, are not of equal importance in terms of the fundamental goal of a radiation control program, i.e. protecting the public health and safety. Therefore, the indicators are categorized in terms of their importance to the fundamental goal of protecting the public health and safety. Two categories are used.

Category I—Direct Bearing on Health and Safety. Category I Indicators are:

- Legal Authority.
- Status of Regulations.
- Quality of Emergency Planning.
- Technical Quality of Licensing Actions.
- Adequacy of Product Evaluations.
- Status of Inspection Program.
- Inspection Frequency.
- Inspectors' Performance and Capability.
- Response to Actual and Alleged Incidents.
- Enforcement Procedures.

These indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical. Legislation and regulations together form the foundation for the entire program, establishing the framework for the licensing and compliance programs. The technical review of license applications is the initial step in the regulatory process. The evaluation of applicant qualifications, facilities, equipment, and procedures by the regulatory agency is essential to assure protection of the public from radiation hazards associated with the proposed activities. Assuring that licensees fulfill the commitments made in their applications and that they observe the requirements set forth in the regulations is the objective of the compliance program. The essential elements of an adequate compliance program are (1) the conduct of onsite inspections of licensee activities, (2) the performance of these inspections by competent staff, and (3) the taking of appropriate enforcement actions. Another very important factor is the ability to plan for, respond effectively to, and investigate radiation incidents.

Category II—Essential Technical and Administrative Support. Category II Indicators are:

- Updating of Regulations.
- Location of Radiation Control Program Within State Organization.
- Internal Organization of Radiation Control Program.
- Legal Assistance.
- Technical Advisory Committees.
- Budget.
- Laboratory Support.
- Administrative Procedures.
- Management.
- Office Equipment and Support Services.
- Public Information.
- Qualifications of Technical Staff.
- Staffing Level.
- Staff-Supervision.
- Training.
- Staff Continuity.
- Licensing Procedures.
- Inspection Procedures.
- Inspection Reports.
- Independent Measurements.

These indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e. those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety. If at least one significant Category I comment is provided, the State will be notified that the program deficiency may seriously affect the State's ability to protect the public health and safety and should be addressed on a priority basis. When more than one significant Category I comment is provided, the State will be notified that the need of improvement in the particular program areas is critical. The NRC would request an immediate response, and perform a follow-up review of the program within six months. If the State program has not improved or if additional deficiencies have developed, the NRC may institute proceedings to suspend or revoke all or part of the Agreement. Category II comments would concern functions and activities which support the State program and therefore would not be critical to the State's ability to protect the public. The State will be asked to respond to these comments and the State's actions will be evaluated during the next regular program review.

It should be recognized that the categorization pertains to the significance of the overall indicator and not to each of the guidelines within that indicator. For example, "Technical Quality of Licensing Actions" is a Category I indicator. The review of license applications for the purpose of evaluating the applicant's qualifications, facilities, equipment, and procedures is essential to assuring that the public health and safety is being protected. One of the guidelines under this indicator concerns prelicensing visits. The need for such visits depends on the nature of the specific case and is a matter of judgment on the part of the licensing staff. The success of a State program in meeting the overall objective of the indicator does not depend on literal adherence to each recommended guideline.

As a matter of policy, the Commission supports the development of more specific objective measures of Agreement State regulatory performance. The difficulties of implementing this policy are also recognized (e.g., lack of adequate data, lack of cause and effect relationships between State radiation control programs and radiation exposure data, cost of collecting data). Nonetheless, the Commission believes there is potential merit in using objective rather than subjective measures where appropriate. NRC will work toward establishing more quantitative measures on a State-by-State basis to improve the quality and consistency of NRC reviews. Recognition will be given to State unique factors, the difficulty in comparing one State to another, and the availability and cost of data collection. NRC solicits State assistance and suggestions in identifying objective performance indicators.

General NRC Policy

The "Guidelines for NRC Review of Agreement State Radiation Control Programs" will be used by the NRC staff during its onsite reviews of Agreement State programs. Such reviews are conducted at approximately 18 month intervals, or less if deemed necessary. As a result of the review of a State program, the NRC determines that the Agreement State's program is either:

(1) Adequate to protect the public health and safety; or

(2) Inadequate to protect the public health and safety.

A program may be adequate to protect the public health and safety although in need of improvement in specified areas. In some case, the NRC may be unable to make a finding at the time of the review because of unresolved items or inadequate information necessitating a follow-up review. In such cases, NRC follows up on these matters by correspondence, follow-up onsite reviews or at the time of the next regularly scheduled review. No significant items will be left unresolved over a prolonged period.

A determination is also made that the program is either:

(1) Compatible with the NRC Regulatory program in areas related to the public health and safety; or

(2) Incompatible with the NRC Regulatory program; or NRC is unable to make a finding at the time of the review because of unresolved items or inadequate information. A dispositive finding is made at the time the staff submits a consolidated assessment to the Commission in an annual report on all Agreement States.

In making a finding of adequacy, the NRC considers areas of the State program which are critical to its primary function, i.e., protection of the public health and safety. For example, a State that does not have qualified personnel, fails to take licensing actions or has no inspection program, would not be considered to have a program adequate to protect the public health and safety. Basic radiation protection standards, such as exposure limits, also directly affect the States' ability to protect public health and safety. The NRC feels that it is important to strive for a high degree of uniformity in technical definitions and terminology, particularly as related to units of measurement and radiation dose. Maximum permissible doses and levels of radiation and concentrations of radioactivity in unrestricted areas as specified in 10 CFR Part 20 are considered to be important enough to require States to be essentially equivalent in this area in order to protect public health and safety. Certain administrative procedures, such as those involving the licensing of products containing radioactive material intended for interstate commerce, also require a high degree of uniformity. If no serious performance problems are found in an Agreement State program and if its standards and program procedures are compatible with the NRC program, a finding of adequacy and compatibility is made. In a case where a State has not formally updated radiation standards in important areas, but other areas of the program are not deficient, a State could be found to be adequate but not compatible with the NRC program. It is also possible that a State program could have up-to-date regulations, all proper procedures, and adequate staff, but still fail to perform the necessary work. In this case, a program could be found to be inadequate to protect the public health and safety, yet compatible with the Commission's program. In the worst case, a program can be found to be both inadequate and incompatible with the NRC program.

Guidelines—Legislation and Regulations

The effectiveness of any State radiation control program (RCP) is dependent upon the underlying authority granted the RCP in State legislation, and implemented in the State regulations. Regulations provide the foundation upon which licensing, inspection, and enforcement decisions are made. Regulations also provide the standards and rules within which the regulated must operate. Periodic revisions are necessary to reflect changing technology, improved knowledge, current recommendations by technical advisory groups, and consistency with NRC regulations. Procedures for providing input to the NRC on proposed changes to NRC regulations are necessary to assure consideration of the State's interests and requirements. The public and, in particular, affected classes of licensees should be granted the opportunity and time to comment on rule changes.

Indicators	Category	Guidelines
Legal Authority	I	Clear statutory authority should exist, designating a State radiation control agency and providing for promulgation of regulations, licensing, inspection and enforcement.
		States regulating uranium or thorium recovery and associated wastes pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) must have statutes enacted to establish clear authority for the State to carry out the requirements of UMTRCA.
		Where regulatory responsibilities are divided between State agencies, clear understandings should exist as to division of responsibilities and requirements for coordination.
Status of Regulations	I	The State must have regulations essentially identical to 10 CFR Part 19, Part 20 (radiation dose standards and effluent limits), and those required by UMTRCA, as implemented by Part 40.
		The State should adopt other regulations to maintain a high degree of uniformity with NRC regulations.
Updating of Regulations	II	The RCP has established procedures for effecting appropriate amendments to State regulations in a timely manner, normally within 3 years of adoption by NRC. For those regulations deemed a matter of compatibility by NRC, State regulations should be amended as soon as practicable but no later than 3 years.
		Opportunity should be provided for the public to comment on proposed regulation changes. (Required by UMTRCA for uranium mill regulation.)
		Pursuant to the terms of the Agreement, opportunity should be provided for the NRC to comment on draft changes in State regulations.

Organization

The effectiveness of any State RCP may be dependent upon its location within the overall State organizational structure. The RCP should be in a position to compete effectively with other health and safety programs for budget and staff. Program management must have access to individuals or groups which establish health and safety program priorities. The RCP should be organized to achieve a high degree of efficiency in supervision, work functions, and communications.

Indicators	Category	Guidelines
Location of Radiation Control Program Within State Organization.	II	The RCP should be located in a State organization parallel with comparable health and safety programs. The Program Director should have access to appropriate levels of State management.
Internal Organization of Radiation Control Program.	II	The RCP should be organized with the view toward achieving an acceptable degree of staff efficiency, place appropriate emphasis on major program functions, and provide specific lines of supervision from program management for the execution of program policy. Where regional offices are utilized, the lines of communication and administrative control between the regions and the central office (Program Director) should be clearly drawn to provide uniformity in inspection policy, procedures and supervision.
Legal Assistance	II	Legal staff should be assigned to assist the RCP or procedures should exist to obtain legal assistance expeditiously. Legal staff should be knowledgeable regarding the RCP program, statutes, and regulations.
Technical Advisory Committees.	II	Technical Committees, Federal Agencies, and other resource organizations should be used to extend staff capabilities for unique or technically complex problems. A State Medical Advisory Committee should be used to provide broad guidance on the uses of radioactive drugs in or on humans. The Committee should represent a wide spectrum of medical disciplines. The Committee should advise the RCP on policy matters and regulations related to use of radioisotopes in or on humans. Procedures should be developed to avoid conflict of interest, even though Committees are advisory. This does not mean that representatives of the regulated community should not serve on advisory committees or not be used as consultants.

Management and Administration

State RCP management must be able to meet program goals through strong, direct leadership at all levels of supervision. Administrative procedures are necessary to assure uniform and appropriate treatment of all regulated parties. Procedures for receiving information on radiological incidents, emergency response, and providing information to the public are necessary. Procedures to provide feedback to supervision on status and activities of the RCP are necessary. Adequate facilities, equipment and support services are needed for optimum utilization of personnel resources. Laboratory support services should be administered by the RCP or be readily available through established administrative procedures.

In order to meet program goals, a State RCP must have adequate budgetary support. The total RCP budget must provide adequate funds for salaries, travel costs associated with the compliance program, laboratory and survey instrumentation and other equipment, and other administrative costs. The program budget must reflect annual changes in the number and complexity of applications and licenses, and the increase in costs due to normal inflation.

Indicators	Category	Guidelines
Quality of Emergency Planning.	I	The State RCP should have a written plan for response to such incidents as spills, overexposures, transportation accidents, fire or explosion, theft, etc. The Plan should define the responsibilities and actions to be taken by State agencies. The Plan should be specific as to persons responsible for initiating response actions, conducting operations and cleanup. Emergency communication procedures should be adequately established with appropriate local, county and State agencies. Plans should be distributed to appropriate persons and agencies. NRC should be provided the opportunity to comment on the Plan while in draft form. The plan should be reviewed annually by Program staff for adequacy and to determine that content is current. Periodic drills should be performed to test the plan.

Indicators	Category	Guidelines
Budget	II	Operating funds should be sufficient to support program needs such as: staff travel necessary to the conduct of an effective compliance program, including routine inspections, followup or special inspections (including pre-licensing visits) and responses to incidents and other emergencies, instrumentation and other equipment to support the RCP, administrative costs in operating the program including rental charges, printing costs, laboratory services, computer and/or word processing support, preparation of correspondence, office equipment, hearing costs, etc. as appropriate.
		Principal operating funds should be from sources which provide continuity and reliability, i.e., general tax, license fees, etc. Supplemental funds may be obtained through contracts, cash grants, etc.
Laboratory Support	II	The RCP should have the capability in-house, or readily available through established procedures, laboratory support to conduct bioassays, analyze environmental samples, analyze samples collected by inspectors, etc. on a priority established by the RCP.
Administrative Procedures	II	The RCP should establish written internal procedures to assure that staff performs its duties as required and to provide a high degree of uniformity and continuity in regulatory practices. These procedures should address internal processing of license applications, inspection policies and procedures, decommissioning, and other functions required of the program.
Management	II	Program management should receive periodic reports from the staff on the status of regulatory actions (backlogs, problem cases, inquiries, regulation revisions).
		RCP management should periodically assess workload trends, resources and changes in legislative and regulatory responsibilities to forecast needs for increased staff, equipment, services and fundings.
		Program management should perform periodic reviews of selected license cases handled by each reviewer and document the results. Complex licenses (major manufacturers, large scope—Type A Broad, potential for significant releases to environment) should receive second party review (supervisory) committee, consultant). Supervisory review of inspections, reports and enforcement actions should also be performed.
Office Equipment and Support Services.	II	The RCP should have adequate secretarial and clerical support. Automatic typing and Automatic Data Processing and retrieval capability should be available to larger (>300–400 licenses) programs. Similar services should be available to regional offices, if utilized.
Public Information	II	Inspection and licensing files should be available to the public consistent with State administrative procedures.
		Opportunity for public hearings should be provided in accordance with UMTRCA and applicable State administrative procedure laws.

Personnel

The RCP must be staffed with a sufficient number of trained personnel. The evaluation of license applications and the conduct of inspections require staff with in-depth training and experience in radiation protection and related subjects. The staff must be adequate in number to assure licensing, inspection, and enforcement actions of appropriate quality to assure protection of the public health and safety. Periodic training of existing staff is necessary to maintain capabilities in a rapidly changing technological environment. Program management personnel must be qualified to exercise adequate supervision in all aspects of a State radiation control program.

Indicators	Category	Guide for acceptable practice
Qualifications of Technical Staff.	II	Professional staff should have bachelor's degree or equivalent training in the physical and/or life sciences. Additional training and experience in radiation protection for senior personnel should be commensurate with the type of licenses issued and inspected by the State.

Indicators	Category	Guide for acceptable practice
		Written job descriptions should be prepared so that professional qualifications needed to fill vacancies can be readily identified.
Staffing Level	II	Staffing level should be approximately 1–1.5 person-year per 100 licenses in effect. RCP must not have less than two professionals available with training and experience to operate RCP in a way which provides continuous coverage and continuity. For States regulating uranium mills and mill tailings, current indications are that 2–2.75 professional person-years' of effort, including consultants, are needed to process a new mill license (including insitu mills) or major renewal, to meet requirements of Uranium Mill Tailings Radiation Control Act of 1978. This effort must include expertise in radiological matters, hydrology, geology, and structural engineering.[1]
Staff Supervision	II	Supervisory personnel should be adequate to provide guidance and review the work of senior and junior personnel.
		Senior personnel should review applications and inspect licenses independently, monitor work of junior personnel, and participate in the establishment of policy.
		Junior personnel should be initially limited to reviewing license applications and inspecting small programs under close supervision.
Training	II	Senior personnel should have attended NRC core courses in licensing orientation, inspection procedures, medical practices and industrial radiography practices. (For mill States, mill training should also be included.) The RCP should have a program to utilize specific short courses and workshops to maintain appropriate level of staff technical competence in areas of changing technology.
Staff Continuity	II	Staff turnover should be minimized by combinations of opportunities for training, promotions, and competitive salaries. Salary levels should be adequate to recruit and retain persons of appropriate professional qualifications. Salaries should be comparable to similar employment in the geographical area. The RCP organization structure should be such that staff turnover is minimized and program continuity maintained through opportunities for promotion. Promotion opportunities should exist from junior level to senior level or supervisory positions. There also should be opportunity for periodic salary increases compatible with experience and responsibility.

[1] Additional guidance is provided in the Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.

Licensing

It is necessary in licensing by product, source, and special nuclear materials that the State regulatory agency obtain information about the proposed use of nuclear materials, facilities and equipment, training and experience of personnel, and operating procedures appropriate for determining that the applicant can operate safely and in compliance with the regulations and license conditions. An acceptable licensing program includes: preparation and use of internal licensing guides and policy memoranda to assure technical quality in the licensing program (when appropriate, such as in small programs, NRC Guides may be used); prelicensing inspection of complex facilities; and the implementation of administrative procedures to assure documentation and maintenance of adequate files and records.

Indicators	Category	Guidelines
Technical Quality of Licensing Actions.	I	The RCP should assure that essential elements of applications have been submitted to the agency, and which meet current regulatory guidance for describing the isotopes and quantities to be used, qualifications of persons who will use material, facilities and equipment, and operating and emergency procedures sufficient to establish the basis for licensing actions. Prelicensing visits should be made for complex and major licensing actions. Licenses should be clear, complete, and accurate as to isotopes, forms, quantities, authorized uses, and permissive or restrictive conditions. The RCP should have procedures for reviewing licenses prior to renewal to assure that supporting information in the file reflects the current scope of the licensed program.
Adequacy of Product Evaluations.	I	RCP evaluations of manufacturer's or distributor's data on sealed sources and devices outlined in NRC, State, or appropriate ANSI Guides, should be sufficient to assure integrity and safety for users.

Indicators	Category	Guidelines
		The RCP should review manufacturer's information in labels and brochures relating to radiation health and safety, assay, and calibration procedures for adequacy.
		Approval documents for sealed source or device designs should be clear, complete and accurate as to isotopes, forms, quantities, uses, drawing identifications, and permissive or restrictive conditions.
Licensing Procedures.	II	The RCP should have internal licensing guides, checklist, and policy memoranda consistent with current NRC practice.
		License applicants (including applicants for renewals) should be furnished copies of applicable guides and regulatory positions.
		The present compliance status of licensees should be considered in licensing actions.
		Under the NRC Exchange-of-Information program, evaluation sheets, service licenses, and licenses authorizing distribution to general licensees and persons exempt from licensing should be submitted to NRC on a timely basis.
		Standard license conditions comparable with current NRC standard license conditions should be used to expedite and provide uniformity in the licensing process.
		Files should be maintained in an orderly fashion to allow fast, accurate retrieval of information and documentation of discussions and visits.

Compliance

Periodic inspections of licensed operations are essential to assure that activities are being conducted in compliance with regulatory requirements and consistent with good safety practices. The frequency of inspections depends on the amount and the kind of material, the type of operation licensed, and the results of previous inspections. The capability of maintaining and retrieving statistical data on the status of the compliance program is necessary. The regulatory agency must have the necessary legal authority for prompt enforcement of its regulations. This may include, as appropriate, administrative remedies, orders requiring corrective action, suspension or revocation of licenses, the impounding of materials, and the imposing of civil or criminal penalties.

Indicators	Category	Guidelines
Status of inspection Program.	I	State RCP should maintain an inspection program adequate to assess licensee compliance with State regulations and license conditions.
		The RCP should maintain statistics which are adequate to permit Program Management to assess the status of the inspection program on a periodic basis. Information showing the number of inspections conducted, the number overdue, the length of time overdue and the priority categories should be readily available.
		At least semiannual inspection planning for number of inspections to be performed, assignments to senior vs. junior staff, assignments to regions, identification of special needs and periodic status reports.
Inspection Frequency.	I	The RCP should establish an inspection priority system. The specific frequency of inspections should be based upon the potential hazards of licensed operations, e.g., major processors, broad licensees, and industrial radiographers should be inspected approximately annually—smaller or less hazardous operations may be inspected less frequently. The minimum inspection frequency should be consistent with the NRC system.
Inspectors' Performance and Capability.	I	Inspectors should be competent to evaluate health and safety problems and to determine compliance with State regulations. Inspectors must demonstrate to supervision an understanding of regulations, inspection guides, and policies prior to independently conducting inspections.
		The compliance supervisor (may be RCP manager) should conduct annual field evaluations of each inspector to assess performance and assure application of appropriate and consistent policies and guides.
Response to Actual and Alleged Incidents.	I	Inquiries should be promptly made to evaluate the need for onsite investigations.
		Onsite investigations should be promptly made of incidents requiring reporting to the Agency in less than 30 days. (10 CFR 20.403 types.)
		For those incidents not requiring reporting to the Agency in less than 30 days, investigations should be made during the next scheduled inspection.

Indicators	Category	Guidelines
		Onsite investigations should be promptly made of non-reportable incidents which may be of significant public interest and concern, e.g., transportation accidents. Investigations should include indepth reviews of circumstances and should be completed on a high priority basis. When appropriate, investigations should include reenactments and time-study measurements (normally within a few days). Investigation (or inspection) results should be documented and enforcement action taken when appropriate. State licensees and the NRC should be notified of pertinent information about any incident which could be relevant to other licensed operations (e.g., equipment failure, improper operating procedures). Information on incidents involving failure of equipment should be provided to the agency responsible for evaluation of the device for an assessment of possible generic design deficiency. The RCP should have access to medical consultants when needed to diagnose or treat radiation injuries. The RCP should use other technical consultants for special problems when needed.
Enforcement Procedures.	I	Enforcement Procedures should be sufficient to provide a substantial deterrent to licensee noncompliance with regulatory requirements. Provisions for the levying of monetary penalties are recommended.
		Enforcement letters should be issued within 30 days following inspections and should employ appropriate regulatory language clearly specifying all items of noncompliance and health and safety matters identified during the inspection and referencing the appropriate regulation or license condition being violated. Enforcement letters should specify the time period for the licensee to respond indicating corrective actions and actions taken to prevent re-occurrence (normally 20–30 days). The inspector and compliance supervisor should review licensee responses. Licensee responses to enforcement letters should be promptly acknowledge as to adequacy and resolution of previously unresolved items. Written procedures should exist for handling escalated enforcement cases of varying degrees. Impounding of material should be in accordance with State administrative procedures. Opportunity for hearings should be provided to assure impartial administration of the radiation control program.
Inspection Procedures.	II	Inspection guides, consistent with current NRC guidance, should be used by inspectors to assure uniform and complete inspection practices and provide technical guidance in the inspection of licensed programs. The NRC-Agreement States Guides may be used if properly supplemented by policy memoranda, agency interpretations, etc.
		Written inspection policies should be issued to establish a policy for conducting unannounced inspections, obtaining corrective action, following up and closing out previous violations, assuring exit interviews with management, and issuing appropriate notification of violations of health and safety problems. Procedures should be established for maintaining licensees' compliance histories. Oral briefing of supervisors or the senior inspector should be performed upon return from nonroutine inspections. For States with separate licensing and inspection staffs, procedures should be established for feedback of information to license reviewers.
Inspection Reports	II	Findings of inspections should be documented in a report describing the scope of inspections, substantiating all items of noncompliance and health and safety matters, describing the scope of licensees' programs, and indicating the substance of discussions with licensee management and licensee's response. Reports should uniformly and adequately document the results of inspections and identify areas of the licensee's program which should receive special attention at the next inspection. Reports should show the status of previous noncompliance and the independent physical measurements made by the inspector.

Indicators	Category	Guidelines
Independent Measurements.	B	Independent measurements should be sufficient in number and type to ensure the licensee's control of materials and to validate the licensee's measurements. RCP instrumentation should be adequate for surveying license operations (e.g., survey meters, air samplers, lab counting equipment for smears, identification of isotopes, etc.). GM Survey Meter: 0–20 mr/hr Ion Chamber Survey Meter: several r/hr Neutron Survey Meter: Fast & Thermal Alpha Survey Meter: 0–100,000 c/m Air Samplers: Hi and Lo Volume Lab Counters: Detect 0.001 μc/wipe Velometers Smoke tubes Lapel Air samplers Instrument calibration services or facilities should be readily available and appropriate for instrumentation used. Licensee equipment and facilities should not be used unless under a service contract. Exceptions for other State Agencies, e.g., a State University, may be made. Agency instruments should be calibrated at intervals not greater than that required to licensees being inspected.

Dated at Washington, DC this 30th day of November 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-34790 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-454 and STN 50-455]

Availibility of Draft Environmental Statement for Byron Station, Units 1 and 2

Notice is hereby given that a Draft Environmental Statement (NUREG-0848) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Byron Station, Units 1 and 2, by the Commonwealth Edison Company. The site for this station is located in Rockvale Township, Ogle County, Illinois, approximately seventeen miles southwest of Rockford, Illinois.

The Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurance or their consequences. Finally, the statement presents an update discussion of a need for the facility since the construction permit application.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103. The DES is also being made available at the State Clearinghouse, Bureau of the Budget, Lincoln Tower Plaza, 524 S. Second Street, Room 315, Springfield, Illinois 62706. Request for copies of the DES (NUREG-0848) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and in the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61103.

After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by January 18, 1982.

Comments on this report from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of November 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-34868 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment, Facility Operating License No. NPF-9

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. This amendment revises the minimum reactor coolant system flow rate to permit an option for operation at a reduced flow rate (95%) in conjunction with a reduced power level (90%). The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated November 11, 1981, (2) Amendment No. 9 to Facility Operating License No. NPF-9 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of items 2 and 3 may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of November 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 81-34869 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-414]

Duke Power Co., et al.; Issuance of Amendment to Construction Permit

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Construction Permit No. CPPR-117. The amendment reflects the addition of Piedmont Municipal Power Agency as a new co-owner of the Catawba Nuclear Station, Unit 2 (the facility) along with present owners Duke Power Company and North Carolina Municipal Power Agency Number One. Duke Power Company has sole responsibility for the design and construction of the facility, which is located in York County, South Carolina.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the amendment.

Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for the amendment dated April 8, 1981, (2) Amendment No. 2 to Construction Permit No. CPPR-117, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina. In addition, a copy of the above items (2) and (3) may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland the 24th day of November 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-34870 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Provisional Operating License No. DPR-18 for the R. E. Ginna Nuclear Power Plant to Rochester Gas and Electric Corporation (the licensee). The Ginna Plant is located in Wayne County, New York. The amendment is effective as of the date of issuance and is to be implemented within 60 days of Commission approval in accordance with provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as part of the license.

The licensee's filing, as revised, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated May 4, 1981, and July 30, 1981, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 46 to License No. DPR-18, and (2) the Commission's related letter to the licensee dated November 30, 1981. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 30th day of November, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-34871 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (the licensee), which revised the license for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment modifies the license to include revisions to the previously approved Physical Security Plan for the facility.

The licensee's filing, which is being handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filing dated June 10, 1981, as revised September 22, 1981, is being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to

disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 37 to License No. DPR-54, and (2) the Commission's related letter to the licensee dated November 24, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-34872 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revises the Technical Specifications for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont. The amendment is effective as of the date of its issuance.

The amendment revises the Technical Specifications to incorporate limiting conditions for operation and surveillance requirements related to HCPI and RCIC system isolation modifications, performed as a result of NUREG-0737.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 5, 1981 as supplemented November 18, 1981, (2) Amendment No. 69 to License No. DPR-28, and (3) the Commission's letter to the licensee dated November 27, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of November 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2 Division of Licensing

[FR Doc. 81-34873 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to incorporate the limiting conditions for operation and surveillance requirements associated with Cycle 9 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendent was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 2, 1981 as supplemented October 28, and 30 and November 6, 13, 23 and 23, 1981, (2) Amendment No. 70 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of November 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactor Branch No. 2, Division of Licensing.

[FR Doc. 81-34874 Filed 12-3-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Schedule for Awarding Senior Executive Service Bonuses

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses.

DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Lucretia F. Myers, Acting Assistant Director for Personnel and EEO, Office of Personnel Management, 1900 "E" Street, NW., Washington, D.C. 20415, (202-632-5400)

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Office of Personnel Management.

Donald J. Devine,

Director.

Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the **Federal Register** for the agency's schedule for awarding Senior Executive Service Bonuses at least 14 days prior to the date on which the awards will be paid. The Office of Personnel Management intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1980, through September 30, 1981, with payouts scheduled by December 31, 1981.

[FR Doc. 81-34609 Filed 12-3-81; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Doc. No. 301-24]

Tanners' Council of America, Inc.; Initiation of Investigation

On October 9, 1981, the Chairman of the Section 301 Committee received a petition from the Tanners' Council of America, Inc. alleging that Argentina has defaulted on its 1979 Agreement with the United States to liberalize access to Argentine hides; that the failure to honor this agreement burdens and restricts U.S. commerce; and that Argentina imposes unreasonable restraints on access to raw cattle hides which impede domestic and third country sales of the U.S. leather tanning industry. The petition was filed pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*). On November 24, 1981, the United States Trade Representative decided to initiate an investigation pursuant to 19 U.S.C. 2412(a).

The text of the petition is as follows:

In the matter of Tanners' Council of America, Inc., Complainant, Complaint Pursuant to Section 301 of the Trade Act of 1974.

Complaint

Pursuant to Sections 301 of the Trade Act of 1974, 19 U.S.C. section 2411 (1981) and § 2006.0 et seq. of Title 15 of the Code of Federal Regulations, the Tanners' Council of America, Inc. charges that Argentina engages in unfair trade practices detrimental to the domestic leather tanning industry. The Tanners' Council of America is a nonprofit trade association that represents virtually the entire U.S. leather tanning industry. The council claims:

(1) Argentina defaulted on its agreement with the United States on leather and hides. This failure to honor this agreement burdens and restricts U.S. commerce.

(2) Argentina imposes unreasonable restraints on access to raw cattlehides which impedes domestic and third country sales of the U.S. leather tanning industry.

These unreasonable Argentine policies and actions are severely damaging to the U.S. leather tanning industry and have contributed to a sharp growth in U.S. imports of leather and a corresponding decline in U.S. tanning production (Exhibit 1). The Tanners' Council requests a review of the Argentine practices and urges President Reagan to take all appropriate and feasible steps to obtain relief from these unfair trade practices.

Because of the serious nature of the Argentine action—defaulting on an international agreement—the Council urges retaliation under section 301(b), and requests that the President impose restrictions on Argentine leather imports into the U.S.

The Tanners' Council has not filed for other forms of relief available under the Trade Act of 1974 or any other provisions of law. However, since Argentina maintains subsidies on exports of leather, the Council is considering filing countervailing duty action on these practices. The government of Argentina provides two forms of subsidy: A reembolso or direct export payment to exporters of leather, and a system of preferential financing to Argentine exporters of leather.

(1) Argentine Default

In 1979 the U.S. government negotiated an agreement with the government of Argentina to liberalize access to Argentine hides. The United States agreed to grant concessions on imports of Argentine corned beef and cheese and to reduce U.S. tariffs on cattlehide leather. Argentina agreed to remove its ban on cattlehide exports, and to replace it with an export tax which would be reduced to zero in three years. The reductions specified in the agreement are as follows:

	Argentine export tax on hides (percent)	U.S. tariff on cattlehide leather (percent)
Prior to agreement	total ban	6
October 1979	20	2
April 1980	15	
October 1980	10	1
April 1981	5	
October 1981	0	0

The U.S. government has honored its commitments under the agreement. However, the government of Argentina has failed to meet its scheduled commitment for April 1981, and is in default.

Argentina's export tax on cattlehides reduces the price of Argentine hides relative to world hide prices. This reduction acts as a subsidy for Argentine exports of cattlehide leather by artificially depressing the price of Argentine raw material.

During the period of time that Argentina was nominally in compliance with the agreement, the Argentine government took another measure which effectively negated part of the concession to which Argentina had agreed. Argentina imposed a minimum export price on cattlehides. This minimum export price was used instead of the transaction price in determining the amount of tax to be charged on export shipments of hides. Since the minimum export price was higher than the transaction price, the effective tax was higher than that which had been agreed.

The Argentine default has had several detrimental effects on the welfare of the U.S. tanning industry. The failure to comply:

(a) Harms the U.S. industry directly by giving the Argentine leather industry an unfair competitive edge in U.S. and third country markets.

(b) Undermines efforts to liberalize international trade in hides and leather through agreements with other countries.

(c) Signals to the rest of the world that Argentina can default on an agreement in this sector without eliciting effective U.S. response.

(d) Marks a return to protectionist tendencies in the leather and hide sector. Significant achievements of the agreement were a reversal of these trends and the encouragement of the hope that free markets would once again prevail for these products.

(2) Argentina Imposes Unreasonable Restrictions on Access to Raw Cattlehides

In 1972, in an effort to promote the development of its leather and leather products industries, Argentina banned the export of green salted cattlehides. This ban created a great distortion in the international marketplace. Prices of U.S. cattlehides tripled in the twelve-month period October 1971 to October 1972 (see attached chart Exhibit II). The distortions caused by the Argentine restrictions were never completely corrected but exist to this day.

Furthermore, other developing countries followed the Argentine example and restricted access to their

hides and skins. This follow-the-leader action increased the burden on U.S. cattlehide supplies. As a result it was estimated that in 1978, out of a world cattle slaughter approaching 300 million head the United States, although slaughtering but 15% of this total, contributed between 70% and 75% of total international trade in cattlehides.

From the U.S. side, the U.S./Argentine agreement had three objectives:

(a) To add Argentine hides to the international pool of raw material supply. This addition would spread the burden of adjustments to changing supply and demand conditions from total dependence on the U.S. and would minimize hide price fluctuations.

(b) To cause Argentine hides to be more price-responsive to international market conditions. This equalization of raw material prices would reduce the Argentines' competitive advantage in international leather trade.

(c) To set an example for other developing countries to remove restrictions on access to their hides and skins.

Because Argentina has failed to live up to its agreement to remove its restrictions on access to cattlehides, the burden on the U.S. tanning industry continues.

Argentina's restrictions are unreasonable. The Argentine tanning industry is among the most modern in the world. With its plentiful supply of raw material it has no reason to restrict access to it.

Burdens on the U.S. Industry

Argentina's unreasonable restrictions on cattlehide exports severely damage the U.S. tanning industry in three ways:

(a) The restrictions that Argentina has placed on its exports of cattlehides have artifically depressed prices on its raw material. Since raw material is the largest component of leather prices, the unreasonable restrictions have given Argentina a price advantage in exporting leather to the U.S.

Attached tables (Exhibit III), show that prior to its ban on the exports of cattlehides, Argentina's hides sold at or above U.S. prices. Subsequent to the ban prices of Argentine hides are a fraction of U.S. prices.

(b) Argentina's unreasonable restrictions on the exports of cattlehides damage the U.S. industry by giving an unfair advantage to Argentina in third country markets for leather.

The attached excerpt from "Historical Review and Analysis of the Development of the Leather Industry in the Argentine Republic" published in 1978 by the Argentine Tanner's Association (Exhibit IV), shows the growth of Argentine Leather exports to all foreign markets.

(c) Argentina's unreasonable action in restricting exports of cattlehides has placed an unfair burden on cattlehide markets in the U.S.

The accompanying chart (Exhibit II) of U.S. cattlehide prices shows the volatility caused partially by the decreased pool of available cattlehides on world markets. The chart shows two extreme peaks. The first, in 1972–73, illustrates the effect of the initiation of the Argentine ban on the U.S. market. The second, in 1979, was the result of the inability of countries seeking cattlehides to purchase them in countries other than the United States during a period when U.S. supplies were low due to the normal actions of the cattle cycle.

The damages inflicted by Argentina's unreasonable restrictions on exports of cattlehides are quantifiable for the first two types. In the period from 1972 to date, these damages are in the hundreds of millions of dollars in terms of lost trade to U.S. tanning companies.

The third type of damage, while not quantifiable, is possibly more important than the other two. It has created extraordinary capital demands on the U.S. industry and has added to inflationary pressures on leather and leather products in the United States.

The attached tables detailing current U.S. foreign trade (Exhibit V), illustrate that the Argentine leather tanning industry is exploiting its default of the agreement and the reduced U.S. duties on leather to increase sharply shipments of leather to the U.S. For the month of July 1981, leather imports from all countries set a new record of $32 million. Of this amount, U.S. leather imports from Argentina were $13.7 million, or 43% of the July total.

In the first seven months of 1981 cattlehide leather imports from Argentina were 83.4% higher than the first seven months of 1980. Leather imports from all sources in the same period were up 49%. These figures show the severe impact of the reductions in duties on the U.S. tanning industry. They further dramatize the extraordinary advantage that Argentina has because of its unfair trade practices.

Conclusion

For these reasons, the Tanners' Council seeks to restrict Argentine access to U.S. leather markets as remedial action under the provisions of section 301 of the Trade Act.

Dated: October 9, 1981.

Respectfully submitted,

Eugene L. Kilik,

President.

EXHIBIT I.—TOTAL TANNING INDUSTRY DATA
(1,000 EQUIVALENT HIDES)

[Includes cattle, calf, kip, goat, sheep, lamb, cabrettas, horse and kangaroo leathers converted to hide basis. Raw stocks include stocks on hand and in transit within the United States and raw stocks on order where available]

	Wettings	Production	Deliveries	Stocks as of Dec. 1	
				Raw	Total process and finished
1965	32,364	32,697	33,107	6,253	7,565
1966	31,749	32,252	32,158	5,706	7,206
1967	30,771	30,861	30,956	6,066	7,007
1968	31,740	31,884	31,817	5,484	7,141
1969	27,633	28,388	28,618	4,890	6,374
1970	25,520	25,941	26,244	4,364	5,882
1971	24,993	25,267	25,746	3,876	5,328
1972	23,965	24,661	25,120	2,680	4,403
1973	20,928	21,062	21,031	2,433	3,963
1974	20,270	19,998	19,935	2,407	4,039
1975	21,997	21,894	22,320	2,426	3,372
1976	23,696	23,526	23,332	2,259	3,668
1977	21,648	21,528	21,669	1,965	3,564
1978	20,150	20,199	20,069	1,065	3,380
1979	18,123	18,170	18,051	910	2,986
1980	17,758	17,600	17,636	970	3,040

Source: Tanner' Council of America.

BILLING CODE 3190-01-M

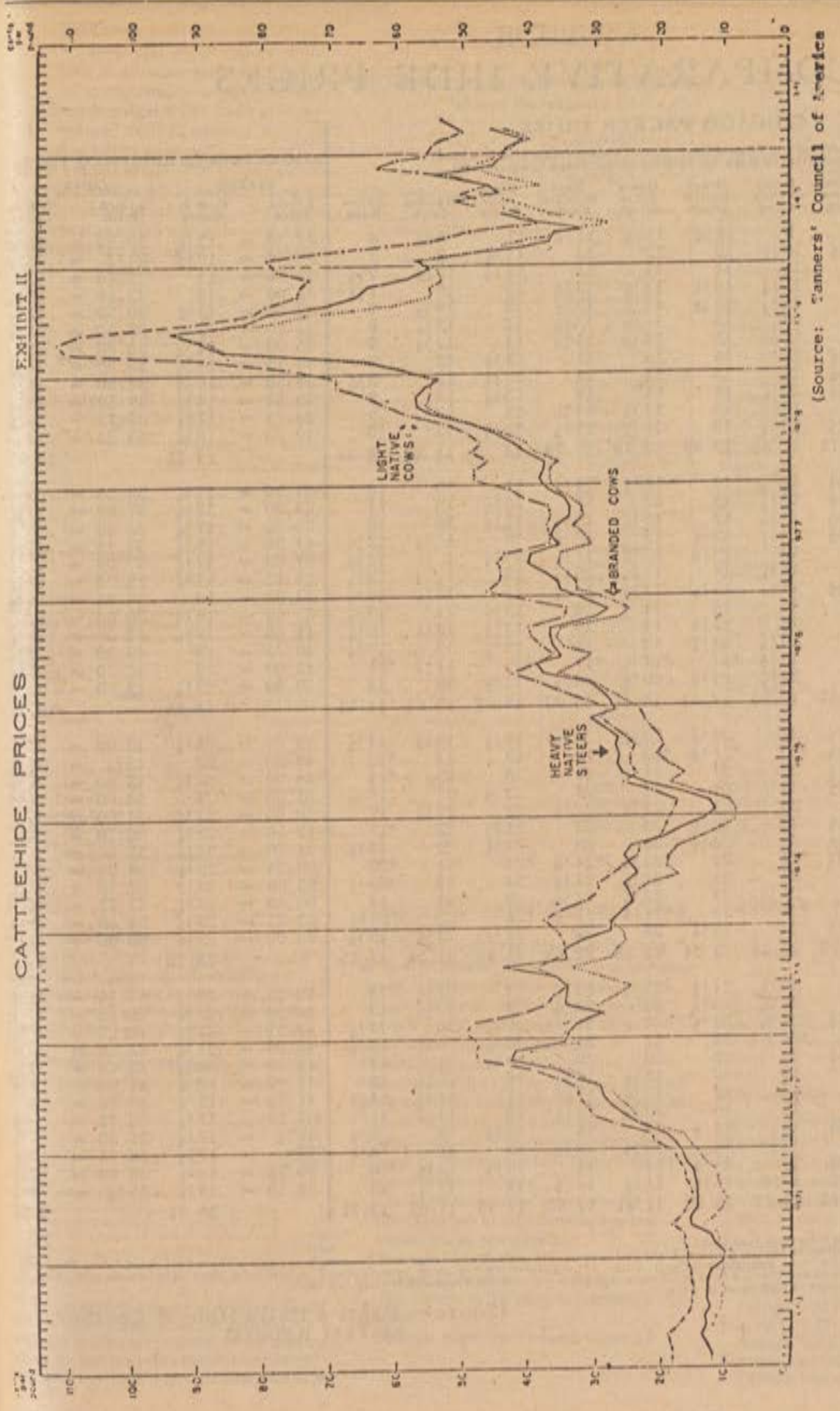

EXHIBIT II
CATTLEHIDE PRICES
LIGHT NATIVE COWS
BRANDED COWS
HEAVY NATIVE STEERS
(Source: Tanners' Council of America

EXHIBIT III

COMPARATIVE HIDE PRICES

CHICAGO PACKER HIDES

(Selling Rates of the First of Each Month Unless Otherwise Specified)
(*Prices Marked With An Asterisk in All Years Are Nominal)

		Light Native Cows	Heavy Native Cows	Heavy Native Steers	Heavy Texas Steers	Butt Branded Steers	Colorado Steers	Branded Cows	Native Bulls
1930	Dec.	9	9	11½	11½	11½	11	8½	6
	Nov.	*9½	10½	12	12	12	11½	9	7
	Oct.	11	12	14	14	14	13½	10½	7½
	Sept.	11	11½	13½	13½	13½	13	10	7½
	Aug.	11	11½	13½	13½	13½	13	10½	7
	July	13	13	15	14½	14½	14	12½	9
	June†	13	12½	15	14½	14½	14	12½	9
	May	12½	12	14	14	14	13½	12	9
	Apr.	12½	12	14	14	14	13½	12	9½
	Mar.	12½	12¼	14	14	14	13½	12	9
	Feb.	13	12½	15	14½	14½	14	12½	9
	Jan.	13½	13½	16	15½	15½	14½	13	10
	Year Avg.	11.79	11 85	13 96	13.79	13.79	13.25	11.25	8.27
1929	Dec.	13½	14	16	14½	14½	14	13	10
	Nov.	15½	16½	18	17	17	16½	15	11
	Oct.	16½	17½	19	18½	18½	17½	16	12
	Sept.	17½	18½	19½	19	18½	18	17½	12½
	Aug.	17	18	18½	17½	17½	16½	1	12½
	July	17	17½	18	16½	16½	16	1	12½
	June	15½	14½	15½	14½	14½	14	14½	10½
	May	15	14	15	14	14	13½	14	10½
	Apr.	15	14	14½	14	14	13½	13½	10½
	Mar.	14	13½	14½	14	14	13½	13	10½
	Feb.	15	15½	*17	*17	*17	*16	14½	*11
	Jan.	*19	20½	22½	20½	20½	19½	18	15
	Year Avg.	15 37	16.15	17 33	16.41	16.37	15.71	15.04	11.54
1928	Dec.	19½	21	22½	20½	20½	19½	18½	14½
	Nov.	18½	*20	*21½	*19	*19	18	17	*12
	Oct.	19½	22	23	21	21	20	19	*14
	Sept.	22½	24	24	23	23	22½	22	16½
	Aug.	23	23	23	22½	22½	22	22½	17
	July	22½	22	22½	22	22	21½	22	*17
	June	22½	22	22½	22	22	21½	22	17½
	May	24½	*24	25	*24½	*24½	*24	*24	*20
	Apr.‡	25	24	25	24½	24½	24	24	*20½
	Mar.	22	21½	23	22½	22½	22	21	18
	Feb.	*24	*24	*25	*24½	*24½	*24	*23	*20½
	Jan.‡	23½	24	25½	25	25	24½	23½	19½
	Year Avg.	22 25	22.63	23 54	22 58	22.58	21.96	21.54	17.25
1927	Dec.	22	22½	24½	23½	23½	23	21½	18
	Nov.	21	21½	23½	22	22½	22	20½	17
	Oct.	21½	21½	22½	21	21	20½	20	16½
	Sept.	22	*22	22	21	21	20½	20½	16½
	Aug.	22½	22	23	20	20	19½	21	17
	July	¶21	19	20	18½	18½	18	18½	16
	June	20	18	19	17½	17½	17	17½	14½
	May	16	15	16	15½	15½	15	14½	11
	Apr.	14½	13	14½	14	14	13½	13	*9½
	Mar.	13	12½	14	13½	13½	13	12	*9½
	Feb.	13½	13	14½	14	14	13½	12½	*10
	Jan.	13¾	13¼	15½	14½	14½	14	12¾	10
	Year Avg.	18.40	17.77	19.08	17.91	17.96	17.46	17.02	13.77

ARGENTINE FRIGORIFICO HIDES

	STEERS		COWS	
	$ Gold Price	C. & F. Cents	$ Gold Price	C. & F. Cents
	32 50 =	.12½	30.50 =	.11¾
	32.75 =	.12⅝	31⅝ =	.12⅜
	32.75 =	.13	32.75 =	.13
	33.00 =	.13	33.50 =	.13⅜
	32.50 =	.13¼	30.50 =	.12⅜
	33 50 =	.13⅜	33.00 =	.13⅜
	35 00 =	.14⅜	35.50 =	.15
	33.75 =	.14⅜	33.50 =	.14⅜
	38 50 =	.16⅜	36.50 =	.15⅜
	39.50 =	.16⅜	39 50 =	.16⅜
	38.75 =	.17⅛	37.75 =	.15⅜
	10.25 =	.18¼	39.25 =	.18
		14 61		14.38
	37 50 =	.17¼	39 25 =	.18
	39.00 =	.18⅜	37.00 =	.17¼
	38.00 =	.17¾	36.50 =	.16⅞
	41.25 =	.19¼	37.75 =	.17⅝
	37.00 =	.17¼	37.00 =	.17¼
	*38.12 =	.17¾	38.00 =	.17⅝
	34.00 =	.16	35 25 =	.16⅜
	35.00 =	.16⅛	36.00 =	.17
	41.50 =	.19⅜	42.50 =	.19¾
	40.75 =	.19	40.50 =	.18⅞
	43.00 =	.20	42.00 =	.19⅝
	50.00 =	.23⅜	49.00 =	.22⅝
		18.45		16.38
	52.00 =	.24⅛	49.00 =	.22⅝
	47.50 =	.22	45⅜ =	.21⅜
	48.00 =	.22¼	45 50 =	.21¼
	51.00 =	.24	53.00 =	.24⅝
	50 00 =	.23¼	54.00 =	.25
	49.50 =	.23¼	52.50 =	.24⅜
	51.50 =	.24⅛	52 00 =	.24⅛
	60.25 =	.28¼	58.25 =	.27¼
	65 00 =	.30¼	62.50 =	.29¼
	60.50 =	.28¼	57.75 =	.27
	63.25 =	.29⅝	61.00 =	.28⅜
	63.00 =	.29¾	62.00 =	.29
		25.75		25.38
	57.25 =	.26¾	55.50 =	.25⅞
	52.50 =	.24⅛	52.50 =	.24⅜
	46.25 =	.21¾	46.00 =	.21⅜
	45.00 =	.21¼	45.50 =	.21⅜
	44.00 =	.20⅝	43 00 =	.20¼
	41 00 =	.19¼	41.50 =	.19⅜
	41.00 =	.19¼	40 50 =	.19
	37.50 =	.17⅝	38.75 =	.18⅜
	37⅛ =	.17⅜	37.00 =	.17¼
	38⅛ =	.17⅞	36.75 =	.17⅛
	39 75 =	.18¼	38 00 =	.17⅝
	39.50 =	.18⅛	35⅞ =	.16⅝
		20.24		19.90

*10% ad valorem tariff on cattle hides from June 13th.
†During Jan. 1928 hides sold up to the following prices: Light native cows 25½ cents, heavy native cows 25 cents, heavy native steers 26½ cents, heavy Texas and butt brands 26 cents, Colorados 25½ cents, and native bulls 21 cents. During April new top prices were registered on cow hides when light natives sold up to 26 cents, heavy native cows to 25⅝ cents and branded cows to 25 cents, but other varieties did not exceed January top limits.
¶During July, 1927, light native cows sold up to 24 cents.

(Source: Pratt's Daily Hide & Leather Market Report)

EXHIBIT III.—PRICE COMPARISON, ARGENTINE AND UNITED STATES HIDES, 1981

[2.2 lbs = 1 kilo. Pesos = $1.]

Prices at month ending	Pesos per kilo Argentina frigorifico steers and cows	equals	U.S. cents per lb	Cents per pound		Exchange rate
				U.S. butt-branded steers	U.S. branded cows	
January 13	1.100-1.250		26.09-29.65	44.07	46.02	1916.50
February 10	1.000-1.100		19.76-21.74	38.00	39.00	2300.0
March 10	1.050-1.100		20.75-21.74	46.00	44.50	2300.0
April 14	1.400.1.500		20.69-22.17	47.00	47.00	3075.0
May 12	1.500-1.600		21.75-23.20	44.00	46.50	3135.0
June 9	1.750-1.800		18.68-19.21	42.51	42.50	4259.0
July 14	2.300-2.400		20.91-21.82	44.62	45.25	5000.0
August 11	2.900-3.000		27.90-28.86	41.00	41.00	4725.0
September 15	3.400-3.500		30.79-31.69	40.00	40.00	5020.0
January 8	1.150-1.200		32.53-33.94	58.00	63.00	1607.00
February 12	1.100-1.170		30.78-32.74	46.50	51.00	1624.50
March 11	.970-1.00		26.14-26.95	35.00	39.00	1686.50
April 8	.970-1.00		25.41-26.19	33.00	35.00	1735.50
May 13	.900-.950		22.98-24.26	27.00	26.00	1780.00
June 10	.650-.950		21.71-24.26	33.75	31.00	1780.00
July 8	1.100-1.200		27.43-29.92	38.00	37.00	1823.00
August 12	1.00-1.050		24.27-25.48	48.00	52.00	1873.00
September 9	1.00-1.050		24.27-25.48	40.00	37.00	1873.00
October 14	.950-1.100		22.53-26.09	43.00	45.00	1916.50
November 11	1.00-1.100		23.72-26.09	49.00	49.00	1916.50
December 9	1.250-1.350		29.65-32.02	48.00	50.00	1916.50
January 9	900-930		41.14-42.51	58.00	60.00	994.50
February 13	1.450		62.15	58.50	65.00	1060.50
March 13	1.600-1.900		65.61-77.91	77.00	90.00	1108.50
April 10	1.700-1.750		66.82-68.78	77.00	85.00	1156.50
May 15	1.550-1.600		58.49-60.38	87.50	90.50	1204.50
June 12	1.475-1.550		53.57-56.30	82.00	83.50	1251.50
July 10	1.300-1.400		45.75-49.27	75.00	74.00	1291.50
August 14	1.450-1.550		48.77-52.13	67.00	60.00	1351.50
September 11	1.600-1.650		50.61-52.19	52.00	52.00	1437.00
October 9	1.500-1.550		46.68-48.24	59.00	58.00	1460.50
November 13	1.000-1.150		29.88-34.36	50.00	49.00	1521.38
December 11	1.100-1.250		33.08-37.59	53.50	55.50	1511.50
January 10	250-260		18.63-19.37	37.00	38.00	610
February 14	240-280		16.70-19.49	37.50	37.00	653
March 14	(1)			35.00	34.50	
April 11	270-290		16.93-18.16	39.50	40.00	725
May 9	300		17.69	39.00	39.00	771
June 20	370		21.42	44.75	46.50	785
July 11	360-420		21.81-24.10	45.50	46.50	792
August 8	400-420		22.45-23.57	50.00	51.00	810
September 12	620.630		33.55-34.09	56.00	56.00	840
October 17	680-700		34.89-35.91	56.50	55.00	886
November 14	860-870		43.39-43.89	52.50	54.50	901
December 12	850-860		41.26-42.71	51.00	53.00	936.50

Source: Tanners' Council of America.
[1] No report.

Exhibit IV

B. External Marketing

The Argentine industry exports over 200 million dollars annually which represent about 4 per cent of the total currency income. This gives an idea of the importance of the tanning industry as a producer of currency income.

The exports have remarkably increased in the last years as shown in the following chart:

	U.S. dollars (millions)
Value of leathers exported in:	
1965	3.2
1968	17.2
1971	40.0
1974	110.0
1977	190.0

These achievements are of greater value if we take into consideration the political, economic and social situation of our country during the last ten years that evidenced an instability and even a total incoherence in the managing of the national government during some periods.

As from March 1976, the possibility of a definite economic policy is foreseen and even though it suffers an inherited economic disorder, it is strongly leading the country towards a total development. In such unfavourable conditions for the manufacturing and export activities, our industry as well as other industries required great flexibility and agility to overcome these difficulties and to take advantage of the international situation that was prepared to change its classical rawhide imports for half-finished leather imports.

The Argentine leather is exported in similar volumes to the following 3 areas:

United States of America.

Western Europe.

Eastern Countries.

The exports to the other countries are smaller.

(Source: Argentine Tanners' Council.)

EXHIBIT V.—U.S. TRADE IN ALL LEATHERS

[$1,000]

	Imports	Exports
July 1981	32,070	19,317
July 1980	19,403	21,674
7 months, 1981	185,822	161,863
7 months, 1980	125,072	157,176

U.S. Cattlehide leather Imports.—($1,000)

Including 121. 6105, 6110, 6112, 6120, 6125, 6130, 6133, 6136, 6137, and 6138

Six months, 1981, 68,813.0; six months, 1980, 46,563.2; percent change +47.8

Seven months, 1981, 83,914.5; seven months, 1980, 54,085.8; percent change, +55.2

Cattlehide Leather Imports From Argentina.—($1,000)

June 1981, 8,788.3; June 1980, 5,403.8; percent change, +62.6

July 1981, 10,421.3; July 1980, 4,366.7; percent change, +138.7

Six months, 1981, 45,826.8; six months, 1980, 26,309.3; percent change, +74.2

Seven months, 1981, 56,248.1; seven months, 1980, 30,676.0; percent change, +83.4

Source: United States Department of Commerce.

Interested parties are invited to submit their views concerning the allegations in the petition. Submissions should be filed in accordance with the procedures set forth in 15 CFR 2006.8 on or before December 28, 1981. In order to assure parties the opportunity to contest information provided by other interested parties, a rebuttal brief may be filed in accordance with the requirements of 15 CFR 2006.8 on or before January 11, 1982. For further information, contact Jane Bradley, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington D.C. 20506, (202) 395–3432.

Jeanne S. Archibald,

Chairman, 301 Committee.

November 24, 1981.

[FR Doc. 81-34462 Filed 12-3-81; 8:45 am]

BILLING CODE 3190-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Public Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committees Act, that the fifteenth meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held in the Auditorium of the Medical Society of the District of Columbia, 2007 I Street NW., Washington, D.C., from 9:00 a.m. to 5:30 p.m. on Friday, December 11, 1981 and from 9:00 a.m. to 4:00 p.m. on Saturday, December 12, 1981.

The meeting will be open to the public, subject to limitations of available space. The agenda for Friday, December 11 will include, among other things, testimony and Commission discussion on patient participation in health care decisions, and Commission decision regarding its First Biennial Report on the Protection of Human Subjects. The agenda for Saturday, December 12 will include, among other things, discussion of papers on resuscitation and the decision not to resuscitate, and on the care of patients who have permanently lost consciousness.

During Friday afternoon (at approximately 3:15 p.m.) and Saturday morning (at approximately 11:45 a.m.) fifteen minutes will be devoted to comments from the floor on the subject of any of the agenda items, limited to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street NW., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653–8051.

Alexander M. Capron,

Executive Director.

[FR Doc. 81-34804 Filed 12-3-81; 8:45 am]

BILLING CODE 6820-AV-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18294; (SR-Amex-81-21)]

American Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

November 30, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), notice is hereby given that on November 20, 1981, the American Stock Exchange, Inc. ("Amex") 86 Trinity Place, New York, New York 10006, filed with the Commission copies of a proposed rule change which would make permanent a pilot program under which options specialists are required during a modified trading rotation following trading halts, suspensions or delays in openings, to open each option series within the same expiration month seriatim, with no free trading permitted in any series unit all the puts and calls within that month are opened.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before December 28, 1981. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-Amex-81-21.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commisison's Public Reference Room, 1100 L Street NW., Washington, D.C.

The Commission finds that the proposed rule change is consistent with the requirements of the act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that absent Commission action the pilot program will expire on November 30, 1981.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34895 Filed 12-3-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 30, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Commerce Southwest Inc., Common Stock, $1 Par Value (File No. 7–6094)

Hardwicke Companies, Inc., Common Stock, $1 Par Value (File No. 7–6095)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 21, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available

to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34896 Filed 12-3-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0252]

Richardson Capital Corp.; Application for a License To Operate as a Small Business Investment Company.

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102), under the name of Richardson Capital Corporation, 558 S. Central Expressway, Richardson, Texas 75080, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the applicant are as follows:

Clifton W. Cassidy, Chairman/Director, 4229 Arcady, Dallas, Texas 75205

Curtis T. Miller, Chairman/Director, 9515 Trailhill, Dallas, Texas 75205

Herschel M. Hearne, Jr., Vice President-General Counsel and Director, 15327 Cypress Hills, Dallas, Texas 75248

Lyndabel E. Martin, Secretary, 717 Williams Way, Richardson, Texas 75080

Richardson Savings and Loan Association, 100 percent Shareholder.

The Applicant, a Texas Corporation, will begin operations with $1,000,000 paid-in capital and paid-in surplus. The Applicant will conduct its activities principally in the State of Texas.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may not later than December 21, 1981, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Dallas, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 25, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-34894 Filed 12-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 07/07-0085]

R.W. Allsop Capital Corp., Issuance of a Small Business Investment Company License

On September 2, 1981, a notice was published in the **Federal Register** (46 FR 22710) stating that an application has been filed by R.W Allsop Capital Corporation, Corporate Center East, 2750 First Avenue NE., Suite 210, Cedar Rapids, Iowa 52402, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (9081)) for a license as a small business investment company.

Interested parties were given until close of business May 5, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301 (c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 07/07-0085 on September 2, 1981, to R.W. Allsop Capital Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 27, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-34885 Filed 12-3-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0244]

Issuance of License SBI Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On December 19, 1980, a Notice was published in the **Federal Register** (45 FR 83734) stating that an application had been filed by SBI Capital Corporation, 5701 Woodway, Suite 324, Houston, Texas 77057, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1981)), for a license to operate as a small business investment company (SBIC).

Interested parties were given until the close of business January 3, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0244, on October 22, 1981, to SBI Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 25, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-34883 Filed 12-3-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 784; Delegation of Authority No. 140-4]

Delegation to Under Secretary for Management

By virtue of the authority vested in me as Secretary of State, including section 4 of the Act of May 26, 1949 as amended (22 U.S.C. 2658), State Department Delegation of Authority No. 140 of March 23, 1978 (43 FR 13456), as amended on June 5, 1978 (43 FR 25213) and October 9, 1980 (45 FR 67818), is hereby amended by striking out the words "the Ambassador at Large for Non-Proliferation Affairs," in the opening paragraph and by inserting the words "the Under Secretary of State for Management," after "the Under Secretary of State for Security Assistance, Science and Technology," in the opening paragraph.

Dated: November 21, 1981.

Alexander M. Haig, Jr.,

Secretary of State.

[FR Doc. 81-34833 Filed 12-3-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Reestablishment

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of determination of necessity for reestablishment of the Art Advisory Panel.

SUMMARY: It is in the public interest to continue the existence of the Art Advisory Panel.

FOR FURTHER INFORMATION CONTACT: Wiley Grant, T:C:E:V:4, 1111 Constitution Avenue, N.W., Room 5545, Washington, D.C. 20224, Telephone No. (202) 566–4196, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. app. (1976)), the Commissioner of Internal Revenue announces the reestablishment of the following advisory committee:

Title. The Art Advisory Panel of the Commissioner of Internal Revenue.

Purpose. The Panel assists the Internal Revenue Service by reviewing and evaluating the acceptability of property appraisals submitted by taxpayers in support of the fair market value claimed on works of art involved in Federal Income, Estate of Gift taxes in accordance with sections 170, 2031, and 2512 of the Internal Revenue Code of 1954.

Providing this assistance requires Panel records and discussions to include tax return information. Therefore, the Panel meetings will be closed to the public since all portions of the meetings will concern matters that are exempted from disclosure under the provisions of section 552b(c)(3), (4), (6) and (7) of Title 5 of the U.S. Code. This determination, which is in accordance with section 10(d) of the Federal Advisory Committee Act, is necessary to protect the confidentiality of tax returns and return information as required by section 6103 of Title 26 of the U.S. Code.

Statement of Public Interest. It is in the public interest to continue the existence of the Art Advisory Panel. The Secretary of Treasury, with the concurrence of the Office of Management and Budget, and the General Services Adminstration, has also approved continuation of the Panel. The membership of the Panel is balanced between museum directors and art dealers to afford differing points of view in determining fair market value.

Authority for this Panel will expire two years from the date the charter is approved by the Assistant Secretary of the Treasury for Administration and filed with the appropriated congressional committees unless, prior to the expiration of its charter, the Panel is renewed.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978. (43 FR 52122).

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-34900 Filed 12-3-81; 8:45 am]

BILLING CODE 4830-01-M

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held January 14, 1982.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, T:C:E:V, 1111 Constitution Avenue NW., Room 5545, Washington, D.C. 20224, Telephone No. (202) 566–4196, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. (1976)), that a closed meeting of the Art Print Advisory Panel will be held on January 14, 1982, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in federal income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c)(3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the Federal Register for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 81-34899 Filed 12-3-81; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 16; Rev. 3]

Delegation of Authority to Commissioner

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: The authority of the Commissioner of the Internal Revenue to approve confidential expenditures pertaining to violations of federal statutes administered and enforced by the Internal Revenue Service is delegated to certain officials with dollar and time limitations where appropriate. The text of the delegation order appears below.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Charles A. Gibb, 1111 Constitution Avenue, NW., Washington, D.C. 20224, CP:CI:P, Room 2141, 202/566–4554 (Not Toll Free).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

Thomas J. Clancy,

Director, Criminal Investigation Division.

Delegation Order

Date of issue: December 4, 1981.

Effective Date: December 4, 1981.

Subject: Authorization to Approve Confidential Expenditures

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150–37, authority to approve payments for confidential expenditures pertaining to violations of federal statutes arising from the administration and enforcement of the internal revenue laws is hereby delegated to the following officials, as well as the time and dollar limitation, where appropriate, that each official may approve:

1. Assistant Commissioner (Compliance) for information from informants or payments on behalf of informants exceeding $10,000 in each single assigned case or project which is valid for a period of one year from date of approval; all confidential expenditures for undercover operations exceeding $10,000 in each single assigned case or project which is valid for a period of one year from date of approval; and all other confidential expenditures exceeding $10,000 in each single

assigned case or project which is valid for a period of one year from date of approval.

a. With respect to the Office of International Operations, the Assistant Commissioner (Compliance) is authorized to approve all confidential expenditures for information from informants or payments on behalf of informants; all other confidental expenditures; and all confidential expenditures for undercover operations. The authority to approve confidential expenditures for $2,500 or less in each single assigned case or project which is valid for a period of one year from date of approval for information from informants or payments on behalf of informants and other confidential expenditures for $2,500 or less in each single assigned case or project which is valid for a period of one year from date of approval may be redelegated to the Director of International Operations.

b. With respect to the protection of informants or witnesses, the Assistant Commissioner (Compliance) is authorized to approve all confidential expenditures exceeding $10,000, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program; and authority to approve all confidential expenditures for other protective arrangements undertaken by the service for an informant/witness or a witness who does not qualify for or is refused protection under Justice's Witness Security Program, in a case which is not under the jurisdiction of the United States Attorney's Office.

2. Assistant Commissioner (Inspection) for all Internal Security Activity confidential expenditures for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, the Assistant Commissioner (Inspection) is authorized to approve all confidential expenditures exceeding $5,000, if there is an immediate danger or an emergency, for temporary protection under Justice's Witness Security Program; and authority to approve all confidential expenditures for other protective arrangements undertaken by the Service for an informant/witness or a witness who does not qualify for or is refused protection under Justice's Witness Security Program, in a case which is not under the jurisdication of the United States Attorney's Office.

3. Regional Commissioners for all confidential expenditures for information from informants or payments on behalf of informants for $10,000 or less in each single assigned case or project which is valid for a period of one year from date of approval; all confidential expenditures for undercover operations for $10,000 or less in each single assigned case or project which is valid for a period of one year from date of approval; and all other confidential expenditures for $10,000 or less in each single assigned case or project which is valid for a period of one year from date of approval.

a. The authority to approve confidential expenditures for information from informants or payment on behalf of informants and other confidential expenditures may be redelegated to the District Directors for $2,500 or less in each single assigned case or project which is valid for a period of one year from date of approval for each type of confidential expenditure. District Directors may redelegate to the Chiefs, Criminal Investigation Division the authority to approve confidential expenditures for information from controlled informants or payments on behalf of controlled informants for $500.00 or less in each single assigned case or project which is valid for a period of one year from date of approval. District Directors may redelegate to the Chiefs, Criminal Investigation Division the authority to approve payments for information from non-controlled informants or payments on behalf of non-controlled informants for $500.00 or less in each single assigned case or project which is valid for a period of one year from approval for information received during the initial contact with the informant. However, once a payment of this type is made to a non-controlled informant, he/she will immediately be classified as a controlled informant.

b. Regional Commissioners are authorized to approve all confidential expenditures for $10,000 or less, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program. However, this authority may be redelegated to District Directors for $2,500 or less.

4. Regional Inspectors for all Internal Security Activity confidential expenditures up to a limit of $2,000 for each single assigned case or project, for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, Regional Inspectors are authorized to approve all confidential expenditures for $5,000 or less if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program.

5. District Directors and the Director of International Operations in emergency situations may approve expenditures up to $1,000 for payments to informants for information leading to the apprehension of fugitives named in Wanted Circulars issued by the Internal Revenue Service.

6. Director, Internal Security Division for all Internal Security Activity confidential expenditures involving National Office cases or projects, up to a limit of $2,000 for each single assigned case or project, for information from informants or payments on behalf of informants; undercover operations; and other confidential expenditures. With respect to the protection of informants or witnesses, the Director, Internal Security Division, is authorized to approve all confidential expenditures for $5,000 or less, if there is an immediate danger or an emergency, for temporary protection of an informant/witness or a witness until a determination by the Department of Justice that the person qualifies for Title V protection under Justice's Witness Security Program.

This authority delegated herein may not be redelegated.

This order supersedes Commissioner Delegation Order No. 16 (Rev. 2) issued July 23, 1980.

Roscoe L. Egger, Jr.,
Commissioner.

[FR Doc. 81-34898 Filed 12-3-81; 8:45 am]
BILLING CODE 4830-01-M

[Delegation Order No. 182 (Rev. 1)]

Delegation of Authority to Certain Officers or Employees

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: This delegation order is revised: (1) To delegate directly to certain internal revenue officers or employees the authority under 26 CFR 301.6020-1(b) to execute returns when the person required to file such return fails to do so, and (2) to include Collection Office function managers and tax auditors as persons to whom the authority to execute returns under 26 CFR 301.6020-1(b) is delegated. The text of the delegation order appears below.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Fulton, Internal Revenue Service, 1111 Constitution Avenue NW., Room 7533, CP:C:O, Washington, D.C. 20224, (202) 566-4654 (not toll free)

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Stanley Skriloff,
Acting Director, Collection Division.

Delegation Order

Date of issue: December 4, 1981.

Effective Date: December 4, 1981.

Subject: Authority to Execute Returns

The authority granted to the Commissioner of Internal Revenue, by 26 CFR 301.6020-1(b) and 26 CFR 301.7701-9 to execute returns required by any internal revenue law or regulation made thereunder when the person required to file such return fails to do so, is delegated to:

1. Revenue Agents
2. Tax Auditors
3. Revenue Officers, GS-9 and above
4. Collection Office function managers, GS-9 and above.

To the extent that authority previously exercised consistent with this Revision may require ratification, it is hereby affirmed and ratified.

The authority delegated herein may not be redelegated.

This Order supersedes Delegation Order No. 182, issued November 16, 1979.

Joseph T. Davis,

Acting Commissioner.

[FR Doc. 81-34897 Filed 12-3-81; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 233
Friday, December 4, 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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1

CIVIL AERONAUTICS BOARD

[M-338 Amdt. 1; November 25, 1981]

Notice of Addition and Closure of Item

TIME AND DATE: 10 a.m. (after open meeting), December 1, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

16. Consultations with the Congo. (BIA)
17. Report on the recent negotiations with Japan. (BIA)
18. Report on recent developments in the U.S.-Scandinavia Aviation Relations. (BIA)
19. Docket 39692, United States-Chile Show Cause Proceeding Final order to grant Air Florida, American, Continental, Eastern, Northwest, Transamerica, Pan American, and United authority to operate between the United States and Chile; deny Braniff's motion to consolidate the applications of Fast Air and LADECO for 402 permits and the applications of Lan-Chile for an amendment to its permit and for an exemption. (Memo 481-C, BIA, OGC, BALJ)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1817-81 Filed 12-2-81; 3:07 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-338, Amdt. 2; November 30, 1981]

Notice of Addition and Closure of Item

TIME AND DATE: 10 a.m. (after open meeting), December 1, 1981.

PLACE: Room 1012 (closed), room 1027 (open), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

20. Proposals by the European Civil Aviation Council on Northern Atlantic Pricing Structures. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1818-81 Filed 12-2-81; 3:07 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD

[M-338, Amdt. 3; November 30, 1981]

Notice of Deletion of Item

TIME AND DATE: 10 a.m., December 1, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

8. Agreements among members of the International Air Transport Association (IATA) amending the IATA Passenger Sales Agency Administration Rules (Agreement CAB 28518-RI) and the IATA Passenger Sales Agency Agreement (Agreement CAB 28518-R2) applicable in the United States. Staff recommendation: (1) approval of Agreement CAB 28518-R1, except as it restricts the location of IATA agents; (2) disapproval of the agreement to the extent that it imposes such restriction and (3) disapproval of Agreement CAB 28518-R2. (Memo 938, BDA, OGC, BIA)

STATUS:

1-15 (Open)
16-20 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1819-81 Filed 12-2-81; 3:07 pm]

BILLING CODE 6320-01-M

4

CIVIL AERONAUTICS BOARD

[M-338, Amdt. 4; December 1, 1981]

Notice of Addition to and Closure of Item

TIME AND DATE: 10 a.m. (after open meeting), December 1, 1981.

PLACE: Room 1012, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

15a. Designation of Geographical Areas of Responsibility for Individual Board Members

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1820-81 Filed 12-3-81; 3:07 pm]

BILLING CODE 6320-01-M

5

COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Monday, December 7, 1981, 9 a.m.-12 noon; 1:30-4 p.m.

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

STATUS: Open to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda.
II. Approval of Minutes of Last Meeting.
III. Review of the Health Insurance Study.
IV. Preliminary Findings—Baltimore Hearing.
V. Update on the Status of Bilingual Education.
VI. Review of a Proposal for Higher Education Desegregation Followup.
VII. State Advisory Committee Recharters:
A. Colorado;
B. Maine;
C. New Mexico.
VIII. Action re: Massachusetts Advisory Committee Report Entitled Affirmative Action at the Massachusetts Bay Transportation Authority.
IX. Action re: Multi-State Advisory Committee Report Entitled *Promises and Perceptions: Federal Efforts to Eliminate Employment Discrimination Through Affirmative Action.*
X. Civil Rights Development in the Central States Region.
XI. Staff Director's Report:
A. Status of Funds;
B. Personnel Report;
C. Office Directors' Reports.

PERSONS TO CONTACT FOR FURTHER INFORMATION: Charles Rivera or Barbara Brooks, Press and Communications Division, (202) 254-6697.

[S-1814-81 Filed 12-2-81; 11:50 am]

BILLING CODE 6335-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed

meeting held at 9:45 a.m. on Monday, November 30, 1981, the Corporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Applications of Farmers Bank of the State of Delaware, Dover, Delaware, and The Farmers Bank Commission, for consent to merge Farmers Bank of the State of Delaware, under its charter and title, with Girard Interim Bank, Wilmington, Delaware; for consent to retire capital and to terminate an Assistance Agreement between the Corporation and Farmers Bank of the State of Delaware.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 1, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-1812-81 Filed 12-2-81; 10:42 am]
BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 9:30 a.m. on Monday, November 30, 1981, the Corporation's Board of Directors determined, on motion of Director Irvine H. Sprague (Appointive), seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of California Valley Bank, Fresno, California, for consent to purchase the assets of and assume the liability to pay deposits made in the Woodland office of Cache Creek Bank, Woodland, California, and for consent to establish the Woodland office as a branch of California Valley Bank.

Application of The Northwestern Bank, North Wilkesboro, North Carolina, for consent to merge, under its charter and title, with Gateway Bank, Greensboro, North Carolina, and to establish the five existing offices of Gateway Bank as branches of the resultant bank.

Application of Bank of Greenville, Greenville, Florida, for consent to merge, under its charter and with the title "Bank of Madison County," with Bank of Madison, Madison, Florida; to establish the sole office of Bank of Madison as a branch of the resultant bank; and to redesignate the main office to the present main office site of Bank of Madison.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Peoples State Savings Bank, Auburn, Michigan.

Memorandum and Resolution re: Guaranty Bank & Trust Company, Chicago, Illinois, Gateway National Bank of Chicago, Chicago, Illinois.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 9:45 a.m. the same day the following matter:

Application of The Tremont Savings and Loan Association, New York (Bronx), New York, a State-chartered Federally-insured savings and loan association, for consent to merge, after having converted to a mutual savings bank, with The Lincoln Savings Bank, New York (Brooklyn), New York, under the charter of a newly-formed savings bank, "The Tremont Savings Bank," and with the title "The Lincoln Savings Bank"; to establish the fourteen offices of The Lincoln Savings Bank as offices of the resultant institution; and to designate the main office of The Lincoln Savings Bank as the main office of the resultant institution.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: December 1, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-1813-81 Filed 12-2-81; 10:42 am]
BILLING CODE 6714-01-M

8

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 58243, November 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m., December 4, 1981.

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

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall, (202-377-6679).

CHANGES IN THE MEETING: The following items have been withdrawn from the agenda for the open meeting:

Delegation of Trust Department Applications Negotiable Certificates of Deposit

No. 571, December 1, 1981.

[S-1810-81 Filed 12-1-81; 4:26 pm]
BILLING CODE 6720-01-M

9

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 fR 58243, November 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m., December 4, 1981.

PLACE: 1700 G Street, NW., sixth floor, Washington, D.C.

STATUS: Oepn meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open meeting:

Two regulations regarding management official interlocks

No. 572, December 1, 1981.

[S-1811-81 Filed 12-1-81; 4:32 pm]
BILLING CODE 6720-01-M

10

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, December 9, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature,

no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed temporary extension of the Report of Selected Borrowings (FR 2415).
2. Proposed three-year extension of the Reports on Money Market Mutual Fund Assets (FR 2051a, b, c).
3. Proposed extension and revision of the Report of Bank Holding Company Intercompany Transactions and Balances (FR Y-8).

Discussion Agenda:

4. Proposal to conduct a one-time Survey of Repurchase Agreements.
5. Proposal to publish notice of an application by BankAmerica Corporation, San Francisco, California, to engage in equity financing activities.
6. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 1, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1815-81 Filed 12-2-81; 12:34 pm]

BILLING CODE 6210-01-M

11

INTERNATIONAL TRADE COMMISSION:

[USITC SE-81-39]

TIME AND DATE: 10 a.m., Wednesday, December 16, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Rubik's Cubes (Docket No. 771).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1821-81 Filed 12-3-81; 3:38 pm]

BILLING CODE 7020-02-M

12

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of December 7, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, December 8, 1981, at 10:00 a.m. Open meetings will be held on Tuesday, December 8, 1981, at 2:00 p.m. and Wednesday, December 9, 1981, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 8, 1981, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities
Litigation matter
Order compelling testimony
Institution of administrative proceedings of an enforcement nature
Institution and settlement of administrative proceedings of an enforcement nature
Freedom of Information Act appeals
Institution of injunctive action
Opinions

The subject matter of the open meeting scheduled for Tuesday, December 8, 1981, at 2:00 p.m., will be:

The Commission will hear a presentation given by National Securities Clearing Corporation on its operations, its financial role in securities markets and major planned systems developments. For further information, please contact Stuart J. Kaswell at (202) 272-2388.

The subject matter of the open meeting scheduled for Wednesday, December 9, 1981, at 2:30 p.m., will be:

1. Consideration of whether to adopt proposed Rule 17a-6 under the Securities Exchange Act of 1934. The proposed rule was published for comment on September 8, 1981, in Securities Exchange Act Release No. 34-18073. This rule would require brokers and dealers to make and retain reports and records pursuant to the Currency and Foreign Transactions Reporting Act of 1970. For further information, please contact Elizabeth S. York at (202) 272-2376.
3. Consideration of what response to make to the Freedom of Information Act ("FOIA") appeal of Barbara H. Johnson. The FOIA Officer denied Ms. Johnson's request for access to the preliminary proxy materials filed on behalf of Magma Power Co. on the ground that the information is exempt from disclosure as "trade secrets and commercial or financial information obtained from a person and privileged or confidential * * *." 5 U.S.C. 552(b)(4). For further information, please contact Stephen E. Cavan at (202) 272-2454.
4. Consideration of whether to grant the Freedom of Information Act request of Margaret Grisdela for certain computer tapes that contain information relating to the Commission's law enforcement program. For further information, please contact Ruth E. Eisenberg at (202) 272-2454.
5. Consideration of whether to authorize New England Power Company, a subsidiary of New England Electric System ("NEES"), a holding company registered under the Public Utility Holding Company Act of 1935 to enter into a long-term charter of a coal collier through a joint venture between New England Energy Incorporated ("NEEI"), a subsidiary of NEES, and Keystone Shipping Company and whether to grant an exception from the service at cost requirement of Section 13(b) of the Public Utility Holding Company Act of 1935. For further information, please contact Catherine A. Fisher at (202) 523-5676.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

December 2, 1981.

[S-1816-81 Filed 12-2-81; 1:24 pm]

BILLING CODE 8010-01-M

federal register

Friday
December 4, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Proposed Revised Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research: Proposed Revised Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of proposed revision of the NIH guidelines for research involving recombinant DNA molecules.

SUMMARY: This notice sets forth a proposed revision of the 1981 NIH Guidelines for Research Involving Recombinant DNA Molecules (46 FR 34462). Interested parties are invited to submit comments concerning this proposal. This proposal and comments on it will be considered by the NIH Recombinant DNA Advisory Committee (RAC) at its next meeting.

DATE: Comments must be received by February 2, 1982.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Additional information can be obtained from Drs. Stanley Barban or Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6061.

SUPPLEMENTARY INFORMATION: I am today issuing for public comment proposed revised NIH Guidelines for Research Involving Recombinant DNA Molecules. This action is taken in accordance with Section IV-E-1-b-(1) of the NIH Guidelines. This announcement introduces the proposed revision, then gives the proposed revised Guidelines in their entirety, and then includes a series of annexes containing relevant background documents. These annexes are:

Annex A: Original proposal of Drs. David Baltimore and Allan Campbell.
Annex B: Documents prepared by Working Group on Revision of the Guidelines.
Annex C: Minority reports of working group members.
Annex D: Draft Minutes of relevant portion of September 10-11, 1981, RAC Meeting.
Annex E: Current NIH Guidelines.

The history of development of these proposed revised Guidelines is as follows. Drs. David Baltimore and Allan Campbell, RAC members, had proposed a major revision of the Guidelines (Baltimore-Campbell proposed, Annex A), which was considered by the RAC at its April 1981 meeting. At the April 1981 meeting, a Working Group on Revision of the Guidelines was established to review the Baltimore-Campbell proposal as well as other approaches which might lead to a major revision of the Guidelines. The Working Group met on June 1, 1981, and on July 9, 1981. The Working Group prepared a proposal for revising the Guidelines, a summary of its actions, and a document entitled "Evaluation of the Risks Associated with Recombinant DNA Research." These documents appear as Annex B. Two minority reports were prepared by several members of the Working Group (Annex C). The Working Group report and the minority reports were distributed to RAC members prior to the September 1981 meeting.

The RAC extensively discussed the Working Group's report and other approaches to revision of the Guidelines at its September 1981 meeting. Draft minutes of that discussion constitute Annex D. As indicated in those draft minutes, the RAC passed by a vote of 16 in favor, 3 opposed, with 1 abstention, the elements of its version of a proposed revision of the Guidelines to be published for public comment. Based upon this proposal, NIH staff prepared the proposed revised Guidelines which are published immediately following this introduction, for public comment. For comparison, the current NIH Guidelines are given in Annex E.

The proposed revised Guidelines and comments on them will be considered by the RAC at its next meeting.

The major features of the proposed revision are:

1. The Guidelines would cease to be mandatory and would become a voluntary code of standard practice. Requirements that institutions have an Institutional Biosafety Committee (IBC), that investigators obtain prior approval from the IBC before beginning certain experiments, that investigators obtain prior approval from NIH before beginning certain experiments, and the section of the Guidelines specifying that noncompliance with the Guidelines could lead to loss of NIH funds, would all be eliminated.

2. Section III of the Guidelines giving containment levels would be greatly simplified, and most experiments currently mandated at P2 or P3 containment would be recommended at P1.

3. The prohibitions section (I-D) of the Guidelines would be eliminated, although two of the previous prohibitions would be retained instead as admonishments.

Proposed Guidelines for Research Involving Recombinant DNA Molecules

October 1981.

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I. Scope of the Guidelines

I–A. *Purpose.* The purpose of these Guidelines is to specify practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to those standards by all laboratories using recombinant DNA is recommended.

I–B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

I–C. [Deleted]

I–D. [Deleted]

I–E. *Exemptions.* The following recombinant DNA molecules are exempt from these Guidelines:

I–E–1. Those that are not in organisms or viruses. [5]

I–E–2. Those that consist entirely of DNA segments from a single nonchromosomal or viral DNA source, though one or more of the segments may be a synthetic equivalent.

I–E–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

I–E–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

I–E–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities; National Institutes of Health, Bethesda, Maryland 20205.

I–F. *General Definitions.* See Section IV–C.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information, therefore, already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs. (6–19) The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (i) A set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varing degrees according to the estimated biohazard.

Experiments on recombinant DNAs, by their very nature, lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which limit either (i) the infectivity of a *vector*, or *vehicle*, (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vestors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

As these means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by apply various combinations of the physical and biological barriers along with a constant use of the standard practices. We consider these categories of containment separately here in order that such combinations can be conveniently expressed in the Guidelines.

In constructing these Guidelines, it was necessary to define boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these definitions do not take into account all existing and anticipated information on special procedures that will allow particular experiments to be carried out under different conditions than indicated here without affecting risk. Indeed, we urge that individual investigators devise simple and more effective containment procedures and that investigators recommend changes in the Guidelines to permit their use.

II–A *Standard Practices and Training.* The first principle of containment is a strict adherence to good microbiological practices. (6–15) Consequently, all personnel directly or indirectly involved in experiments on recombinant DNAs should receive adequate instruction. This should, as a minimum, include instructions in aseptic techniques and in the biology of the organisms used in the experiments, so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard should have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or the environment. The principal investigator should ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. If a research group is working with a known pathogen where there is an effective vaccine it should be made available to all workers. Where serological monitoring is clearly appropriate it should be provided.

II–B *Physical Containment Levels.* The objective of physical containment is to confine organisms containing recombinant DNA molecules, and thus to reduce the potential for exposure of the laboratory worker, persons outside of the laboratory, and the environment to organisms containing recombinant DNA molecules. Physical containment is achieved through the use of laboratory practices, containment equipment, and special laboratory design. Emphasis is placed on primary means of physical containment which are provided by laboratory practices and containment equipment. Special laboratory design provides a secondary means of protection aganist the accidental release of organisms outside the laboratory or to

the environment. Special laboratory design is used primarily in facilities in which experiments of moderate to high potential hazards are performed.

Combinations of laboratory practices, containment equipment, and special laboratory design can be made to achieve different levels of physical containment. Four levels of physical containment, which are designated as P1, P2, P3, and P4, are described. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of pathogenic organisms. For example, the "Classification of Etiologic Agents on the Basis of Hazard,"[7] prepared by the Centers for Disease Control, describes four general levels which roughly correspond to our descriptions for P1, P2, P3, and P4; and the National Cancer Institute describes three levels for research on oncogenic viruses which roughly correspond to our P2, P3, and P4 levels.[8]

It is recognized that several different combinations of laboratory practices, containment equipment, and special laboratory design may be appropriate for containment of specific research activities. The Guidelines, therefore, allow alternative selections of primary containment equipment within facilities that have been designed to provide P3 and P4 levels of physical containment. The selection of alternative methods of primary containment is dependent, however, on the level of biological containment provided by the host-vector system used in the experiment. Consideration will also be given by the Director, NIH, with the advice of the Recombinant DNA Advisory Committee to other combinations which achieve an equivalent level of containment. (See Section IV–E–1–b–(2)–(b).)

Information on large-scale applications can be found in "Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules." Federal Register, April 11, 1980, where definitions are found of P1–LS, P2–LS, and P3–LS. Guidance is available from ORDA on physical containment levels when working with plant host-vector systems.

II–B–1. *P1 Level.*

II–B–1–a. *Laboratory Practices.*

II–B–1–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–1–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–1–a–(3). All biological wastes shall be decontaminated before disposal. Other contaminated materials, such as glassware, animal cages, and laboratory equipment, shall be decontaminated before washing, reuse, or disposal.

II–B–1–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–1–a–(5). Eating, drinking, smoking, and storage of foods are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–1–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–1–a–(7). Care shall be taken in the conduct of all procedures to minimize the creation of aerosols.

II–B–1–a–(8). Contaminated materials that are to be decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–1–a–(9). An insect and rodent control program shall be instituted.

II–B–1–a–(10). The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

II–B–1–a–(11). Use of the hupodermic needle and syringe shall be avoided when alternative methods are available.

II–B–1–a–(12). The laboratory shall be kept neat and clean.

II–B–1–b. *Containment Equipment.* Special containment equipment is not required at the P1 level.

II–B–1–c. *Special Laboratory Design.* Special laboratory design is not required at the P1 level.

II–B–2. *P2 Level.*

II–B–2–a. *Laboratory Practices.*

II–B–2–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–2–a(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–2–a(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaiminated materials such as glassware, animal cages, laboratory equipment, and radiocative wastes shall be decontaminated by a means demonstrated to be effective before washing, reuse, or disposal.

II–B–2–a(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–2–a(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–2–a(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–2–a(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–2–a(8). Contaminated materials that are to be steam sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–2–a(9). Only persons who have been advised of the nature of the research being conducted shall enter the laboratory.

II–B–2–a(10). The universal biohazard sign shall be posted on all laboratory access doors when experiments requiring P2 containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–2–a(11). An insect and rodent control program shall be instituted.

II–B–2–a(12). The use of laboratory gowns, coats, or uniforms is required. Laboratory clothing shall not be worn to the lunch room or outside of the building in which the laboratory is located.

II–B–2–a(13). Animals not related to the experiment shall not be permitted in the laboratory.

II–B–2–a(14). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–2–a(15). The laboratory shall be kept neat and clean.

II–B–2–a(16). Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

II–B–2–b. *Containment Equipment.* Biological safety cabinets [20] shall be used to contain aerosol-producing equipment, such as blenders, lyophilizers, sonicators, and centrifuges, when used to process organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol. For example, a centrifuge may be operated in the open if a sealed head or safety centrifuge cups are used.

II–B–2–c. *Special Laboratory Design.* An autoclave for sterilization of wastes and contaminated materials shall be

available in the same building in which organisms containing recombinant DNA molecules are used.

II–B–3. *P3 Level.*

II–B–3–a. *Laboratory Practices.*

II–B–3–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–3–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–3–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials, such as glassware, animal cages, laboratory equipment, and radioactive wastes, shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–3–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–3–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–3–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–3–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–3–a–(8). Contaminated materials that are to be steam-sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–3–a–(9). Entry into the laboratory shall be through a controlled access area. Only persons who have been advised of the nature of the research being conducted shall enter the controlled access area. Only persons required on the basis of program or support needs shall be authorized to enter the laboratory. Such persons shall be advised of the nature of the research being conducted before entry, and shall comply with all required entry and exit procedures.

II–B–3–a–(10). Persons under 16 years of age shall not enter the laboratory.

II–B–3–a–(11). The universal biohazard sign shall be posted on the controlled access area door and on all laboratory doors when experiments requiring P3-level containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II–B–3–a–(12). An insect and rodent control program shall be instituted.

II–B–3–a–(13). Laboratory clothing that protects street clothing (e.g., long-sleeve solid-front or wrap-around gowns, no-button or slipover jackets) shall be worn in the laboratory. Front-button laboratory coats are unsuitable. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry.

II–B–3–a–(14). Raincoats, overcoats, topcoats, coats, hats, caps, and such street outer-wear shall not be kept in the laboratory.

II–B–3–a–(15). Gloves shall be worn when handling materials requiring P3 containment. They shall be removed aseptically immediately after the handling procedure and decontaminated.

II–B–3–a–(16). Animals and plants not related to the experiment shall not be permitted in the laboratory.

II–B–3–a–(17). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–3–a–(18). Use of hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–3–a–(19). The laboratory shall be kept neat and clean.

II–B–3–a–(20). If experiments involving other organisms which require lower levels of containment are to be conducted in the same laboratory concurrently with experiments requiring P3-level physical containment, they shall be conducted in accordance with all P3-level laboratory practices.

II–B–3–b. *Containment Equipment.*

II–B–3–b–(1). Biological safety cabinets[20] shall be used for all equipment and manipulations that produce aerosols—e.g., pipetting, dilutions, transfer operations, plating, flaming, grinding, blending, drying, sonicating, shaking, centrifuging—where these procedures involve organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol.

II–B–3–b–(2). Laboratory animals held in a P3 area shall be housed in partial-containment caging systems, such as Horsfall units[19A], open cages placed in ventilated enclosures, solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet radiation lamps and reflectors.

Note.—Conventional caging systems may be used. *Provided,* That all personnel wear appropriate personal protective devices. These shall include, at a minimum, wrap-around gowns, head covers, gloves, shoe covers, and respirators. All personnel shall shower on exit from areas where these devices are required.

II–B–3–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment can be conducted in the P3 laboratory using containment equipment specified for the P2 level of physical containment. Experimental procedures involving a host-vector system that provides a one-step lower level of biological containment can be conducted in the P3 laboratory using containment equipment specified for the P4 level of physical containment. Alternative combinations of containment safeguards are shown in Table I.

TABLE I.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological[1] containment	Laboratory design specified for—	Laboratory practices specified for—	Containment equipment specified for—	Biological containment
P3	HV3	P3	P3	P3	HV3
P3	HV3	P3	P3	P4	HV2
P3	HV2	P3	P3	P3	HV2
P3	HV2	P3	P3	P2	HV3
P3	HV2	P3	P3	P4	HV1
P3	HV1	P3	P3	P3	HV1
P3	HV1	P3	P3	P2	HV2

See Section II–D for description of biological containment.

II–B–3–c. *Special Laboratory Design.*

II–B–3–c(1). The laboratory shall be separated by a controlled access area from areas that are open to unrestricted traffic flow. A controlled access area is an anteroom, a change room, an air lock or any other double-door arrangement

that separates the laboratory from areas open to unrestricted traffic flow.

II–B–3–c–(2). The surfaces of walls, floors, and ceilings shall be readily cleanable. Penetrations through these surfaces shall be sealed or capable of being sealed to facilitate space decontamination.

II–B–3–c–(3). A foot-, elbow-, or automatically-operated hand-washing facility shall be provided near each primary laboratory exit area.

II–B–3–c–(4). Windows in the laboratory shall be sealed.

II–B–3–c–(5). An autoclave for sterilization of wastes and contaminated materials shall be available in the same building (and preferably within the controlled laboratory area) in which organisms containing recombinant DNA molecules are used.

II–B–3–c–(6). The laboratory shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential (i.e., from the controlled access area to the laboratory area). If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the laboratory area shall not be recirculated to other areas of the building unless the exhaust air is filtered by HEPA filters or equivalent. The exhaust air from the laboratory area can be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

II–B–3–c–(7). The treated exhaust-air from Class I and Class II biological safety cabinets [20] may be discharged either to the laboratory or to the outdoors. The treated exhaust-air from a Class III cabinet shall be discharged directly to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through a building exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinet and the building ventilation system.

II–B–4. *P4 Level.*

II–B–4–a. *Laboratory Practices.*

II–B–4–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–4–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity and immediately following spills of organisms containing recombinant DNA molecules.

II–B–4–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–4–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–4–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the P4 facility.

II–B–4–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–4–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–4–a–(8). Biological materials to be removed from the P4 facility in a viable or intact state shall be transferred to a nonbreakable sealed container, which is then removed from the P4 facility through a pass-through disinfectant dunk tank or fumigation chamber.

II–B–4–a–(9). No materials, except for biological materials that are to remain in a viable or intact state, shall be removed from the P4 facility unless they have been steam-sterilized (autoclaved) or decontaminated by a means demonstrated to be effective as they pass out of the P4 facility. All wastes and other materials as well as equipment not damaged by high temperature or steam shall be steam-sterilized in the double-door autoclave of the P4 facility. Other materials which may be damaged by temperature or steam shall be removed from the P4 facility through a pass-through fumigation chamber.

II–B–4–a–(10). Materials within the Class III cabinets shall be removed from the cabinet system only after being steam-sterilized in an attached double-door autoclave or after being contained in a nonbreakable sealed container, which is then passed through a disinfectant dunk tank or a fumigation chamber.

II–B–4–a–(11). Only persons whose entry into the P4 facility is required to meet program or support needs shall be authorized to enter. Before entering, such persons shall be advised of the nature of the research being conducted and shall be instructed as to the appropriate safeguards to ensure their safety. They shall comply with instructions and all other required procedures.

II–B–4–a–(12). Persons under 18 years of age shall not enter the P4 facility.

II–B–4–a–(13). Personnel shall enter into and exist from the P4 facility only through the clothing change and shower rooms. Personnel shall shower at each egress from the P4 facility. Air locks shall not be used for personnel entry or exit except for emergencies.

II–B–4–a–(14). Street clothing shall be removed in the outer side of the clothing-change area and kept there. Complete laboratory clothing, including undergarments, head cover, shoes, and either pants and shirts or jumpsuits, shall be used by all persons who enter the P4 facility. Upon exit, personnel shall store this clothing in lockers provided for this purpose or discard it into collection hampers before entering the shower area.

II–B–4–a–(15). The universal biohazard sign is required on the P4 facility access doors and on all interior doors to individual laboratory rooms where experiments are conducted. The sign shall also be posted on freezers, refrigerators, or other units used to store organisms containing recombinant DNA molecules.

II–B–4–a–(16). An insect and rodent control program shall be instituted.

II–B–4–a–(17). Animals and plants not related to the experiment shall not be permitted in the laboratory in which the experiment is being conducted.

II–B–4–a–(18). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–4–a–(19). Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

II–B–4–a–(20). The laboratory shall be kept neat and clean.

II–B–4–a–(21). If experiments involving other organisms which require lower levels of containment are to be conducted in the P4 facility concurrently with experiments requiring P4–level containment, they shall be conducted in accordance with all P4–level laboratory practices specified in this section.

II–B–4–b. *Containment Equipment.*

II–B–4–b–(1). Experimental procedures involving organisms that require P4–level physical containment shall be conducted either in (i) a Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are

required to wear one-piece positive-pressure isolation suits.

II–B–4–b–(2). Laboratory animals involved in experiments requiring P4–level physical containment shall be housed either in cages contained in Class III cabinets or in partial containment caging systems (such as Horsfall units[19A], open cages placed in ventilated enclosures, or solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet irradiation lamps and reflectors) that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure suits.

II–B–4–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment can be conducted in the P4 facility using containment equipment requirements specified for the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II.

TABLE II.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological [1] containment	Laboratory design specified for—	Laboratory practices specified for—	Containment equipment specified for—	Biological containment
P4	HV1	P4	P4	P4	HV1.
P4	HV1	P4	P4 [2]	P3	HV2.

[1] See Section II-D for description of biological containment.
[2] In this case gloves shall be worn, in addition to the clothing requirements specified in II–B–4–a–(14).

II–B–4–c. *Special Laboratory Design.*

II–B–4–c–(1). The laboratory shall be located in a restricted-access facility which is either a separate building or a clearly demarcated and isolated zone within a building. Clothing-change areas and shower rooms shall be provided for personnel entry and egress. These rooms shall be arranged so that personnel leave through the shower area to the change room. A double-door ventilated vestibule or ultraviolet air lock shall be provided for passage of materials, supplies, and equipment which are not brought into the P4 facility through the change room area.

II–B–4–c–(2). Walls, floors, and ceilings of the P4 facility are constructed to form an internal shell which readily allows vapor-phase decontamination and is animal- and insect-proof. All penetrations through these structures and surfaces are sealed. (The integrity of the walls, floors, ceilings, and penetration seals should ensure adequate containment of a vapor-phase decontaminant under static pressure conditions. This requirement does not imply that these surfaces must be airtight.)

II–B–4–c–(3). A foot-, elbow-, or automatically-operated handwashing facility shall be provided near the door within each laboratory in which experiments involving recombinant DNA are conducted in openface biological safety cabinets.

II–B–4–c–(4). Central vacuum systems are permitted. The system, if provided, shall not serve areas outside the P4 facility. The vacuum system shall include in-line HEPA filters near each use point or service cock. The filters shall be installed so as to permit in-place decontamination and replacement. Water supply, liquid and gaseous services provided to the P4 facility shall be protected by devices that prevent backflow.

II–B–4–c–(5). Drinking water fountains shall not be installed in laboratory or animal rooms of the P4 facility. Foot-operated water fountains are permitted in the corridors of the P4 facility. The water service provided to such fountains shall be protected from the water services to the laboratory areas of the P4 facility.

II–B–4–c–(6). Laboratory doors shall be self-closing.

II–B–4–c–(7). A double-door autoclave shall be provided for sterilization of material passing out of the P4 facility. The autoclave doors shall be interlocked so that both doors will not be open at the same time.

II–B–4–c–(8). A pass-through dunk tank or fumigation chamber shall be provided for removal from the P4 facility of material and equipment that cannot be heat-sterilized.

II–B–4–c–(9). All liquid effluents from the P4 facility shall be collected and decontaminated before disposal. Liquid effluents from biological safety cabinets and laboratory sinks shall be sterilized by heat. Liquid effluents from the shower and hand washing facilities may be activated by chemical treatment. HEPA filters shall be installed in all vents from effluent drains.

II–B–4–c–(10). An individual supply and exhaust-air ventilation system shall be provided. The system shall maintain pressure differentials and directional air flow as required to ensure inflow from areas outside the facility toward areas of highest potential risk within the facility. The system shall be designed to prevent the reversal of air flow. The system shall sound an alarm in the event of system malfunction.

II–B–4–c–(11). Air within individual laboratories of the P4 facility may be recirculated in HEPA filtered.

II–B–4–c–(12). The exhaust air from the P4 facility shall be HEPA filtered and discharged to the outdoors so that it is dispersed clear of occupied buildings and air intakes. The filter chambers shall be designed to allow *in situ* decontamination before removal and to facilitate certification testing after replacement.

II–B–4–c–(13). The treated exhaust-air from Class I and Class II biological safety cabinets[20] may be discharged directly to the laboratory room environment or to the outdoors. The treated exhaust-air from Class III cabinets shall be discharged to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through the P4 facility exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinets or the facility exhaust air system.

II–B–4–c–(14). As noted in Section II–B–4–b–(1), the P4 facility may contain specially designed areas in which all personnel are required to wear one-piece positive-pressure isolation suits. Such areas shall be airtight. The exhaust-air from the suit area shall be filtered by two sets of HEPA filters installed in series, and a duplicate filtration unit and exhaust fan shall be provided. The air pressure within the suit area shall be less than that in any adjacent area. An emergency lighting system, communication systems, and power source shall be provided. A double-door autoclave shall be provided for sterilization of all waste materials to be removed from the suit area.

Personnel who enter this area shall wear a one-piece positive-pressure suit that is ventilated by a life-support system. The life-support system shall be provided with alarms and emergency backup air. Entry to this area is through an airlock fitted with airtight doors. A chemical shower area shall be provided to decontaminate the surfaces of the suit before removal.

II–C. *Shipment.* Recombinant DNA molecules contained in an organism or virus should be shipped only as an etiologic agent under requirements of the U.S. Public Health Service, and the U.S. Department of Transportation (§ 72.3, Part 72, Title 42, and §§ 173.386–173.388, Part 173, Title 49, U.S. Code of Federal Regulations (CFR)) as specified below:

II–C–1. Recombinant DNA molecules contained in an organism or virus

requiring P1, P2, or P3 physical containment, when offered for transportation or transported, should be subject to all requirements of § 72.3(a)–(e), Part 72, Title 42 CFR, and §§ 173.386–173.388, Part 173, Title 49 CFR.

II–C–2. Recombinant DNA molecules contained in an organism or virus requiring P4 physical containment, when offered for transportation or transported, should be subject to the requirements listed above under II–C–1 and are also subject to § 72.3(f), Part 72, Title 42 CFR.

II–C–3. Additional information on packaging and shipment is given in the "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research."

II–D. *Biological Containment.*

II–D–1. *Levels of Biological Containment.* In consideration of biological containment, the vector (plasmid, organelle, or virus) for the recombinant DNA and the host (bacterial, plant, or animal cell) in which the vector is propagated in the laboratory will be considered together. Any combination of vector and host which is to provide biological containment must be chosen or constructed so that the following types of "escape" are minimized: (i) Survival of the vector in its host outside the laboratory and (ii) transmission of the vector from the propagation host to other nonlaboratory hosts.

The following levels of biological containment (HV, or *Host-Vector*, systems) for prokaryotes will be established; specific criteria will depend on the organisms to be used.

II–D–1–a. *HV1.* A host-vector system which provides a moderate level of containment. *Specific systems:*

II–D–1–a–(1). *EK1.* The host is always *E. coli* K–12 or a derivative thereof, and the vectors include nonconjugative plasmids (e.g., pSC101, ColEl, or derivatives thereof [12–27]) and variants of bacteriophage, such as lamboda [28–33]. The *E. coli* K–12 hosts shall not contain conjugation-proficient plasmids, whether autonomous or integrated, or generalized transducing phages.

II–D–1–a–(2). *Other Prokaryotes.* Hosts and vectors shall be, at a minimum, comparable in containment to *E. coli* K–12 with a non conjugative plasmid or bacteriophage vector. The data to be considered and a mechanism for approval of such HVl systems are described below (Section II–D–2).

II–D–1–b. *HV2.* These are host-vector systems shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. Escape of the recombinant DNA either via survival of the organisms or via transmission of recombinant DNA to other organisms should be less than $1/10^8$ under specified conditions. *Specific systems:*

II–D–1–b–(1). For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^8 host cells should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment, either by survival of the original host or as a consequence of transmission of the cloned DNA fragment.

II–D–1–b–(2). For EK2 host-vector systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment either (i) as a prophage (in the inserted or plasmid form) in the laboratory host used for phage propagation or (ii) by surviving in natural environments and transferring a cloned DNA fragment to other hosts (or their resident prophages).

II–D–1–c. *HV3.* These are host-vector systems in which:

II–D–1–c–(1). All HV2 criteria are met.

II–D–1–c–(2). The vector is dependent on its propagation host or is highly defective in mobilizability. Reversion to host-independence must be less than $1/10^8$ per vector genome per generation.

II–D–1–c–(3). No markers conferring resistance to antibiotics commonly used clinically or in agriculture are carried by the vector, unless expression of such markers is dependent on the propagating host or on unique laboratory-controlled conditions or is blocked by the inserted DNA.

II–D–1–c–(4). The specified containment shown by laboratory tests has been independently confirmed by specified tests in animals, including primates, and in other relevant environments.

II–D–1–c–(5). The relevant genotypic and phenotypic traits have been independently confirmed.

II–D–2. *Certification of Host-Vector Systems.*

II–D–2–a. *Responsibility.* HV1 systems other than *E. coli* K–12, and HV2 and HV3 host-vector systems, may not be designated as such until they have been certified by the Director, NIH. Application for certification of a host-vector system is made by written application to the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

Host-vector systems that are proposed for certification will be reviewed by the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC). (See Section IV–E–1–b–(1)–(c).) This will first involve review of the data on construction, properties, and testing of the proposed host-vector system by a Working Group composed of one or more members of the RAC and other persons chosen because of their expertise in evaluating such data. The Committee will then evaluate the report of the Working Group and any other available information at a regular meeting. The Director, NIH, is responsible for certification after receiving the advice of the RAC. Minor modifications of existing certified host-vector systems, where the modifications are of minimal or no consequence to the properties relevant to containment may be certified by the Director, NIH, without review by the RAC. (See Section IV–E–1–b–(3)–(f).)

When new host-vector systems are certified, notice of the certification will be sent by the Office of Recombinant DNA Activities (ORDA) to the applicant and to all Institutional Biosafety Committees (IBCs) and will be published in the *Recombinant DNA Technical Bulletin.* Copies of a list of all currently certified host-vector systems may be obtained from ORDA at any time.

The Director, NIH, may at any time rescind the certification of any host-vector system. (See Section IV–E–1–b–(3)–(g).) If certification of a host-vector system is rescinded, NIH will instruct investigators to transfer cloned DNA into a different system, or use the clones at a higher physical containment level unless NIH determines that the already constructed clones incorporate adequate biological containment.

Certification of a given system does not extend to modifications of either the host or vector component of that system. Such modified systems must be independently certified by the Director, NIH. If modifications are minor, it may only be necessary for the investigator to submit data showing that the modifications have either improved or not impaired the major phenotypic traits on which the containment of the system depends. Substantial modifications of a certified system require the submission of complete testing data.

II–D–2–b. *Data To Be Submitted for Certification.*

II–D–2–b–(1). *HV1 Systems Other than E. Coli K–12.* The following types of data shall be submitted, modified as appropriate for the particular system under consideration. (i) A description of the organism and vector; the strain's natural habitat and growth

requirements; its physiological properties, particularly those related to its reproduction and survival and the mechanisms by which it exchanges genetic information; the range of organisms with which this organism normally exchanges genetic information and what sort of information is exchanged; and any relevant information on its pathogenicity or toxicity. (ii) A description of the history of the particular strains and vectors to be used, including data on any mutations which render this organism less able to survive or transmit genetic information. (iii) A general description of the range of experiments contemplated, with emphasis on the need for developing such an HV1 system.

II–D–2–b–(2). *HV2 Systems.* Investigators planning to request HV2 certification for host-vector systems can obtain instructions from ORDA concerning data to be submitted (33A, 33B). In general, the following types of data are required: (i) Description of construction steps, with indication of source, properties, and manner of introduction of genetic traits. (ii) Quantitative data on the stability of genetic traits that contribute to the containment of the system. (iii) Data on the survival of the host-vector system under nonpermissive laboratory conditions designed to represent the relevant natural environment. (iv) Data on transmissibility of the vector and/or a cloned DNA fragment under both permissive and nonpermissive conditions. (v) Data on all other properties of the system which affect containment and utility, including information on yields of phage or plasmid molecules, ease of DNA isolation, and ease of transfection or transformation. (vi) In some cases, the investigator may be asked to submit data on survival and vector transmissibility from experiments in which the host-vector is fed to laboratory animals (e.g., rodents). Such *in vivo* data may be required to confirm the validity of predicting *in vivo* survival on the basis of *in vitro* experiments.

Data must be submitted in writing to ORDA. Ten to twelve weeks are normally required for review and circulation of the data prior to the meeting at which such data can be considered by the RAC. Investigators are encouraged to publish their data on the construction, properties, and testing of proposed HV2 systems prior to consideration of the system by the RAC and its subcommittee. More specific instructions concerning the type of data to be submitted to NIH for proposed EK2 systems involving either plasmids or bacteriophage in *E. coli* K–12 are available from ORDA.

II–D–2–b–(3). *HV3 Systems.* Putative HV3 systems must, as the first step in certification, be certified as HV2 systems. Systems which meet the criteria given above under II–D–1–(c)–1, II–D–1–(c)–2, and II–D–1–(c)–3 will then be recommended for HV3 testing. Tests to evaluate various HV2 host-vector systems for HV3 certification will be performed by contractors selectd by NIH. These contractors will repeat tests performed by individuals proposing the HV2 system and, in addition, will conduct more extensive tests on conditions likely to be encountered in nature. The genotypic and phenotypic traits of HV2 systems will be evaluated. Tests on survival and transmissibility in and on animals, including primates, will be performed, as well as tests on survival in certain specified natural environments.

II–D–3. *Distribution of Certified Host-Vectors.* Certified HV2 and HV3 host-vector systems (plus appropriate control strains) must be obtained from the NIH or its designees, one of whom will be the investigator who developed the system. NIH shall announce the availability of the system by publication of notices in appropriate journals.

Plasmid vectors will be provided in a suitable host strain, and phage vectors will be distributed as small-volume lysates. If NIH propagates any of the host strains or phage, a sample will be sent to the investigator who developed the system or to an appropriate contractor, prior to distribution, for verification that the material is free from contamination and unchanged in phenotypic properties.

In distributing the certified HV2 and HV3 host-vector systems, NIH or its designee will (i) send out a complete description of the system; (ii) enumerate and describe the tests to be performed by the user in order to verify important phenotypic traits; (iii) remind the user that any modification of the system necessitates independent approval of the system by the NIH; and (iv) remind the user of responsibility for notifying ORDA of any discrepancies with the reported properties or any problems in the safe use of the system.

NIH may also distribute certified HV1 host-vector systems.

III. Containment Guidelines for Covered Experiments

Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector,* recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1–LS physical containment.

No experiments should be performed which involve:

(a) Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture.

(b) Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G.

IV. Roles and Responsibilities

IV–A. [Deleted]

IV–B. [Deleted]

IV–C. *General Definitions.* The following terms are defined as follows:

IV–C–1. "DNA" means deoxyribonucleic acid.

IV–C–2. "Recombinant DNA" or "recombinant DNA molecules" means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above.

IV–C–3. [Deleted]

IV–C–4. "Institution" means any public or private entity (including Federal, State, and local government agencies).

IV–C–5. [Deleted]

IV–C–6. "NIH Office of Recombinant DNA Activities" or "ORDA" means the office within NIH with responsibility for

* Such as those specified by the CDC Guidelines, or the USDA Quarantine Regulations.

(i) reviewing and coordinating all activities of NIH related to the Guidelines, and (ii) performing other duties as defined in Section IV–E–3.

IV–C–7. "Recombinant DNA Advisory Committee" or "RAC" means the public advisory committee that advises the Secretary, the Assistant Secretary for Health, and the Director of the National Institutes of Health concerning recombinant DNA research. The RAC shall be constituted as specified in Section IV–E–2.

IV–C–8. "Director, NIH" or "Director" means the Director of the National Institutes of Health and any other officer or employee of NIH to whom authority has been delegated.

IV–C–9. [Deleted]

IV–C–10. [Deleted]

IV–C–11. "Laboratory Safety Monograph" or "LSM" means a publication to accompany the NIH Guidelines describing practices, equipment, and facilities in detail.

IV–D. *Responsibilities of the Institution.*

Each institution conducting or sponsoring recombinant DNA research should take responsibility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH.

IV–E. *Responsibilities of NIH.*

IV–E–1. *Director.* The Director, NIH, is responsible for (i) establishing the NIH Guidelines on recombinant DNA research, (ii) overseeing their implementation, and (iii) their final interpretation.

The Director has a number of responsibilities under the Guidelines that involve the NIH Office of Recombinant DNA Activities (ORDA) and the Recombinant DNA Advisory Committee (RAC). ORDA's responsibilities under the Guidelines are administrative. Advice from the RAC is primarily scientific and technical. In certain circumstances, there is specific opportunity for public comment, with published response, before final action.

IV–E–1–a. *General Responsibilities of the Director, NIH.* The responsibilities of the Director shall include the following:

IV–E–1–a–(1). Promulgating requirements as necessary to implement the Guidelines;

IV–E–1–a–(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV–E–2. The RAC's membership is specified in its charter and in Section IV–E–2; and

IV–E–1–a–(3). Establishing and maintaining ORDA to carry out the responsibilities defined in Section IV–E–3.

IV–E–1–b. *Specific Responsibilities of the Director, NIH.*

IV–E–1–b–(1). *The Director is responsible for the following major actions* (For these, the Director must seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the agenda of the RAC meeting citing the major actions will be published in the **Federal Register** at least 30 days before the meeting, and the Director will also publish the proposed actions in the **Federal Register** for comment at least 30 days before the meeting. In addition, the Director's proposed decision, at his discretion, may be published in the **Federal Register** for 30 days of comment before final action is taken. The Director's final decision, along with response to the comments, will be published in the **Federal Register** and the *Recombinant DNA Technical Bulletin.* The RAC will be notified of this decision):

IV–E–1–b–(1)–(a). Changing containment levels for types of experiments that are specified in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(b). Assigning containment levels for types of experiments that are not explicitly considered in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(c). Certifying new host-vector systems, with the exception of minor modifications of already certified systems. (The standards and procedures for certification are described in Section II–D–2–a. Minor modifications constitute, for example, those of minimal or no consequence to the properties relevant to containment.);

IV–E–1–b–(1)–(d). Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from these Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes, or otherwise do not present a significant risk to health or the environment (see Sections I–E–4 and –5 for further information);

IV–E–1–b–(1)–(e). [Deleted]

IV–E–1–b–(1)–(f). Adopting other changes in the Guidelines.

IV–E–1–b–(2). *The Director is also responsible for the following lesser actions* (For these, the Director must seek the advice of the RAC. The Director's decision will be transmitted to the RAC and published in the *Recombinant DNA Technical Bulletin):*

IV–E–1–b–(2)–(a). Interpreting and determining containment levels, upon request by ORDA;

IV–E–1–b–(2)–(b). Changing containment levels for experiments that are specified in the Guidelines;

IV–E–1–b–(2)–(c). Assigning containment levels for experiments not explicitly considered in the Guidelines;

IV–E–1–b–(2)–(d). [Deleted]

IV–E–1–b–(2)–(e). [Deleted]

IV–E–1–b–(3). *The Director is also responsible for the following actions.* (The Director's decision will be transmitted to the RAC and published in the *Recombinant DNA Technical Bulletin):*

IV–E–1–b–(3)–(a). Interpreting the Guidelines for experiments to which the Guidelines specifically assign containment levels;

IV–E–1–b–(3)–(b). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV–E–1–b–(2)–(c).

IV–E–1–b–(3)–(c). [Deleted]

IV–E–1–b–(3)–(d). [Deleted]

IV–E–1–b–(3)–(e). [Deleted]

IV–E–1–b–(3)–(f). Approving minor modifications of already certified host-vector systems. (The standards and procedures for such modifications are described in Section II–D–2); and

IV–E–1–b–(3)–(g). Decertifying already certified host-vector systems.

IV–E–1–b–(3)–(h). [Deleted]

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates (see Appendix G).

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12 (see Appendix G).

IV–E–1–b–(4). [Deleted]

IV–E–1–b–(5). [Deleted]

IV–E–2. *Recombinant DNA Advisory Committee.* The NIH Recombinant DNA Advisory Committee (RAC) is responsible for carrying out specified functions cited below as well as others assigned under its charter or by the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH.

The members of the committee shall be chosen to provide, collectively, expertise in scientific fields relevant to recombinant DNA technology and biological safety—e.g., microbiology, molecular biology, virology, genetics, epidemiology, infectious diseases, the biology of enteric organisms, botany, plant pathology, ecology, and tissue culture. At least 20 percent of the members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the

environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as nonvoting members. Nominations for the RAC may be submitted to the NIH Office of Recombinant DNA Activities, Bethesda, Md. 20205.

All meetings of the RAC will be announced in the **Federal Register**, including tentative agenda items, 30 days in advance of the meeting, with final agendas (if modified) available at least 72 hours before the meeting. No item defined as a major action under Section IV–E–1–b–(1) may be added to an agenda after it appears in the **Federal Register**.

IV–E–2–a. *The RAC shall be responsible for advising the Director, NIH, on the actions listed in Section IV–E–1–b–(1) and –(2).*

IV–E–3. *The Office of Recombinant DNA Activities.* ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH, including Institutions, Principal Investigators, Federal agencies, State an local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the Director, NIH, including those authorities described in Section IV–E–1–b–(3). In addition, ORDA shall be responsible for the following:

IV–E–3–a. through IV–E–3–c–(3). [Deleted]

IV–E–3–c–(4). Publish in the **Federal Register** announcements of RAC meetings and agendas 30 days in advance on any action listed in Section IV–E–1–b–(1) and Section IV–E–1–b–(2).

Note.—If the agenda for an RAC meeting is modified, ORDA shall make the revised agenda available to anyone, upon request, at least 72 hours in advance of the meeting.

IV–E–3–c–(5). Publish the *Recombinant DNA Technical Bulletin;* and

IV–E–3–c–(6). Serve as executive secretary to the RAC.

IV–E–4. *Other NIH Components.* Other NIH components shall be responsible for:

IV–E–4–a. [Deleted]

IV–E–4–b. [Deleted]

IV–E–4–c. Announcing and distributing certified HV2 and HV3 host-vector systems (see Section II–E–3).

IV–F. [Deleted]

IV–G. [Deleted]

V. Footnotes and References

(1)–(4) [Deleted]

(5) Care should be taken to inactivate recombinant DNA before disposal. Procedures for inactivating DNA can be found in the "Laboratory Safety Monograph: A Supplement to the NIH Guidelines for Recombinant DNA Research."

(6) *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health, Education and Welfare Publication No. CDC 75–8118.

(7) *Classification of Etiological Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare. Public Health Service. Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(8) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

(9) *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare, Public Health

(10) *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

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(20) Biological safety cabinets referred to in this section are classified as *Class I, Class II,* or *Class III* cabinets. A *Class I* is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high-efficiency particulate air (HEPA) filter. This cabinet is used in three operational modes: (1) With a full-width open front, (2) with an installed front closure panel (having four 8-inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm length rubber gloves. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. A *Class II* cabinet is a ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA filtered mass recirculated air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. Design and performance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor, Michigan. A *Class III* cabinet is a closed front ventilated cabinet of gas-tight construction which provides the highest level of personnel protection of all biohazard safety cabinets. The interior of the cabinet is protected from contaminants exterior to the cabinet. The cabinet is fitted with arm-length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through two HEPA filters or one HEPA filter and incinerator before being discharged to the outside environment.

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(34) [Deleted]

(35) Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection, and/or conjugation with transfer of phage, plasmid, and/or chromosomal genetic information. Note that this definition of exchange may be less stringent than that applied to exempt organisms under Section I–E–4.

(36–48) [Deleted]

(49) A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed.

(50) [Deleted]

VI. Voluntary Compliance

VI–A. to VI–E. [Deleted]

VI–F. *Protection of Proprietary Data.* In general, the Freedom of Information Act requires Federal agencies to make thier records available to the public upon request. However, this requirement does not apply to, among other things, "trade secrets and commercial and financial information obtained from a person and privileged or confidential." 18 U.S.C. 1905, in turn, makes it a crime for an officer or employee of the United States or any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, (or processes * * * of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including special Government employees. Members of the Recombinant DNA Advisory Committee are "special Government employees."

VI–F–1. In submitting information to NIH for purposes of complying voluntarily with the Guidelines, an institution may designate those items of information which the institution believes constitute trade secrets or privileged or confidential commercial or financial information.

VI–F–2. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its views as to whether the information (or some portion) should be released.

VI–F–3. If the NIH decides to release this information (or some portion) in response to a Freedom of Information request or otherwise, the institution will be advised; and the actual release will not be made until the expiration of 15 days after the institution is so advised, except to the extent that earlier release, in the judgment of the Director, NIH, is necessary to protect against an imminent hazard to the public or the environment.

VI–F–4. The following information will usually be considered publicly available information, consistent with the need to protect proprietary data:

a. The names of the institution and principal investigator.

b. The location where the experiments will be performed.

c. The host-vector system.

d. The source of the DNA.

e. The level of physical containment.

VI–F–5–a. Any institution, which is considering submission of data or information vountarily to NIH, may request presubmission review of the records involved to determine whether, if the records are submitted, NIH will or will not make part or all of the records available upon request under the Freedom of Information Act.

VI–F–5–b. A request for presubmission review should be submitted to ORDA, along with the records involved. These records must be clearly marked as being the property of the institution, on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. ORDA will then seek a determination from the HEW Freedom of Information Officer, the responsible official under HEW regulations (45 CFR Part 5), as to whether the records involved (or some portion) are or are not available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from ORDA files, will be considered records of the institution and not ORDA, and will not be received as part of ORDA files. No copies will be made of the records.

VI–F–5–c. ORDA will inform the institution of the HEW Freedom of Information Officer's determination and follow the institution's instructions as to whether some or all of the records involved are to be returned to the institution or to become a part of ORDA files. If the institution instructs ORDA to return the records, no copies or summaries of the records will be made or retained by HEW, NIH, or ORDA.

VI–F–5–d. The HEW Freedom of Information Officer's determination will represent that official's judgment, as of the time of the determination, as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act, if at the time of the determination the records were in ORDA files and a request were received from them under the Act.

Appendix A.—Exemptions Under I–E–4

Section I–E–4 states that exempt from these Guidelines are "certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment (see Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A."

Under exemption I–E–4 of these revised Guidelines are recombinant DNA molecules that are (1) composed entirely of DNA segments from one or more of the organisms within a sublist and (2) to be propagated in any of the organisms within a sublist. (Classification of *Bergey's Manual of Determinative Bacteriology*, eighth edition. R.E. Buchanan and N.E. Gibbons, editors. Williams and Wilkins Company: Baltimore, 1974.)

Sublist A

1. Genus *Escherichia*
2. Genus *Shigella*
3. Genus *Salmonella* (including *Arizona*)
4. Genus *Enterobacter*
5. Genus *Citrobacter* (including *Levinea*)
6. Genus *Klebsiella*
7. Genus *Erwinia*

8. *Pseudomonas aeruginosa, Pseudomonas putida* and *Pseudomonas fluorescens*
9. *Serratia marcescens*

Sublist B

1. *Bacillus subtilis*
2. *Bacillus licheniformis*
3. *Bacillus pumilus*
4. *Bacillus globigii*
5. *Bacillus niger*
6. *Bacillus natо*
7. *Bacillus amyloliquefaciens*
8. *Bacillus aterrimus*

Sublist C

1. *Streptomyces aureofaciens*
2. *Streptomyces rimosus*
3. *Streptomyces coelicolor*

Sublist D

1. *Streptomyces griseus*
2. *Streptomyces cyaneus*
3. *Streptomyces venezuelae*

Sublist E

One way transfer of *Streptococcus mutans* or *Streptococcus lactis* DNA into *Streptococcus sanguis.*

Sublist F

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis*
4. *Streptococcus pyogenes*

Appendix B.—Classification of Microorganisms on the Basis of Hazard

I. Classification of Etiologic Agents on the Basis of Hazard (1)

A. Class 1 Agents

All bacterial, parasitic, fungal, viral, rickettsial, and chlamydial agents not included in higher classes.

B. Class 2 Agents

1. Bacterial Agents

Actinobacillus—all species except *A. mallei,* which is in Class 3
Arizona hinshawii—all serotypes
Bacillus anthracis
Bordetella—all species
Borrelia recurrentis, B. vincenti
Clostridium botulinum,
Cl. *chauvoei,* Cl. *haemolyticum,*
Cl. *histolyticum,* Cl. *novyi,*
Cl. *septicum,* Cl. *tetani*
Corynebacterium diptheriae,
C. *equi,* C. *haemolyticum*
C. *pseudotuberculosis*
C. *pyogenes, C. renale*
Diplococoecus (Streptococcus) pneumoniae
Erysipelothrix insidiosa
Escherichia coli—all enteropathogenic serotypes
Haemophilus ducreyi, H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Leptospira interrogans—all serotypes
Listeria—all species
Mima poloymorpha
Moraxella—all species
Mycobacteria—all species except those listed in Class 3
Mycoplasma—all species except *Mycoplasma mycoides* and *Mycoplasma agalactiae,* which are in Class 5
Neisseria gonorrhoeae, N. meningitidis
Pasteurella—all species except those listed in Class 3
Salmonella—all species and all serotypes
Shigella—all species and all serotypes
Sphaerophorus necrophorus
Staphylococcus aureaus
Streptobacillus moniliformis
Streptococcus pyogenes
Treponema carateum, T pallidum, and T pertenue
Vibrio fetus, V comma, including biotype El Tor, and *V parahemolyticus*

2. Fungal Agents

**Actinomycetes* (including *Nocardia* species and *Actinomyces species and Arachnia propionica)*
Blastomyces dermatitidis
Cryptococcus neoformans
Paracoccidioides brasiliensis

3. Parasitic Agents

Endomoeba histolytica
Leishmania sp.
Naegleria gruberi
Toxoplasma gondii
Toxocara canis
Trichinella spiralis
Trypanosoma cruzi

4. Viral, Rickettsial, and Chlamydial Agents

Adenoviruses—human—all types
Cache Valley virus
Coxsackie A and B viruses
Cytomegloviruses
Echoviruses—all types
Encephalomyocarditis virus (EMC)
Flanders virus
Hart Park virus
Hepatitis-associated antigen material
Herpes viruses—except *Herpesvirus simiae* (Monkey B virus) which is in Class 4
Corona viruses
Influenza viruses—all types except A/PR8/34, which is in Class 1
Langat virus
Lymhogranuloma venereum agent
Measles virus
Mumps virus
Parainfluenza virus—all types except Parainfluenza virus 3, SF4 strain, which is in Class 1
Polioviruses—all types, wild and attenuated
Poxviruses—all types except *Alastrim, Smallpox, Monkey pox, and Whitepox,* which depending on experiments, are in Class 3 or Class 4
Rabies virus—all strains except *Rabies street virus,* which should be classified in Class 3 when inoculated into carnivores
Reoviruses—all types
Respiratory syncytial virus
Rhinoviruses—all types
Rubella virus
Simian viruses—all types except *Herpesvirus simiae (Monkey B virus) and Marburg virus,* which are in Class 4
Sindbis virus
Tensaw virus
Turlock virus
Vaccinia virus
Varicella virus
Vole rickettsia
Yellow fever virus, 17D vaccine strain

C. Class 3 Agents

1. Bacterial Agents

*Actinobacillus mallei**
Bartonella—all species
Brucella—all species
Francisella tularensis
Mycobacterium avium, M. bovis, M. tuberculosis
Pasteurella multocide type B ("buffalo" and other foreign virulent strains*)
*Pseudomonas pseudomallei**
Yersenia pestis

2. Fungal Agents

Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. *duboisii*

3. Parasitic Agents

Schistosoma mansoni

4. Viral, Rickettsial, and Chlamydial Agents

***Alastrim, Smallpox, Monkey pox, and Whitepox,* when used *in vitro*
Arboviruses—all strains except those in Class 2 and 4 (Arboviruses indigenous to the United States are in Class 3, except those listed is Class 2.
West Nile and *Semliki Forest* viruses may be classified up or down, depending on the conditions of use and geographical location of the laboratory.)
Dengue virus, when used for transmission or animal inoculation experiments
Lumphocytic choriomeningitis virus (LCM)
Psittacosis-Ornithosis-Trachoma group of agents
Rabies street virus, when used in inoculations of carnivores (See Class 2)
Rickettsi—all species except *Vole rickettsia* when used for transmission or animal inoculation experiments
*Vesicular stomatitis virus**
Yellow fever virus—wild, when used *in vitro*

D. Class 4 Agents

1. Bacterial Agents

None

2. Fungal Agents

None

3. Parasitic Agents

None

4. Viral, Rickettsial, and Chlamydial Agents

***Alastrim, Smallpox, Monkey pox, and Whitepox,* when used for transmission or animal inoculation experiments
Hemorrhagic fever agents, including *Crimean hemorrhagic fever, (Congo), Junin,* and *Machupo* viruses, and others as yet undefined
Herpesvirus simiae (Monkey B virus)
Lassa virus
Marburg virus
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest diesase, Omsk hemorrhagic fever,* and *Central European encephalitis viruses*
Venezuelan equine encephalitis virus, epidemic strains, when used for

transmission or animal inoculation experiments
Yellow fever virus—wild, when used for transmission or animal inoculation experiments

II. Classification of Oncogenic Viruses on the Basis of Potential Hazard (2)

A. Low-Risk Oncogenic Viruses

Rous Sarcoma
SV–40
CELO
Ad7–SV40
Polyoma
Bovine papilloma
Rat mammary tumor
Avian Leukosis
Murine Leukemia
Murine Sarcoma
Mouse mammary tumor
Rat Leukemia
Hamster Leukemia
Bovine Leukemia
Dog Sarcoma
Mason-Pfizer Monkey Virus
Marek's
Guinea Pig Herpes
Lucke (Frog)
Adenovirus
Shope Fibroma
Shope Papilloma

B. Moderate-Risk Oncogenic Viruses

Ad2–SV40
FeLV
HV Saimiri
EBV
SSV–1
GaLV
HV ateles
Yaba
FeSV

III. Animal Pathogens (3)

A. Animal disease organisms which are forbidden entry into the United States by Law (CDC Class 5 agents)

1. Foot and mouth disease virus

B. Animal disease organisms and vectors which are forbidden entry into the United States by USDA Policy (CDC Class 5 Agents)

African horse sickness virus
African swine fever virus
Besnoitia besnoiti
Borna disease virus
Bovine infectious petechial fever
Camel pox virus
Ephemeral fever virus
Fowl plague virus
Goat pox virus
Hog cholera virus
Louping ill virus
Lumpy skin disease virus
Nairobi sheep disease virus
Newcastle disease virus (Asiatic strains)
Mycoplasma mycoides (contagious bovine pleuropneumonia)
Mycoplasma agalactiae (contagious agalactia of sheep)
Rickettsia ruminatium (heart water)
Rift valley fever virus
Rhinderpest virus
Sheep pox virus
Swine vesicular disease virus
Teschen disease virus
Trypanosoma vivax (Nagana)
Trypanosoma evansi
Theileria parva (East Coast fever)
Theileria annulata
Theileria lawrencei
Theileria bovis
Theileria hirci
Vesicular exanthema virus
Wesselsbron disease virus
Zyonema

Footnotes and References of Appendix B

*A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782.

**Since the publication of the classification in 1974 [1], the *Actinomycetes* have been reclassified as bacterial rather than fungal agents.

***All activities, including storage of variola and whitepox are restricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

(1) Classification of Etiologic Agents on the Basis of Hazard. (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(2) National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses. (October 1974). U.S. Department of Health, Education, and Welfare Publication No. (NIH) 75–790.

(3) U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

Appendix C.—Exemptions Under I–E–5

Section I–E–5 states that exempt from these Guidelines are "Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d)). Certain classes are exempt as of publication of these Revised Guidelines."

The following classes of experiments are exempt under Section I–E–5 of the Guidelines:

1. *Recombinant DNAs in Tissue Culture.* Recombinant DNA molecules derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus), that are propagated and maintained in cells in tissue culture are exempt from these Guidelines with the exceptions listed below.

Exceptions. Experiments, involving the deliberate introduction of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

2. *Experiments Involving E. coli K–12 host-vector systems.* Experiments which use *E. coli* K–12 host-vector systems, with the exception of those experiments listed below, are exempt from these Guidelines provided that (a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or nonconjugative plasmids [49] shall be used as vectors. However, experiments involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information [35] with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a nonconjugative vector is used, the *E. coli* K–12 host may contain conjugation proficient plasmids either autonomous or integrated, or generalized transducing phages.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions. Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

3. *Experiments Involving Saccharomyces cerevisiae host-vector systems.* Experiments which use *Saccharomyces cerevisiae* host-vector systems, with the exception of experiments listed below, are exempt from these Guidelined provided that laboratory strains are used.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions. Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

4. *Experiments Involving Bacillus subtilis host-vector systems.* Any asporogenic *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, with the exception of those experiments listed below. Indigenous *Bacillus* plasmids and phages, whose host-range does not include *Bacillus cereus* or *Bacillus anthracis*, may be used as vectors.

For these exempt experiments P1 physical containment conditions are recommended.

Exceptions. Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

Appendix D [Deleted]

Appendix E [Deleted]

Appendix F.—Certified Host-Vector Systems

A listing of host-vector systems previously classified as HV1 or HV2 follows.

HV1—The following plasmids are accepted as the vector components of certified *B. subtilis* HV1 systems: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124. *B. subtilis* strains RUB 331 and BGSC 1S53 have been certified as the host component of HV1 systems based on these plasmids.

HV1—The following specified strains of *Neurospora crassa* which have been modified to prevent aerial dispersion:

(1) inl (inositolless) strains 37102, 37401, 46316, 64001, and 89601.

(2) csp–1 strain UCLA and csp–2 strains FS 590, UCLA101 (these are conidial separation mutants).

(3) eas strain UCLA191 (an "easily wettable" mutant).

HV1—The following *Streptomyces* species: *Streptomyces coelicolor, S. lividans, S. parvulus,* and *S. griseus.* The following are accepted as vector components of certified *Streptomyces* HV1 systems: *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phi C31, and their derivatives.

HV2—The asporogenic mutant derivative of *Bacillus subtilis,* ASB 298, with the following plasmids as the vector component: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124.

HV2—The following sterile strains of *Saccharomyces cerevisiae,* all of which have the ste–VC9 mutation, SHY1, SHY2, SHY3, and SHY4. The following plasmids are certified for use: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32 and YIp33.

EK2 Plasmid Systems. The *E. coli* K–12 strain chi–1776. The following plasmids are certified for use: pSC101, pMB9, pBR313, pBR322, pDH24, pBR327, pGL101, pHB1. The following *E. coli/S. cerevisiae* hybrid plasmids are certified as EK2 vectors when used in *E. coli* chi–1776 or in the sterile yeast strains, SHY1, SHY2, SHY3 and SHY4: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32, YIp33.

EK2 Bacteriophage Systems. The following are certified EK2 systems based on bacteriophage lambda:

Vector	*Host*
λgt*WES.* λB′	DP50*supF*
λgt*WES.* λB*	DP50*supF*
λgtZJ*vir.* λB′	*E. coli* K–12
λgtALO. λB	DP50*supF*
Charon 3A	DP50 or DP50*supF*
Charon 4A	DP50 or DP50*supF*
Charon 16A	DP50 or DP50*supF*
Charon 21A	DP50*supF*
Charon 23A	DP50 or DP50*supF*
Charon 24A	DP50 or DP50*supF*

Appendix G—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. *General Information.*

Appendix G specifies the containment to be used for the deliberate cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin) should not be performed. No specific recommendations other than those given in Part III of the Guidelines shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram body weight should be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests should be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV–E–1–b–(3)–(i).)

2. *Recommended Containment Conditions for Cloning of Toxin Genes in E. coli K–12.*

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) should proceed under P2 + EK2 or P3 + EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight should proceed under P1 + EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis,* the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered enterally than parenterally. The following enterotoxins should be subject to P1 + EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli, Klebsiella,* and other related proteins that may be identified by neutralization with an antiserum monospecific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica.*

3. *Containment Conditions for Cloning of Toxin Genes in Organisms Other than E. coli K–12.* Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K–12 should be submitted to ORDA for evaluation. ORDA will consult with the *ad hoc* working group on toxins. (See Section IV–E–1–b–(3)–(j).)

Appendix H [Deleted]

Annex A.—Original Proposal of Drs. David Baltimore & Allan Campell; Proposal To Convert the NIH Guidelines Into a Non-regulatory Code of Standard Practice and To Reduce the Recommended containment Levels For Some Experiments

Proposals

(1) Section I–A of the NIH Guidelines will be replaced with the following:

"I–A. *Purpose.* The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to these standards by all laboratories using recombinant DNA is recommended."

(2) Part I–C of the NIH Guidelines shall be eliminated.

(3) Part III of the Guidelines will be replaced with the following:

"Part III discuss experiments covered by the Guidelines. The reader must first consult Part I, where listings are given of prohibited and exempt experiments.

"Where there are existing recommended physical containment levels applicable to non-recombinant DNA experiments with either the host or the vector (such as those specified by the CDC Guidelines), recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. Otherwise, all non-prohibited experiments may be carried out under conditions of P1 physical containment. As a general practice, investigators should use the highest level of biological containment (HV3>HV2>HV1) which is available and appropriate for the purposes of the experiment.

"Specific exceptions to the prohibitions may be approved by the Director NIH (section I–D). The Director will consider

requests for exceptions from individuals, institutions or corporations regardless of whether the applicant is affiliated with or supported by NIH. Such exceptions will generally be approved for specified levels of physical and biological containment."

This will be followed by a listing of those exceptions which are presently authorized and the containment levels approved for the excepted experiments.

(4) Part VI of the NIH Guidelines shall be eliminated, with the following exceptions:

(a) Those definitions listed in Part IV–C which may be needed clarify statements made elsewhere in the Guidelines shall be retained.

(b) Those portions of Part IV–E defining the composition of RAC and prescribing rules for RAC procedures shall be retained.

(c) The following statement shall be added:

"Each institution conducting or sponsoring recombinant DNA research should take responsibility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH."

(5) Section VI of the Guidelines will be eliminated, except for those portions of section VI–F relevant to the protection of proprietary information submitted in support of requests for exceptions from the prohibitions.

Explanation and Justification

The action has two major effects:

(A) It revokes the mandatory nature of the Guidelines by eliminating those sections specifying regulatory procedures and their underlying organizational machinery. These Guidelines would then resemble the CDC Guidelines in setting standards and providing guidance rather than in regulating the performance of experiments. This purpose is accomplished by items, 1, 2, 4 and 5 of the proposal.

Item 5 (elimination of most of section VI) is included because, with the elimination of section IV, compliance with the Guidelines will effectively become voluntary for all individuals, regardless of NIH support. Special provision for voluntary compliance by individuals and institutions not supported by NIH then becomes superfluous.

(B) It reduces the prescribed level of physical containment for most experiments to P1. This purpose is accomplished by item 3.

These two changes are justified from the following considerations:

(A) *Elimination of Regulatory Procedures.* Opinions differ as to the widsom of the actions and arguments which led to the adoption of the NIH Guidelines in 1976. However, there is fairly general agreement on two points: (i) The establishment of Guidelines has had some beneficial effects. In particular, it has raised the general level of awareness among investigators and institutions of the importance of considering possible hazards that might arise during microbiological research. (ii) Since 1976, neither experimental evidence nor solid theoretical arguments have been advanced to support the position that recombinant DNA research poses any danger to human health or to the integrity of the natural environment.

At this point, we doubt that the beneficial side effects of continued regulation justify the expenditure of time and money required to maintain a regulatory apparatus that has been developed to protect society from hazards that appear to be non-existent.

(B) *Reduction of Recommended Containment Levels.* In the absence of known or suspected hazards, it seems unjustified to single out certain classes of experiments as requiring elevated levels of physical containment. The cost, in discouraging variety and innovation and thereby limiting access to useful knowledge, is real, whereas the benefit is likely to be zero. The use of P1 containment, together with the highest available level of biological containment appropriate to the experimental purpose, will keep the probability of escape and establishment very low without interfering with the conduct of most research.

The prohibitions remain in force. Although we consider it unlikely that experiments in the prohibited categories will generate serious hazards, they represent the one area of the Guidelines which is addressed to risks whose nature can be specified, and that are in principle assessable. Restructuring of some of these categories aimed at delineating areas of real concern is desirable and is currently underway in the case of toxin genes. The results of such restructuring would be to define additional exceptions from the prohibitions, which would then appear in Part III of the Guidelines as amended by this measure.

Annex B.—Documents Prepared by Working Group on Revision of the Guidelines

Summary of Committee Actions, Report to RAC

At the April 1981 RAC meeting, a working group was established to consider major revisions of the recombinant DNA Guidelines. The working group, appointed by RAC chairman Ray Thornton, consists of 13 members, 9 of whom were RAC members as of June 1980 (2 have since ended their terms), 2 liaison RAC members, and 2 other scientists who have had long involvement with the recombinant DNA issue. The list of members is attached. The working group is chaired by Susan Gottesman. Two meetings were held: one on June 1, 1981, at which 8 members were present, and one on July 9, 1981, at which 11 members were present. Minutes of both meetings are available. There was a clear consensus by the working group that some major restructuring of the guidelines was appropriate. There was major disagreement about how far such a revision should go. The basic issues are: (1) Are there qualitatively unique dangers associated with Recombinant DNA research? and (2) If so, what response is necessary for guarding against such hazards: is some special procedure required? If there are not qualitatively unique dangers involved, are the remaining risks adequately addressed by already existing procedures for dealing with research dangers? If not, should one use the recombinant DNA issue to develop appropriate procedures for the more general issues?

After an analysis of the risks (detailed in the accompanying document), the following general conclusions were reached:

(1) Accidental combinations of genes, rising out of "shotgun" cloning experiments or experiments where expression is not specifically engineered, are extremely unlikely to lead to serious problems. In most organisms, the barriers to expression of foreign genes, the necessity for new enzyme activities to function as an integrated part of an existing pathway, and the selective disadvantage of carrying recombinant DNA, will interfere with such organisms establishing themselves in the environment and thus ultimately with their potential to cause harm. Therefore, for these experiments, the minimal controls associated with good laboratory practice should be sufficient. Many such experiments have already been exempted by the NIH from any special procedures.

(2) A particular subset of experiments may pose some possibility of risk. In these experiments, the expression of foreign functions may have been deliberately increased, or normal functions will have been engineered to operate more efficiently. While there is no evidence that this risk is qualitatively

different from the risks associated with other kinds of genetic research, the end result may be an increase in virulence, host range, or survivability of some pathogens.

Given these conclusions, the majority of those present at the July 9 meeting supported a proposal which adopts the containment provisions of the Baltimore-Campbell proposal, but retains the mandatory aspect of the guidelines. A minority preferred either a "voluntary code of practice" as stipulated in the original Baltimore-Campbell proposal, or an end to all specifications for working with recombinant DNA, apart from those stipulations of "good laboratory practice."

The text of the proposal as approved by the subcommittee, with a comparison to current (July 1, 1981) guidelines is attached. In addition, an examination of the state of our knowledge about recombinant DNA risks, to be used as a rationale for change, is attached.

We suggest the following procedures: (1) RAC consider and modify if necessary, the working group's proposal and the supporting rationale statement, (2) The modified proposal and rationale be published in the **Federal Register** and elsewhere, if appropriate, for public comment, (3) All comments be considered by the working group and recommendations for change, based on the comments, be made. The final version should once again be published in the **Federal Register**. (4) RAC take final action on the proposal. This might occur at the January 1982 RAC meeting, or possibly at the following meeting, if more time for comment is considered necessary.

Recombinant DNA Advisory Committee Working Group on Revision of the Guidelines, National Institutes of Health

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Executive Secretary

Gartland, William J., Jr., Ph. D., Director, Office of Recombinant DNA Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6051

Revision of the July 1, 1981 Guidelines Proposed by Working Group on Revision of the Guidelines, July 9, 1981

(1) Section I-A of the Guidelines would be amended to read as follows:

I-A. *Purpose.* The purpose of these Guidelines to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules.

(2) Section I-D of the Guidelines, *Prohibitions,* would be eliminated.

(3) Part III of the Guidelines would be replaced with the following language:

Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector (such as those specified by the CDC Guidelines, or the USDA Quarantine Regulations), recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1-LS physical containment.

(4) Those membership specifications of the IBC to be found in Section IV-D of Section IV of the Guidelines would be eliminated.

BILLING CODE 4110-08-M

OUTLINE OF CURRENT NIH GUIDELINES FOR RECOMBINANT DNA RESEARCH AND PROPOSED CHANGES

	Current Guidelines: Procedures	Subcommittee Proposal	Baltimore-Campbell Proposal
I. Prohibitions (I-D)			
CDC Class 4 & 5 organisms Genes for potent toxins Release to environment Genes for drug resistance	Prohibitions take precedence over all other parts of guidelines; exceptions possible by application to RAC and Federal Register publication	Eliminate prohibitions as special class; handled by IBC as with other experiments	Retains prohibitions
10 liters unless well characterized and harmless	This prohibition does not take precedence over exemptions 1-4		
II. Exemptions (I-E)			
Naked DNA Rearrangements Self-cloning Exchangers Others: Tissue culture, *E. coli*, *B. subtilis* and *S. cerevisiae* HV1 systems	No special oversight required for these experiments; new additions to list by application to RAC and publication in Federal Register	No change	No change
III. HV1 Systems (III-A)			
Currently covers only some *N. crassa* and *Streptomyces* strains	Containment varies with source of donor DNA (P1-P3). New systems require approval by RAC and Federal Register publication	P1	P1
IV. All other prokaryote, lower eukaryote combinations	P3; lower by request to ORDA. Return to host of origin, P1	P1 for nonpathogens; pathogens as per CDC, etc.	P1 for nonpathogens; etc.
V. Eukaryote recipients			
non-viral vectors	P1-P2 in whole organ. (exempt in tissue culture)	P1 for non-pathogens, etc.	P1 for non-pathogens, etc.
defective viral vectors	P1-helper, P2-P3 + helper		
non-defective viral vectors	case-by-case; (P2 in most cases)	P1 for non-pathogens, etc.	P1 for non-pathogens, etc.
Procedural Changes: IBC	membership specified	no specifications for membership	voluntary system

BILLING CODE 4110-08-C

Evaluation of the Risks Associated With Recombinant DNA Research

I. History and Introduction

The technique known as recombinant DNA or gene cloning was first developed in the early 1970s. It provides methods for combining pieces of DNA from essentially any source—no matter how unrelated—and reintroducing them into living cells. In practice, in order to ensure that the newly joined DNA persists in its host, small pieces of the DNA of interest are joined to a DNA (a vector) which has the capacity for self-replication in the host cell.

The development of this incredibly powerful new technique led thoughtful scientists, aware of the history of use and abuse of similar breakthroughs in the fields of chemistry and physics, to raise to their fellow scientists questions about the possible hazards of the technique. This occurred before the technique had been used enough to allow those talking about the dangers to have any expectations about what the full possibilities or complications of the experiments might be. The initial discussion raised enough concerns for scientists to ask, first, for a moratorium on some sorts of experiments, and secondly, for the development of guidelines for the use of recombinant DNA technology. The form of the initial restrictions was outlined at the meeting of 150 scientists held at Asilomar in February 1975. This document served as informal guidance to scientists working in the field until the issuance of the first NIH Recombinant DNA Guidelines in June of 1976 (**Federal Register**, July 7, 1976). The impetus to obey these Guidelines was both peer pressure and the threat of withdrawl of NIH grant funds.

The original Guidelines relied on the use of physical and genetic containment procedures as safeguards for dealing with unspecified dangers. As the possibilities of the recombinant DNA technique were more fully realized, it became clear that many experiments were not mentioned in the original guidelines either because they had not been of particular concern to those who wrote the Guidelines, or because the necessary experimental techniques had not yet been developed. On the other hand, large classes of experiments, particularly those with animal viruses, had been extremely restricted. Because of a concomitant rise in public awareness and concern about the whole of recombinant DNA experimentation, NIH at this stage felt it appropriate to approve only experiments explicitly discussed in the 1976 NIH Guidelines. Scientists were frustrated that experiments they both knew how to do and knew would lead to rapid advances in subjects of major importance were blocked. In addition, they felt under attack as public scrutiny of the molecular biology field sometimes implied that no scientist could be trusted to supervise his own work and that yet stronger control would be necessary to properly guard the world against the dangers of recombinant DNA. As the original concept of care and self-policing were replaced by complex regulations and restrictions scientists perceived as inappropriate, support for the guidelines among scientists decreased dramatically.

Simultaneously, the NIH was developing the first major revision of the Guidelines to deal with inconsistencies and changing perceptions. The first major revision took more than two years from start to adoption in late 1978 (**Federal Register**, December 22, 1978). Major changes were introduced. They included: Creation of an "exempt" category for experiments considered to be innocuous, the lowering of containment requirements for experiments with animal viruses, and the delegation of more oversight authority for recombinant DNA experiments to local committees (IBCs). In addition, the new Guidelines explicitly recognized the need for a constant evolution of the Guidelines and specified a procedure for such change. That gradual evolution has continued over the last three years, and has included some fairly radical changes in the range of permitted experiments, the level of containment requirements for experiments, and the procedures for administration of the Guidelines. The trend has been to remove from most requirements, those classes of experiments for which no specific danger can be hypothesized.

At present, five years after the first Guidelines went into effect and seven years after the Asilomar Conference, the situation is as follows (**Federal Register**, July 1, 1981):

(1) The Guidelines permit a large number of experiments using the recombinant DNA technique, and interfere with and slow ongoing investigations in most areas far less than they did in 1976–1978;

(2) Many experiments, especially those in *E. coli* K–12, *Saccharomyces cerevisiae*, and *B. subtilis* host-vector systems, can be carried out at low containment, and with relatively few registration or prior approval procedures;

(3) Some recombinant DNA experiments, especially in organisms which are not as well studied as the originally used *E. coli* K–12 host, still require special permission from and discussion with an oversight committee, either at the local or national level;

(4) A great deal more experience with the limits and possibilities of the recombinant DNA technique, seven years of explicit discussion of the possibilities for harm and how these possibilities can be evaluated, as well as some NIH supported risk assessment studies have provided scientists somewhat better parameters for discussing the dangers of recombinant DNA;

(5) Experience with regulation of the recombinant DNA field over the last five years should provide some information about the effectivness of various provisions if such regulation is needed;

(6) The Guidelines have evolved into an extremely complicated, piece-meal document in response to modifications initiated by specific, single-issue requests. Most scientists experience difficulty in picking their way through this document.

(7) Administration and revision of the Guidelines continues to require scientists to expend considerable time, both as part of the RAC and the IBCs, and in the laboratory.

In response to a specific proposal by two members of the NIH Recombinant DNA Advisory Committee, that "the time for Guidelines with attached oversight procedures and penalties has passed," the RAC has designated a study group to evaluate what we now know about the possible dangers of recombinant DNA, how those dangers are met by the Guidelines as they now stand, and whether such Guidelines are still appropriate for this scientific technique. Below, we will analyze the basic assumptions and types of risk which were visualized, and what has been learned to either allay or reinforce these fears. We will then analyze the possibilities for dealing with remaining concerns, ranging from continuation of the current Guidelines through abolition of any special oversight.

II. Possible Hazards

A. Basic Assumptions

In some ways, recombinant DNA poses a unique problem. One can add new genetic information to practically any organism, and arrange matters so that new information is stably maintained and possibly expressed in the host. In addition, because we are dealing with viable, self-replicating

organisms, the altered individual would not necessarily sit on the inventor's shelf, like some new and terribly explosive chemical, but might be able to establish itself in the environment and, because of its ability to replicate, magnify any harmful effect. Three assumptions are therefore involved in the decision to call recombinant DNA a unique danger; each one of these assumptions can be separately discussed and evaluated. These assumptions are:

(1) That a unique organism, never found in nature, might be constructed by recombinant DNA techniques;

(2) That such a unique organism might be able to establish itself in the environment outside the laboratory;

(3) That such an organism, established in the environment and possessing unique properties bestowed upon it by recombinant DNA techniques, might be harmful, either to man, animals, or plants.

If one could prove that any one of these three assumptions is totally false, the dire expectations of the recombinant DNA technique could be discarded and no special precautions would need to be taken. In the initial assessment, however, these assumptions seemed reasonable, in that the technique appeared to allow any organism to be mofidied in any way.

Over the last seven years, some changes in perception and in knowledge of recombinant DNA hazards have occurred:

(1) The possibilities and limits of assumption 1 are somewhat better understood in (a) the limits to which recombinant DNA can bestow new characteristics on organisms, and (b) the ways by which organisms normally exchange genetic information in anticipation of the recombinant DNA technique, thereby negating the "uniqueness" component of the assumption.

(2) A great deal of discussion in the last few years has centered on assumption 2; the whole concept of biological containment is based upon circumventing the organisms' establishment in the environment by modifying the properties of the organism. In the case of *E. coli* K–12, specific tests to asses the likelihood of establishment, with or without recombinant DNA, have been carried out (see appendix), and have suggested that such establishment is unlikely. In the more general sense, can any change made in the laboratory either intentionally or unintentionally endow an organism with a competitive advantage in a very competitive outside environment? Seven years experience with recombinant DNA has suggested that recombinant DNA is frequently not stably maintained in the host organism in the absence of selective pressures.

(3) Assumption 3, that such a unique established organism will cause harm, remains primarily one of discussion, since experiments where one might explicitly predict harm have been for the most part forbidden or discouraged. Some explicit experiments to assess risks have been performed: I.e., examination of whether *E. coli* can act as a vector to introduce viral DNA into animal cells (Israel et al., 1979, a, b; Chan et al., 1979), and whether *E. coli* manufacturing active hormones can affect the physiology of animals (Stebbing et al., 1980). Much of the other discussion involves unknowns, although understanding of the basis for pathogenicity of some organisms can help in predicting the probable effects of introducing new genetic information.

We will try to analyze (1) the kinds of information available to support or disprove each of these assumptions, (2) how these assumptions have been dealt with in past Guidelines, and (3) how they might be dealt with in the future.

The early Guidelines presumed that, since the possibility of harm could not be properly evaluated, all recombinants were potentially harmful; the Guidelines controlled the establishment of recombinant DNA containing organisms in the environment by indicating levels of physical and biological containment. More recently, the Guidelines have evolved to include the concept that only unique organisms should be of concern. This concept is the basis for the long list of exemptions in the 1978 Guideline revision. Other relaxations in the Guidelines concerning *E. coli* K–12 host-vector systems have resulted from further examination of the second assumption, as evidence accumulated on the inability of *E. coli* K–12 to establish itself in the environment.

Accidental vs. Intentional Cloning of a Harmful Segment. One other aspect of the change from early to more recent attitudes can be traced to the qualitative difference between accidental constructs of unknown recombinants and the intentional cloning of a specific gene. The early Guidelines in their concern for inadvertant combinations of potentially harmful genes, required high containment for experiments in which random pieces of DNA from one organism are inserted into a second organism (shotgun experiment). Advances in our understanding of how expression of mammalian genes (eukaryotes) differs from expression of genes in lower forms of life such as bacteria (prokaryotes), has led to a perception that the accidental altering of an organism is very unlikely to produce a harmful result. Thus, some lessening of containment for such "shotgun" experiments has seemed justified. The other concern, and probably the basis for the remaining concerns, centers on the deliberate construction of a recombinant organism expressing a foreign product. The rapidly developing techniques of recombinant DNA technology can be utilized to insure that the recombinant DNA in fact efficiently expresses a product in its new host. The organism can, in addition, be engineered to excrete the product into the outside environment. In such a case, questions about possible harm can be posed without considering assumptions on the likelihood of expression or the possibility of one DNA fragment out of many establishing itself.

1. *Uniqueness of Organisms Created by Recombinant DNA Techniques.*

A. *Limits of the techniques.*

The original assumption that DNA from essentially any source could be introduced into essentially any organism has been supported by research advances of the last six years. Methods have been developed for introducing foreign DNA stably into a variety of bacteria, yeasts, plants and animal cells. In some organisms, the nature of the vector or the growth pressures on the organism limit the amount of new information which can be introduced as recombinant DNA. For example, many viral vectors have size limits on the amount of introduced DNA; only a specific amount can be packaged into viral the coat (Blattner et al., 1977). Some bacterial plasmids become harder to maintain stably in cells as their size increases. In practice, many recombinant DNA experiments are more productive when relatively small, defined pieces of the foreign DNA of interest are used. In considering the general limits for the purposes of risk considerations, it seems fair to say that there is no limit to either the source of DNA (donor) or of the host (recipient) but that size of the donor DNA may be limited, especially where viral vectors are used.

b. *Natural exchange mechanisms.*

The earliest discussions of the recombinant DNA technique considered the well known ability of *E. coli* to exchange DNA with other organisms as a possible hazard of using the recombinant DNA technique in that host-vector system. Such exchange might disseminate recombinant DNA from an *E. coli* K–12 host to other less well characterized and less disabled hosts; therefore, use of plasmids that

could not transfer readily to other hosts (nonconjugative plasmids) were specified by the Guidelines. The 1976 Guidelines did not specifically acknowledge the additional conclusion that such exchange implies: that for at least some pairs of organisms, recombinant DNA experiments may simply imitate nature in moving blocks of genes from one species to another.

A series of promiscuous plasmids that move freely among severl species of bacteria, have been found in a large series of gram negative organisms, ranging from *E. coli* through *Rhizobium* and *Pseudomonas* (Alexander & Jollick, 1977; Haas & Holloway, 1978; Baron et al., 1968). These plasmids frequently carry, in addition to genes for their own maintenance and transmission, antibiotic resistance genes and occasionally chromosomally derived genes (Olsen & Gonzalez, 1974; Holloway, 1978). Evidence of *in vivo* transfer of these plasmids from virtually any gram-negative species to any other gram-negative species has been found (Ingram et al., 1974; Smith, 1969). In laboratory experiments, chromosomal genes from a variety of organisms can be transferred by these plasmids into other species (chromosome mobilization). In some cases, such chromosomal genes can be stably recombined into the recipient chromosome. In other cases, the mobilized genes can be found stably associated with the plasmid, and, therefore, can be transferred at high efficiency to many organisms (Holloway, 1978).

Although the precise nature of this mobilization is not know, it seems to be somewhat plasmid specific. At least some plasmids can mobilize the DNA of many diverse organisms (Haas & Holloway, 1978), and many genes from any given organism can be mobilized by these plasmids. Given the ubiquity of such plasmids, the ample opportunity for exchange in the environment these organisms share, and the very long time periods available, it seems reasonable to assume that, for most gram-negative bacteria, any given gene has in fact been introduced at some time into any given recipient. This probability was explicitly recognized in the 1978 revision of the Guidelines by the inclusion of a list of "exchangers" (Federal Register, July 28, 1978). Recombinant DNA experiments between two exchangers are exempt from the Guidelines on the rationale that such a pair should have been exposed to each others DNA, and, therefore, no unique combination should be produced via recombinant DNA technology. If this principle is accepted in the broadest sense, essentially any cloning among the enterobacteriaceae, both pathogenic and non-pathogenic, would be exempted from the Guidelines.

Many gram positive bacteria take up DNA from the environment (Low & Porter, 1978). When the DNA taken up has similar sequences to the host bacteria DNA, the bacteria are capable of recombining that DNA into their own chromosome. Some of these organisms have been shown to be transformed (changed genetically) by DNA released by neighboring bacteria in the soil (Graham & Istock, 1978; Burke & Le, 1980). Therefore, such organisms exchange genetic information with other organisms by transformation; some pairs of microorganisms have been added to the exchanger list on this basis.

Similarly, bacteria may frequently encounter mammalian DNA, either from decaying matter or from intestinal cells or ingested food in the case of gut bacteria. Mammalian cells in the intestine should frequently be exposed to DNA released from resident bacteria. It is difficult in these cases to realistically estimate uptake and persistence, although mechanisms for "illegitimate recombination" do exist both in bacteria and mammalian cells (Cold Spring Harbor Symposium, 1981; Kleckner, 1981). Large pieces of non-homologous DNA can be incorporated into the mammalian genome (Scangos & Ruddle, 1981).

There have been reports of the existence of mammalian hormone-like proteins elaborated by bacteria (Koide & Maruo, 1981; LeRoith et al., 1981); this may reflect uptake and integration of mammalian DNA by bacteria sometime in the past.

In at least one case, a system for genetic transfer from bacteria to plants exists. The plant pathogen *Agrobacterium tumefaciens* transfers a specific part of its extrachromosomal DNA, implicated in plant tumor formation, stably to the infected plant cells where the DNA is expressed and stably maintained (Chilton et al., 1977). The transferred piece is derived from a large, transferable plasmid which has the capacity to enter, by conjugation, many other prokaryotes. It is not known whether other such mechanisms exist, but even this isolated example provides a mechanism for moving bacterial and perhaps other types of information into many kinds of plants.

Among animals and plants, viruses seem to be the most likely mechanism for pick up of chromosomal genes and transfer of genetic information from one host to another. In the last few years, it has become clear that many chromosomal sequences can be found in association with viral DNA (Bishop, 1981; Weinberg, 1980).

c. *Counterarguments.*

i. While exchange can be documented in the laboratory, most genes will not be transferred *in vivo* in stable association with plasmids; only the most homologous regions will recombine into the recipient chromosome. Species that do not occupy the same ecological niche are unlikely to have the opportunity for natural exchange of genetic information. Introduction of DNA via transformation will rarely lead to stable diploid formation or replacement of the original DNA with new sequences. The use of the recombinant DNA technique may increase these processes dramatically by providing a mechanism for maintaining new sequences in the absence of homology.

ii. The vectors used for recombinant DNA experiments may be engineered to exist in many copies in the cell, or other mechanisms may be used to increase expression of genes beyond that found in nature. Such optimization of expression could lead to an organism unique in its ability to produce an excess of a particular product.

2. *Dissemination.*

a. *Stability of Recombinant DNA.* Much of the discussion of the possible hazards associated with recombinant DNA in *E. coli* K-12 has centered on the inability of this organism to establish itself in the environment or disseminate recombinant DNA to other organisms. We have summarized some of these data in the Appendix, and further discussion of the data can be found in the report of a meeting in Falmouth, Massachusetts, where the epidemiological consequences of cloning in *E. coli* K-12 were discussed (Gorbach, 1978).

Some of the arguments made with respect to *E. coli* K-12 can be generalized to other systems as well. Laboratory strains, which most frequently will be used as hosts for recombinant DNA, may lose some of the characteristics which permit growth outside the laboratory. Many vectors, in being redesigned as useful vectors for recombinant DNA experiments, will lose the capacity for self-transmission. However, in a discussion of whether essentially any recombinant DNA containing organism is likely to be disseminated, we must assume that at least in some cases the host will be one not far removed from the wild environment, and that, in some cases, self-transmissible vectors will be used to carry the recombinant DNA. Therefore, one must ask if there are

general arguments about the ability of the organism carrying recombinant DNA to compete successfully with nonrecombinant DNA organisms.

There is a great deal of anecdotal information about the difficulties that people have maintaining recombinant DNA in bacterial strains; selective pressures must be applied continuously to maintain many plasmids. Little of this type of information has been published. One such experiment, reported by Cameron and Davis (1977), examines the fate of random *E. coli* and *Saccharomyces cerevisiae* fragments cloned into a bacterial virus vector and propagated for many cycles in *E. coli*. After about 25 cycles of growth, both sets of DNAs were reduced from the original diverse population to one or two dominant types which presumably have a growth advantage over all the other types. The authors also state that none of the yeast clones outgrow the parent vector (containing no recombinant DNA information). Therefore, most recombinants grown under these conditions will be quickly lost after the host organism begins to multiply.

Evolutionary arguments suggest that an organism containing recombinant DNA information will be at a relative disadvantage; this is particularly true for complex organisms such as mammals. Ayala (1977) points out that, for developmentally advanced organisms, new information must be coadapted to the rest of the gene pool of that organism; this is almost impossible to do with new information unless the new information is simply a different form of an already present gene. If, however, the new information is very similar to that which is already present, such a variant might have arisen by natural means and the recombinant DNA containing organisms will not be unique. Chances for altering the evolution of simpler organisms, such as prokaryotes, may be somewhat greater, although short generation times and relatively economical use of DNA sequence information suggests that non-useful information will be rapidly lost. Overproduction of one or a few products would be expected to unbalance the cell's metabolism.

b. *Transmission into other potential hosts. There are three major mechanisms for transfer of recombinant DNA from the original host to other hosts encountered in the environment.*

(1) For plasmids, in particular, the conjugational mode (by mating, involving cell-to-cell contact) may be primary. Either conjugative transfer of a self-transferring plasmid or mobilization of non-conjugative plasmids may occur (Low & Porter, 1978). At least for one class of vectors frequently used for recombinant DNA, those based on the *E. coli* plasmid pBR322, it has been demonstrated *in vitro* and *in vivo* that transfer by mobilization is greatly reduced (Dougan, G., Crosa, J.H., Falkow S., 1978; Levine, M.M., Kaper, J.B., et al., unpublished data) apparently because a segment necessary for mobilization was deleted in construction of the vector (Clark & Warren, 1979). Clearly the range of possible recipients will depend on the host range of the transferring plasmids.

(2) Viral vectors, if they are intact, may readily transfer the recombinant DNA they carry to other sensitive hosts. If the host is killed in the process, the association will be only a temporary one. If the vector is defective (lacking an essential function), the function must be supplied by a helper virus for each new round of growth and infection. Therefore, if an appropriate helper is not commonly found in the environment, it is unlikely that the defective viral vector and its recombinant DNA will be disseminated.

(3) Finally, cells are capable of taking up naked foreign DNA. For bacterial systems carrying out transformation, restriction systems will frequently degrade the incoming DNA if it is from a foreign strain, thereby reducing greatly the probabilities for stable incorporation of incoming recombinant DNA. In addition, it has been found that plasmids serve as a particularly poor source of DNA for transformation into some strains (*B. subtilis*) (Canosi et al., 1978; Contente & Dubnau, 1979). Since DNA which is nonhomologous and is not competent to replicate by itself will not be recombined into the host chromosome or maintained in the cytoplasm, it may be reasonable to assume that naked recombinant DNA taken up by prokaryotes by transformation will not generate stable recombinant DNA containing organisms. In addition, at least in some environments, nucleases, pH and other environmental factors should interfere with the stability of naked recombinant DNA. In one experiment, bacterial DNA exposed to the diluted contents of rat intestine was rapidly degraded (Maturin and Curtiss, 1977). In other cases, however, *in vivo* DNA transformation has been observed, suggesting that not all DNA released into the animal tissues will be immediately destroyed (Ottolenghi-Nightingale, 1969).

Take-up of DNA by animal cells in tissue culture is not an efficient process under optimized laboratory conditions (Scangos & Ruddle, 1981). Moreover, for an effective cycle which will lead to wide-scale dissemination, the DNA would have to be stably integrated into the germ line of an intact organism. Alternatively, some constant source pool, such as infecting bacteria or viral recombinants may continue to provide a source of the DNA.

Individual plant cells, since they can be regenerated into complete plants, could disseminate DNA if it were integrated into nuclear or organelle DNA. However, this may also require a constant bacterial or viral source pool in plant cells.

3. *Harm.*

Let us assume for the moment that the organisms we have created via recombinant DNA are in fact unique, and have had the opportunity and ability to establish themselves in the environment. Will these organisms have the ability to cause harm, either to ourselves, to other animals, or to plants, microorganisms and the environment? We will consider here some general arguments about the roles recombinant DNA can play, and some of the specific cases which people have considered to be areas of concern.

a. *Breaching prokaryotic-eukaryotic barriers: evolutionary considerations.*

Prominent among the concerns expressed during the first few years of recombinant DNA technology was the fear of "breaching the barriers" to permit recombination between distantly related organisms. This concern, articulated most prominently by Sinsheimer (1975, 1976 a, b) and by Chargaff (1976), implies that the fertility barriers that evolved as organisms diverged during evolution arose to prevent the creation of new, dangerous species. Davis argues that this view "turns evolutionary principles upside down. Evolution has indeed established fertility barriers between species. But these barriers do not function to prevent the formation of *monsters* that might take over in the Darwinian struggle: They prevent wasteful matings that would produce only unbalanced *monstrosities*, unable to survive" (Davis, 1976, 1977).

In addition, information based primarily on the recombinant DNA analysis of eukaryotic genomes makes it clear that the mechanisms for processing information from DNA into protein differ greatly between many eukaryotes and prokaryotes (Breathnach & Chambon, 1981; Revel & Groner, 1978). Therefore, it is difficult to imagine that for most cases the "breaching of the brarrier" will result in much more than adding silent DNA sequences into the host cell. In the absence of any expressed function, it is difficult to hypothesize either a beneficial or

harmful effect of eukaryotic DNA for a prokaryote. Therefore, experiments which do not include the intentional expression of eukaryotic DNA in prokaryotes, or prokaryotic information in eukaryotes, should be considered unlikely to express a product; any harm would have to be due to the DNA itself, and any competitive advantage for survival would likewise have to be due to the DNA itself. We will consider below those cases where the recombinant is designed to express a foreign product.

b. *Small pieces in large organisms.* Many recombinant DNA experiments involve the introduction of pieces of relatively small foreign DNA into a host. Thus, for many experiments in *E. coli*, pieces which represent no more than 0.5–1% of the recipient's genetic information are added as recombinant DNA. In most cases, this kind of new information, unless carefully integrated with information already present, will not significantly alter the ecology of the organism (Ayala, 1977). Carried further, this argument may suggest that new information introduced into a pathogen is not likely to significantly change its mechanism of pathogenicity. Information which must be processed to serve as part of a more complex biochemical pathway, as is often the case for the surface components which play an important role in bacterial pathogenesis, will be even more difficult to alter via recombinant DNA.

For more complex cells, the added DNA will represent a small part of the recipient's genome. This argument clearly does not hold as well for viral recombinants, where the added recombinant DNA information may be equal in quantity to what is already present. In addition, it may not apply if one is speaking of planned changes, such as introducing antibiotic resistance genes or causing overproduction or change in some normal cell component; i.e., increasing toxin synthesis, or altering the characteristics of a surface component of a bacterial cell such that the antigenicity of the cell will be changed.

c. *Specific Cases.*

i. *Expression of Active Peptides: Hormones, Toxins.* One major class of concerns in the discussion of the risks of recombinant DNA is based on the assumption that bacteria could be programmed to express, in large quantities, active proteins which would cause, either by themselves or through their antigenicity, some untoward reaction in their host. This issue was specifically addressed for *E. coli* hosts at a meeting sponsored by NIAID in Pasadena, California in April 1980. Since for the sake of discussion the participants assumed the "worst case" of transfer of the recombinant DNA to an established colonizing organism, some of the conclusions from that meeting can be generalized to the case of cloning in the prokaryotes which colonize the intestinal tract. Reports from that meeting have been published in the *Recombinant DNA Technical Bulletin* (Volumes 3 and 4, 1980–1981) and are summarized here.

If one assumes transfer and maintenance of a recombinant plasmid in essentially all *E. coli* of the intestinal tract one can calculate that the bacteria, at their maximum synthetic capacity, will produce in the range of 10^8 molecules/cell/generation, or about 50 micrograms a day of a product of the size of insulin. Given this number as an upper limit, one can calculate for various active peptides the maximum dosage the hose will receive and the effect on the host from these dosages. Such calculations suggest that most hormones with activities similar to insulin will not be expected to have much, if any, effect on a mammalian host, even if they are exported from the bacterial factory and absorbed from the intestine in active form. Much more active peptides or proteins, however, might be of some concern under such circumstances. If, in addition, one imagined as the host anaerobic bacteria as well as or instead of aerobes, the body dose of an expressed protein might be significantly greater.

Fifty micrograms per day, on the other hand, of the most active toxins (e.g., the botulinum toxins, *Shigella dysenteriae* neurotoxin, tetanus toxin, diphtheria toxin) is well above the intravenous lethal dose for an average man. Several other toxins, including three of plant origin (abrin, ricin and modeccin), may be lethal to man within the range of 10 to 100 micrograms. The effects of the cytotoxic toxins, intraintestinally produced, on the lining of the lower GI tract are generally unknown. They presumably might (1) damage the colonic or intestinal lining directly, (2) pass through the lumen and cause damage elsewhere, or (3) pass into the bloodstream subsequent to lumen damage. Little is known of the pharmacokinetics of toxins in the body.

Thus, these arguments suggest that for cloning of foreign proteins, only the most active kinds of peptides, at maximal levels of expression, would be likely to have some effect, if one ignores the problems of dissemination and establishment.

ii. *Expression of Cross-Reacting Antibodies.* The implication of inserting eukaryotic genetic material coding for human "self" antigens into prokaryotic microbe vectors that parasitize humans was also specifically addressed by the NIAID meeting in Pasadena, California (Workshop on Recombinant DNA Risk Assessment). When considered within the framework of microbial parasitism in its broadest perspective and against contemporary concepts of immunologic tolerance to "self" constituents and host autoreactive immune responses, the injurious potential of autoreactive immune responses elicited by "cross-reacting" infecting host-vector microbes would appear to be extraordinarily low.

This conclusion is supported by the following observations:

- Literally hundreds of cross-reactivities exist between human proteins and bacterial and viral surface proteins. Most of these cross-reacting proteins have not been implicated in autoimmune injury.
- Abundant data exists indicating that some cross-reacting systems do lead to production of autoantibodies. Most of these autoantibodies are low affinity binding antibodies which do not lead to tissue injury and clinically manifest disease. Whether low affinity or high affinity antibodies will be induced by cross-reacting systems displaying human antigens is unknown.
- Some type of regulatory restraint exists which allows "self" to be recognized by host immunocompetent cells but prohibits such cells from launching an "anti-self" immunologic attack (Paterson, 1981).

iii. *Animal Virus Cloning.* Recombinant DNA experiments involving the use of animal virus genomes fall into several possible categories:

(1) Cloning of entire or partial genomes in prokaryotes,

(2) Cloning of animal virus genomes in eukaryotic cells under conditions where the genome may replicate either autonomously or in concert with the host genome, but cannot produce an infectious particle (defective virus or non-permissive infection),

(3) Cloning of an animal virus genome in eukaryotic cells under conditions where the genome may not only be replicated but also may be matured into an infectious virus.

In all these cases, the animal virus may be considered as either "recipient" or "donor"; the difference is frequently semantic only. General considerations will be reviewed here. A more technical analysis of the issues to each class of animal virus are considered in the report of the Ascot Meeting (**Federal Register**, July 28, 1978).

Cloning of animal viruses is considered here with respect to the question of whether recombinant DNA experiments *per se* pose any unique hazards not associated with handling animal viruses in general. The following comments are offered in light of the consideration that all work with animal viruses poses some potential risk, unrelated to recombinant DNA, especially to investigators. It is essential to employ good laboratory techniques appropriate to the particular virus being studied.

- *Cloning of viral genomes in prokaryotes*

Our increased understanding of the differences in gene expression between prokaryotes and eukaryotes renders it difficult to imagine ways in which complete animal viral particles could be synthesized in recombinant DNA containing bacteria. Animal viruses have complex post-transcriptional modification requirements, and use host functions in processing and assembly which are not provided by a bacterial host.

- *Cloning of Viral Genomes in Eukaryotic Cells*

Because animal cells in culture are so fragile, they in themselves constitute an excellent containment system. The major potential risk would be that a recombinant DNA molecule could replicate, be encapsidated as a normal virus, and be able to propagate as a virus. There are several potential constraints on such a system, primarily the fact that there is an upper limit on the size of the genome which may be encapsidated. Under such conditions, some of the original viral genomes would most probably be deleted, rendering the recombinant virus defective. However, such a defective virus might be propogated in the presence of a helper virus. Such systems are known to exist both naturally (avian retroviruses and adeno-associated viruses) and in the laboratory (adeno-SV40 hybrid viruses, most of which are defective, but may be propogated). Recombinants might include genes from different viruses or cellular genes inserted into a viral genome. Examples of both natural types of recombinants are generated by recombination in cell culture (e.g. the adeno-SV40 hybrid viruses and the highly oncogenic types of both avian and murine retroviruses—those which have incorporated a Src gene of cellular origin). Interestingly, none of the known examples have proven particularly hazardous for experimenters to handle. Presumably a human retrovirus might be especially hazardous but this situation could obtain independently of any recombinant DNA experiments.

Recombinants between viruses which are not closely related (different Families) are likely to have such basic differences in mechanisms of replication and infection as to be unlikely to work together well enough to produce viable entities; therefore the recombinant in this case will be equivalent to, or more defective, than the parent viruses. Recombinants between viruses which are more closely related may be more likely to create new useable functions, but the close relationship may suggest that such a recombination will have already occurred naturally.

In summary recombinant DNA experiments involving animal viruses in eukaryotic cells might well lead to the construction of some viruses with properties which are novel in detail. However, there is no reason to think that these agents would be novel in terms of host range or potential virulence compared to viruses generated in other ways.

Much of the summary of animal virus recombinant DNA risks is based upon the conclusions of virologists at the EMBO meeting in Ascot, England, January 27–28 1978 (Federal Register, July 28, 1978), and at the ASM meeting in Miami Beach, Florida, April 13, 1981. Reports on these meetings are available.

B. Human Genetic Engineering

The implications of the recombinant DNA technique for inserting recombinant DNA into humans has served as a backdrop for much of the recombinant DNA debate. The guidelines as now written deal with this issue only obliquely, by requiring special RAC consideration for most such experiments. Currently, human experimentation falls under the control of human experimentation review groups (Institutional Review Boards, IRBs). If a decision to remove the recombinant DNA oversight of this technique is made, it will still be oversighted by IRBs. It is not clear that recombinant DNA *per se* poses a special problem in this area, distinct from those posed by non-recombinant transformation and genetic manipulation procedures.

III. *Costs*

Expenditures for risk assessment testing, administration of RAC, and the functioning of the Office of Recombinant DNA Activities were approximately $700,000 in the peak year of 1979. Risk assessment costs accounted for approximately one-half of that total. In all, risk assessment and vector development contracts supported by NIAID have cost over $2 million since 1976. There are also expenses associated with the functioning of Institutional Biosafety Committees, and with the oversight of physical containment facilities.

Costs in time and energy for individual scientists are difficult to estimate but continue to be significant.

IV. *Conclusions*

A. Summary Analysis of Risks

Given the above analysis of the risks associated with recombinant DNA, we have come to the following major conclusions:

(1) That accidental combinations of genes, rising out of "shotgun" cloning experiments or experiments where expression is not specifically engineered, are extremely unlikely to lead to serious problems. Both the barriers to expression of foreign genes in most organisms, the necessity for new activities to function as an integrated part of an existing pathway, and the selective disadvantage given to an organism by recombinant DNA inserts will interfere with such organisms establishing themselves in the environment and thus, ultimately with their potential to cause harm. Therefore, for these experiments, the minimal controls associated with good laboratory practice should be sufficient.

(2) A particular subset of experiments may still pose some possibility of risk. While there is no evidence that this risk is qualitatively different from the risks associated with other kinds of genetic research, the possibility for improving the virulence, host range, or survivability of some pathogens does seem to exist. In most cases, in these experiments the problems of expression of foreign functions will have been bypassed, or normal functions will have been engineered to operate more efficiently.

In many cases, even the best engineered strain will be at a major disadvantage in the environment, or will require artificial selections to maintain recombinant DNA information. The issue to be faced here, however, is (a) how serious is this risk? (b) What is the most effective, non-obtrusive mechanism for guarding against any untoward consequences of such work?

B. Possible Responses

Re-evaluation of the guidelines might in theory lead to changes in the guidelines' containment requirements, or the oversight procedures, or both. We will consider here the two extreme cases of (1) maintaining the current

guidelines, or (2) totally abolishing the guidelines. The route recommended by the subcommittee will then be discussed.

1. *Maintain the Status Quo.*

a. *Advantages.* The *status quo* is not static, since the 1978 major revision of the guidelines recognized the need for constant evolution of the guidelines and provided procedures for changes which have been applied frequently in the last three years. The guidelines have been useful; their existence raised the awareness of investigators and institutions as to the importance of considering and avoiding hazards in the laboratory. If there are significant dangers associated with recombinant DNA research, the safety of this research thus for may have been due to the existence of the guidelines. Time will permit accumulation of more experience and data relevant to risk assessment so that reductions in restrictions can be derived from a greater factual base. A carefully thought-through simplification of the guidelines could be one immediate aim, while preserving the current guideline structure.

Gradual evolution of the guidelines would permit exploration of the means of dealing with possible laboratory-created biohazards so that tracking systems for such hazards in general—inclusive, but not limited to, those that might arise from recombinant DNA technology—might be established. To monitor biohazards, an expanded role for a body similar in concept to RAC might also be explored, as well as that body's relation to the IBCs. Current guidelines for good laboratory practices could be examined and possibly adapted to include recombinant DNA experiments.

b. *Disadvantages.* The current guidelines are long, cumbersome, and detailed. They are, in practice, regulations rather than guidelines. Because no guidelines or regulations can hope to anticipate, in detail, all experiments or circumstances, particularly in such a rapidly growing field, much time and effort are expended by investigators, RAC, and ORDA with requests to alter containment requirements or be granted exemptions from guidelines. The record shows that more often than not, after careful deliberation, the requests are granted.

Most scientists now conclude, after almost a decade of experience, deliberate risk assessment experimentation and theorizing, that the potential risks of recombinant DNA research have not materialized and most probably will not. While it is not possible to exclude with certainty risks to man or the ecosystem from application of recombinant DNA technology, at present these risks now appear to be much smaller than they appeared to be a few years ago.

In view of this conclusion, the current guidelines are too complex and restrictive of development of useful knowledge with direct health, agricultural, and economic benefits. They require a bureaucratic apparatus and an amount of paperwork that is viewed as excessive and excessively costly in terms of dollars and professionals' time.

2. *Abolish the Guidelines.*

a. *Advantages.* In the absence of known or suspected hazards, it appears unjustified to single out certain classes of experiments as requiring elevated levels or physical containment. Similarly unjustified is the expenditure of time and money required to maintain a regulatory apparatus that has been developed to protect society from hazards that may be non-existent. What residual uncertainties exist about such hazards can be handled more flexibly and more efficiently at the level of the individual scientist, with consultation with others as he sees fit. In some universities, the procedures for monitoring laboratory hazards will remain in force and provide a backup system for checking on the individual scientist. Other kinds of laboratory guidelines (e.g., those for working with human and animal pathogens) will still exist and will provide guidance for proper use of such organisms when recombinant DNA technology is used. Since many of the residual concerns are centered around changing the host range and pathogenicity of already existing pathogens, such appropriate containment procedures should be adequate and in line with the existing dangers.

b. *Disadvantages.* There remain some areas in which specific risks may exist. It would seem appropriate to have some mechanism for ensuring that scientists consider these risks before and during their experimentation, and that they seek some outside advice on how serious the risk may be. The current IBC structure, with ORDA and RAC as backup, provides such a structure. Its abolition will also leave the regulatory aspects of the field in chaos, and may encourage local jurisdictions, which may come to different conclusions about the degree of certainty concerning special risks, to enact less informed and less flexible guidelines and regulations for control of this field. In any case, individual determinations in many areas of the country will possibly require more time and effort of more scientists than if the same determination was made once centrally. The results will also be less uniform, encouraging pressure on local groups to keep containment low.

In the absence of a working procedure for monitoring other laboratory hazards, it seems foolhardy to abandon this mechanism even if one concludes that recombinant DNA risks are not qualitatively different from other research risks. It may be more appropriate to refine the mechanisms for tracking recombinant DNA experiments such that this mechanism can be used as a model for watching and preventing other research risks.

C. Recommendation

The Working Group on Revision of the Guidelines has proposed changes in the guidelines which (1) would significantly reduce required containment for a large class of experiments, (2) would employ other guidelines to set appropriate containment for working with pathogens containing recombinant DNA, and (3) would eliminate the prohibited class of experiments, including the large volume growth of recombinant DNA containing organisms, relegating them to the same status as other experiments. The proposal does retain, however, the requirement for IBC prereview of non-exempt experiments, and suggests that in specific cases where additional risk might be expected due to the nature of the recombinant DNA experiment itself, the containment should be adjusted accordingly. Thus, this procedure would have the effect of

(1) Supporting the notion that, for the vast majority of recombinant DNA experiments, the risks are those associated with the organisms involved. The appropriate containment for pathogens such as that specified by the proposed CDC Biosafety Guidelines for Microbiological and Biomedical Laboratories would continue to be enforced for experiments utilizing recombinant DNA.

(2) Simplifying the containment levels for the vast majority of experiments, and in most cases decreasing the required containment.

(3) Retaining flexibility in allowing change in containment in particular experiments where circumstances permit. Flexibility would reside primarily with the IBC, and, if necessary, questions could be referred to RAC.

(4) Maintaining the class of "exempt" experiments, which covers the majority of recombinant DNA experiments; new additions could be made to this class as justified.

(5) Maintaining prereview of all non-exempt experiments by the IBC. It is proposed that the requirements for the constitution of the IBC be dropped while the essential element of consultation with a group other than the principal investigator is retained.

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Appendix A of Annex B: Experiments with E. coli

One of the apprehensions of scientists early in the recombinant DNA era was that certain recombinant organisms (particularly *Escherichia coli*) might inadvertantly escape from the laboratory, particularly by way of inadvertant colonization of laboratory personnel. Furthermore it was feared that temporary intestinal colonization of a laboratory worker might result in exchange of genetic information from the laboratory *E. coli* strain to normal intestinal coliform flora. It was also feared by some that since some *E. coli* strains are pathogenic for man, perhaps *E. coli* K–12 should be regarded as a pathogen or "potential" pathogen.

Most of the early work with recombinant DNA involved *E. coli K–12*. Since the genetics of this strain are so well-studied, much (if not most) recombinant DNA research still involves derivatives of this strain. Thus it is

pertinent to discuss "risk" relevant to working with *E. coli* K–12.

A. History and Description of D. coli K–12

E. coli K–12 was first isolated from the intestine of a patient convalescing from diphtheria in Stanford University Hospital in the 1920's. Thereafter it was stored in the laboratory as a stock strain. Presumably, at the time of initial isolation it was a smooth strain adapted to colonization of the human colon. By the term smooth is meant the fact that the strain produces a complete lipopolysaccharide O antigen on its surface with many polymeric polysaccharide side chains. Over the course of years of laboratory passage *E. coli* K–12 has become irreversibly rough. By dint of its rough state, *E. coli* K–12 has lost a major prerequisite required for successful colonization of man and animals.

1. *E. coli as a Pathogen.* It is well-recognized that within the enormous species, *E. coli*, are strains that are true pathogens for man and animals. Depending on strain and host, certain *E. coli* can cause diarrheal illiness, dysentery, urinary tract infection or meningitis. While this is true, it is now known that such pathogenicity is *not* a general or even a potential feature of all *E. coli*. Rather, a constellation of specific virulence factors must be present in certain *E. coli* for them to be able to cause disease in man (or animals) and such virulence factors tend to be stable in only a relatively small number of strains or serotypes.

For example:

A. *E. coli meningitis*— Trauma or neurosurgical intervention which breaches the integrity of the meningeal coverings of the central nervous system can result in direct contamination and nosocomial infection with many gram-negative or gram-positive organisms. In the absence of the above, for all intents and purposes, primary *E. coli* meningitis is limited to infants less than three months of age; in fact most cases occur in neonates within 28 days of birth. In the early 1970's it was discovered that the *E. coli* that cause meningitis in infants have in common a surface capsular polysaccharide, K1, which confers virulence (*1,2*). By mid-infancy most individuals are already resistant to K1 encapsulated *E. coli*.

b. *Diarrheal Illness*—Certain *E. coli* can cause watery diarrhea. These strains, which include enterotoxigenic and enteropathogenic *E. coli*, possess a constellation of virulence properties which in tandem result in the ability to cause diarrhea. For example, enterotoxigenic *E. coli* that elaborate both heatlabile and heatstable enterotoxins usually also possess fimbrial colonization factors (adhesion pili) and such strains are usually limited to perhaps a dozen of the 164 *E. coli* O serogroups. Studies in pigs involving attempts to "create" a diarrheal pathogen by insertion of genes for adhesion pili (K88 antigen fimbriae) and enterotoxin into a K–12 strain were unsuccessful, (*3*) showing that the constellation of virulence properties of true porcine pathogens is more complex.

c. *Dysentery*—Certain strains of *E. coli* exist that are capable of causing a clinical syndrome identical to bacillary dysentery. Such strains are referred to as enteroinvasive and are limited to a very few *E. coli* O serogroups. Biochemically and serologically these strains bear many relationships to shigella.

d. *Urinary Tract Infections*—It is now recognized that the *E. coli* strains that are associated with upper urinary tract infections possess mannose resistant hemagglutinin, and fimbrial colonization factors that allow adhesion to epithelial cells of the urinary tract and prevent dislodgement by urine flow. Furthermore, it is currently recognized that urinary-tract epithelial cells of certain individuals are more receptive than others to adhesion by *E. coli* strains possessing the fimbrial colonization factors.

2. *Inoculum Size and Mode of Infection*—It has been shown with volunteer studies that rather high inocula (10^6—10^{10}) and neutraliation of gastric acid (for example with $NaHCO_3$) are required to ensure colonization by enterotoxigenic *E. coli*. Volunteers with *E. coli* diarrheal disease did not transmit the infection by direct contact to uninoculated control volunteers with whom they were living in close quarters (*4*).

Volunteers challenged with enteropathogenic *E. coli* excreted large numbers of *E. coli* in thier stools and were colonized in their proximal small intestine but were not colonized in the throat (*5*).

The thrust of all these observations is that: *E. coli* enteropathogens are transmitted via large inocual contained within contaminated food and water vehicles. They are not spread by airborne or direct contact routes. In order to colonize the human gut, even with a known enteric pathogen, a large inoculum is required and modifications must be made (e.g., ingestion of $NaHCO_3$) to ensure survival of the *E. coli* through the gastric acid barrier. Thus, based on current knowledge and data it is extremely unlikely that individuals working in a recombinant DNA research laboratory could become colonized in their intestine by droplet, aerosol or contact transmission.

3. *Colonizability of Human Intestine by E. coli K–12: Summary of Feeding Studies*—Four groups have carried out studies in which high inocula (10^8—10^{10} organisms) of *E. coli* K–12 strains were fed to volunteers (*6–9*). The common observation from these studies is that *E. coli* K–12 is unable to colonize the human intestine. While counts of 10^5—10^7 K–12 organisms per gram of stool could be cultured on the first day postinfection, levels dropped to 10^3 or 10^3 by day 2 and K–12 was usually no longer detectable by day 5. In contrast, ingestion of 10^{10} organisms of a smooth non-pathogenic normal intestinal flora strain (*E. coli* HS) resulted in prolonged excretion of the organism (weeks) in high titer (10^6—10^8/gram stool), demonstrating clear-cut colonization (*8,10*).

There is only one report of apparent *in vivo* transmission of a conjugative plasmid from K–12 to normal host flora (*7*). In this instance, one day post-ingestion small numbers (10^1/gram stool) of resident coliforms were found to be carring the K–12 plasmid. The putative recombinants were detectable for only one day (*7*).

Feeding studies in volunteers have also been carried out with *E. coli* x1776, a highly defective, fastidious variant of K–12 that has been certified as host organism in EK2 levels of biological containment (*9*). x1776 was not detected in stools of volunteers following ingestion. When volunteers were fed x1776 containing plasmid pBR322, low levels of excreation, (10^1–10^2/gram for two days) were observed.

In summary, the above-mentioned feeding studies demonstrate that even after direct ingestion of large inocula, *E. coli* K–12 does not readily colonize the human intestine.

4. *Active Bacteriologic Surveillance for K–12 Colonization*—During a two year period fecal cultures were obtained every two to three days from laboratory workers handling nalidixic acid-resistant *E. coli* K–12 containing transmission-proficient R plasmids. These workers practiced no special precautions other than good microbiologic technique. Neither *E. coli* K–12 nor the R factors utilized in the laboratory were recovered from any stool culture at any time. These data demonstrate under "field conditions" that colonization of *E. coli* K–12 or acquisition by resident intestinal coliform flora of R factors used in the laboratory do not occur.

5. *"Non-Mobilizable Plasmids"*—Plasmid vectors have been created which are mobilized and transferred from bacterial cell to bacterial cell at a markedly reduced frequency than the parent strain (*12*). For example pBR322 is transferred approximately 100 thousand times less frequently than its colEl parent plasmid under comparable mating conditions. Risk assessment studies recently carried out at the Univiersity of Maryland School of Medicine under sponsorship of the National Institutes of Health have verified *in vivo* in man decreased mobilization of "nonmobilizable" plasmid vector pBR325 (*10*). Seventeen volunteers ingested 10^{10} *E. coli* HS (a smooth normal flora strain) containing plasmid pJBJK5 (a non-conjugative, mobilizable colEl variant containing tetracycline and chloramphenicol resistance genes). This strain heavily colonized the intestines of each of the 17 individuals, all of whom also ingested one gram of tetracycline daily. Normal flora recombinants containing plasmid pJBK5 were recovered from 9 to 17 volunteers. In contrast, when 15 volunteers ingested *E. coli* HS containing plasmid pBR325 (which also encodes for tetracycline resistance), although they also became heavily colonized while taking tetracyline daily, no resident flora recombinants were identified containing pBR325. These data attest to the decreased mobilizability in man of safe vector plasmids, even in the presence of antibiotic pressure modifying the environment in a way that recombinants would have enhanced survivability.

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Annex C—Minority Reports of Working Group on Revision of Recombinant DNA Guidelines

Further Recommendations

We the undersigned agree with the general thrust of the recommendations of the Working Group on Recombinant DNA Guidelines. In particular, we support the recommendation that those experiments, for which containment guidelines are retained, are to conform to good laboratory practice as described in the CDC and APHIS Quarantine rules. The recommendation that abolishes the category of prohibited experiments is scientifically sound in the light of current knowledge. The content of the suggested containment guidelines follows from the overall conclusion that research with recombinant DNA imposes no more risk than any other biological research. The background paper amply documents this point.

Therefore, we find no reason to retain the Administrative Guidelines (Section IV). The spirit of the Baltimore-Campbell resolution and, as titled, its major purpose, was to convert the NIH Regulations into Guidelines. Retaining pages of bureaucratic regulations for what is now perceived to require only limited oversight is a waste of time and effort, will not add to safety in any way, and will be disdained as bureaucratic capriciousness.

Edward A. Adelberg, Kenneth I. Berns, Herman W. Lewis, Sue A. Tolin, Norton D. Zinder.

Given the recommendations for the containment guidelines and what would be proper for the administrative guidelines, we the undersigned conclude that special guidelines for recombinant DNA are totally unnecessary. Therefore, we further recommend that as of June 23, 1982 the NIH Guidelines cease to exist.

The arguments for their retention are primarily social and political; they do not have a scientific base (see Background Paper). It seems right, at this time, to disavow such arguments and base our conclusions solely on the scientific issues. RAC should recommend the abolition of the Guidelines. In doing so, it should prepare a strong statement of its rationale to be published in *Science* and *Nature* as well as the **Federal Register**. This statement should also contain as recommendation the containment guidelines for recombinant DNA experiments developed by the Working Group. Prepared as the culmination of years of consideration and analysis, such a statement would serve to inform both the scientific community and the public of the safety of research with recombinant DMA:

Edward A. Adelberg, Norton D. Zinder.

Annex D—Draft Minutes of Relevant Portion of September 10–11, 1981 RAC Meeting

Drs. David Baltimore and Allan Campbell, RAC members, had proposed a major revision of the Guidelines (Baltimore-Campbell proposal) which was considered by the RAC at its April 1981 meeting. At the April 1981 meeting, a Working Group on Revision of the Guidelines was established to review the Baltimore-Campbell proposal as well as other approaches which might lead to a major revision of the Guidelines. The Working Group met on June 1, 1981, and on July 9, 1981. The Working Group prepared a proposal for revising the Guidelines, a summary of its actions, and a document entitled "Evaluation of the Risks Associated with Recombinant DNA Research." Two minority reports were prepared by several members of the Working Group. The Working Group report and the minority reports were distributed to RAC members prior to the September 1981 meeting.

Mr. Thornton asked Dr. Gottesman to introduce the Working Group's report. Dr. Gottesman reviewed the highlights of the report. She noted that the revision of the Guidelines promulgated on July 1, 1981, already exempts many experiments in three major host-vector systems. The Baltimore-Campbell proposal would convert mandatory Guidelines to a voluntary code of good practice and would set as containment levels those appropriate for the organism being used. The Working Group considered various approaches; the majority supported a proposal which adopts the containment provisions of the Baltimore-Campbell proposal but retains the mandatory aspect of the Guidelines. The proposal has not yet been published as a proposed major

action in the **Federal Register**. The RAC may wish to modify the proposal before its formal publication in the **Federal Register** for public comment.

Dr. Gottesman noted that the background document discusses basic assumptions. It is difficult to imagine hazards resulting from random combinations of DNA. Furthermore, deliberate combinations will not be harmful in most cases. However, there are still some questions about certain experiments. The issue is how to deal with the latter experiments. The proposal of the Working Group would retain IBC prereview so that there is a level of review beyond the investigator.

Dr. Gottesman then reviewed the main points of the Working Group proposal. The proposed containment levels are very similar to those of the Baltimore-Campbell proposal, i.e., containment would be largely based on the pathogenicity of the host. For all non-exempt experiments, at least the P1 level would be recommended. The Working Group proposal eliminates reference to biological containment in Part III of the Guidelines. The Working Group proposal also adds in admonition which reads as follows:

> If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied.

While the Baltimore-Campbell proposal would be a voluntary code of practice, the Working Group proposal retains IBC prereview of covered experiments and retains Section IV–G of the Guidelines which discusses possible penalties for failing to follow the Guidelines. However, the Working Group recommends eliminating membership requirements for IBCs currently specified in Section IV–D of the Guidelines. While the Baltimore-Campbell proposal retains the prohibition section of the Guidelines (I–D), the Working Group proposal eliminates the prohibitions on the basis that currently prohibited experiments would be prereviewed by an IBC in their proposal. Dr. Gottesman said that she felt that the major issues for discussion are: prohibitions, prereview of covered experiments, and containment levels.

Dr. Berns noted that five Working Group members, including himself, submitted a minority report which disagrees with the Working Group's proposal to retain the mandatory nature of the Guidelines. The minority report recommends elimination of Part IV of the Guidelines.

Dr. Goldstein said that he agrees with parts of the Working Group report. He said that IBCs are still needed although a survey in California has indicated great variation in IBCs. He also said that prohibited experiments need to be more clearly considered.

Dr. Harris said that she felt that the Working Group's report is an acceptable compromise.

Ms. King said that the report suggests a direction for movement but that details need to be worked out. She said that if there are Guidelines, there should be sanctions. She said that distinguishing NIH grantees from non-grantees is not unique: she cited the situation with human experimentation. Ms. King said that she strongly favors retention of the sanctions.

Dr. Nightingale said that she supports the recommendations of the Working Group, saying that they represent a good compromise. She expressed concern about the availability of other guidelines cited in Working Group report. In this regard, she noted the many comments received on the proposed CDC Biosafety Guidelines for Microbiological and Biomedical Laboratories. She also expressed concern that prohibition I–D–4, dealing with deliberate release into the environment, had not been dealt with. Dr. Nightingale said there is a necessity for accountability when public funds are being used. She said the RAC needs an assessment of outside perceptions and that the background document needs further work.

Dr. Zinder then addressed the RAC. He noted that he had prepared the minority reports to the Working Group's recommendations. He said that although there is a disagreement about the administrative aspects of the Guidelines, there was unanimity in the Working Group in favor of the new proposed containment levels. He noted that although inclusion of a slightly modified Part IV was recommended by the Working Group, five members have now endorsed a minority report stating that Part IV should be removed from the Guidelines. Drs. Adelberg and Zinder also signed a second minority report recommending complete elimination of the Guidelines. Dr. Zinder said that he and the scientists concerned about recombinant DNA originally proposed guidelines which would give guidance and not be enforced, rather than rules. He cited some of the history leading to the issuance of mandatory guidelines in 1976. Dr. Zinder said that if Part IV is retained in the revised Guidelines, there should be a strong justification for retaining it stated in a position paper. He said that he prefers that the Guidelines be rescinded and replaced with a simple recommendation. He said that if scientists are to be encouraged to speak up in the future about conjectural risks, they must be shown that when interim regulation is subsequently shown to be superfluous, it can be removed.

Dr. Baltimore said the Baltimore-Campbell proposal was a compromise between scientific judgment that there is no justification for Guidelines being other than a code of accepted practice, and the necessity for considering political and social factors. Their proposal retained the prohibitions, which he said are one of the most noted parts of the Guidelines. It has been argued that the RAC should not consider political and social factors; however, Dr. Baltimore did not agree. He said that the prohibitions have less and less justification and that he finds no difficulty in accepting the Working Group's recommendation regarding elimination of prohibited experiments, except for elimination of the prohibition against acquisition of a drug resistance trait in those cases in which such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture. Concerned scientists originally proposed guidelines meaning only guidance and not regulations; the RAC will have to decide the future course of the Guidelines. He noted that there apparently already is general agreement in the RAC on modifying Part III dealing with containment levels and agreement on retaining the exemptions. The issue is Part IV of the Guidelines. He said that he feels that it is anomalous to retain the current procedures section of the Guidelines. However, political and social issues need to be considered. If the Federal government pulled completely out of the issue, local governments might well overreact. The Federal government needs to provide surveillance, a forum for considering questions, and an office where inquiries can be authoritatively answered. Therefore, maintenance of the RAC, ORDA, and abbreviated guidelines are necessary. Dr. Baltimore expressed support for the original Baltimore-Campbell proposal, with some modifications based on the Working Group recommendations. Dr. Zinder said that if Guidelines are to be retained, it is for political and social reasons. However, the political climate has changed. In New York State, which previously passed a law regulating recombinant DNA research, a bill has been introduced to repeal the law based on the assertion that the medical institutions which perform such research in New York State have proven to be trustworthy.

Dr. Nightingale said that she agrees with most of what Dr. Baltimore said. In order to implement sound public policy there are three basic ingredients: knowledge base, commitment of leadership, and appropriate social strategy. She said that in this case there is much agreement on the knowledge base and that there is need for change and the direction of that change. There is more disagreement on the appropriate social strategy. Having Federal involvement is one method of tempering local extremism.

Ms. King noted that the Baltimore-Campbell proposal would put industry and academia on an equal footing. She said that the RAC should consider a special meeting and public hearing on the proposed changes.

Dr. Gottesman noted that the current Guidelines are flexible and that the vast majority of experiments done today are exempt. She feels that there are scientific reasons for having a group other than the principal investigator look at the experiments still covered by the Guidelines; they should be reviewed by IBCs. She said that the critical issues in Part IV of the Guidelines are IBC prereview and compliance. She said that the Working Group's proposal does not involve an immense administrative burden.

Dr. Goldstein said that he also shares concerns about the scientific issues. He noted the number of new companies becoming involved in recombinant DNA research.

Dr. Brill stated that at a recent public meeting regarding a genetic engineering company in Madison, Wisconsin, no concerns were expressed about use of recombinant DNA technology.

Dr. McKinney said that the handling of the prohibitions is an important issue. They could perhaps be changed to cautionary advisories. He also said that citation of CDC and USDA guidelines needs to be considered. He preferred that NIH retain some form of guidance over recombinant DNA research.

With regard to the proposed revision of the CDC guidelines, Dr. Berns said that he expects great improvement in the document in the near future. He had discussed proposed revisions of the NIH Guidelines at a recent Gordon conference; most scientists there did not favor complete abolition of the Guidelines and favored instead something like the Baltimore-Campbell proposal. He also cited his local Congressman's concern about the potential for increasing public concern about recombinant DNA technology. It is important in the Guidelines revision that public confidence be maintained.

Dr. Zinder said that the public trusts academic researchers, but not industry.

Dr. Gottesman stressed that under the Working Group's proposal, the IBC would make the decision on containment using the CDC document only as guidance. Dr. Goldstein said that how the IBCs use and interpret the CDC guidelines should be made more explicit, so that there are uniform standards.

Dr. McGarrity said that he is comfortable in accepting voluntary guidelines. He felt that the Working Group's background report is excellent and that perhaps an abridged version could be published for educating the general public.

Dr. Holmes said that he supports retaining the current prohibition dealing with the introduction of drug resistance traits. He said that to make the Guidelines voluntary would be a mistake and could invite legislation.

Dr. Baltimore said that the concern raised in the Boston area is not a unique situation and that activities at the Federal level are still important. He said that since there are differences in the science done at different institutions it is not suprising, and not relevant to the present discussion, that different IBCs in California operate differently. Dr. Baltimore emphasized his view that IBC prereview is a serious obstruction of science, which results in scientific momentum being lost.

Dr. McKinney pointed out that the NIH could still choose to mandate guidelines even if the RAC recommends otherwise. He suggested that reference to CDC and USDA guidelines not be incorporated into the body of the text of the revised guidelines; rather they could be cited as references.

Ms. King suggested that the RAC should structure the issues on which it wants public comment, such as treatment of prohibitions and the voluntary vs. mandatory nature of the guidelines. Dr. Talbot pointed out that the RAC could follow Ms. King's suggestion and present issues for public comment. The alternative would be for the RAC to accept the Working Group proposal, the Baltimore-Campbell proposal, or an amalgam of the two. Following the meeting, NIH staff could then develop a new version of the Guidelines based on the RAC proposal and put this out for public comment.

Dr. Harris then moved to accept the report of the Working Group so that discussion could proceed to consider the report section by section. Dr. Mason seconded the motion. There followed discussion of the effect of such a motion.

Dr. Ahmed praised the report of the Working Group. He favored publication for public comment of a series of different options. Dr. Mason expressed concern about eliminating all of the prohibitions. Dr. Saginor suggested that the RAC might first consider the Adelberg-Zinder minority proposal to abolish the Guidelines. Dr. McKinney said that he considered the Working Group's recommendations as too cursory. Dr. Gottesman responded that the Working Group had considered the issues in-depth at two meetings and had prepared a report on its evalution of the risks associated with recombinant DNA research. The RAC could change or elaborate on the recommendations before seeking public comment. Dr. Zinder said that the recommendations of the Working Group were adopted unanimously except for those concerning Part IV of the Guidelines.

Dr. Baltimore, in the interests of providing a forum for RAC discussion of the points of difference between the various proposals, moved a seven part motion as a substitute for Dr. Harris' motion:

1. Accept the first section of the Baltimore-Campbell proposal, as follows:

"Section I-A of the NIH Guidelines will be replaced with the following:

'I-A. *Purpose.* The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to these standards by all laboratories using recombinant DNA is recommended.' "

2. Accept the second section of the Baltimore-Campbell proposal, as follows:

"Part I-C of the NIH Guidelines shall be eliminated."

3. Accept the second section of the Working Group proposal, as follows:

"Section I-D of the Guidelines, *Prohibitions*, would be eliminated."

4. Accept the third section of the Working Group report modified by removing references to CDC Guidelines and USDA Regulations and treating these references in a footnote, as follows:

"Part III of the Guidelines would be replaced with the following language:

'Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

'Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector,* recombinant DNA experiments should be carried out at

*Such as those specified by CDC Guidelines or the USDA Quarantine Regulations.

containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1–LS physical containment.'"

5. The following admonition would be added:

"No experiments should be performed which involve deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture."

6. Accept the fourth section of the Baltimore-Campbell proposal, as follows:

"Part IV of the NIH Guidelines shall be eliminated, with the following exceptions:

"(a) Those definitions listed in Part IV–C which may be needed to clarify statements made elsewhere in the Guidelines shall be retained.

"(b) Those portions of Part IV–E defining the composition of RAC and prescribing rules for RAC procedures shall be retained.

"(c) The following statement shall be added:

"Each institution conducting or sponsoring recombinant DNA research should take responsbility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH."

7. Accept the fifth section of the Baltimore-Campbell proposal with deletion of the words "submitted in support of requests for exceptions from the prohibitions," as follows:

"Section VI of the Guidelines will be eliminated, except for those portions of Section VI–F relevant to the protection of proprietary information."

Dr. Berns seconded the motion.

Dr. Saginor suggested an amendment to Dr. Harris' motion in the form of a policy statement that there is a continuing need for the RAC and applicable recombinant DNA guidelines. The purpose of the amendment was to indicate that the Adelberg-Zinder proposal is not being accepted. Dr. Harris agreed to the amendment.

Ms. King said she wanted the RAC to vote on replacing parts 1 and 6 of the Baltimore motion with wording from the Working Group proposal. It was suggested that votes be on one part at a time. Ms. King then moved to replace the first part of Dr. Baltimore's motion with the first section of the Working Group's proposal as follows:

"Section I–A of the Guidelines would be amended to read as follows:

"I–A. *Purpose.* The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules."

The motion was seconded by Dr. Goldstein. Ms. King stated that she favors retention of limited Guidelines that require IBC review, and she favors an oversight function for the RAC; she does not support self-regulation. Dr. Baltimore did not accept Ms. King's proposed amedment. Dr. Berns pointed out that the substitution Ms. King was proposing did not make much difference. The real point of contention in the RAC concerned part six of Dr. Baltimore's motion.

Ms. King withdrew her previous motion and then moved to delete part six of Dr. Baltimore's motion. If her motion were accepted, this would leave intact Part IV of the Guidelines. It was pointed out that the Working Group had proposed a change in Part IV dealing with IBC membership. Ms. King said that if her motion passed, then another perfecting motion could be introduced dealing with IBC membership. Dr. Harris seconded. The motion failed to carry by a vote of nine in favor, twelve opposed, with no abstentions.

Dr. Fedoroff noted that the motion as it stands would eliminate all prohibitions including the prohibition against deliberate release into the environment. Dr. Baltimore suggested that if the RAC wished, a statement regarding deliberate release could be included with the admonition on drug resistance. Dr. Berns said that in his view the recommendation that experiments be conducted under P1 containment precludes deliberate release into the environment.

Dr. Maas then moved to add the current prohibition on the cloning of certain toxins to the admonition on drug resistance. Dr. Goldstein seconded. Dr. Gottesman said that the cloning of toxins is an example of an area of concern. She noted that the RAC Working Group on Toxins recommended at the last RAC meeting prohibition of cloning of certain toxin genes and that other experiments involving cloning of toxin genes should proceed only in *E. coli* K–12 in the absence of special review by ORDA. Dr. Baltimore agreed to accept addition of the wording regarding toxins currently in Section I–D–2 to the admonition on drug resistance and to retain Appendix G of the current Guidelines.

Dr. Ahmed moved that a working group be appointed to study the prohibitions and report back to the RAC. Dr. Goldstein seconded the motion. Dr. Mason disagreed, noting that at the last meeting a working group had been appointed to report on revision of the Guidelines. They had reported, and now the RAC was working through the proposal to prepare material for public comment. The motion failed to carry by a vote of three in favor, fourteen opposed, with three abstentions.

Mr. Thornton recognized Dr. Susan Wright. She said the RAC was short-circuiting long and detailed discussions it should have on all the critical issues. She asked RAC members to acknowledge ties that they might have with genetic engineering companies. She said there should be discussion of why the working group had decided to eliminate public members on IBCs. She expressed concern about the currently prohibited experiments and large-scale experiments. She cited a report she had submitted, prepared for the Commission of the European Communities, entitled "Hazards Involved in the Industrial Use of Micro-organisms." She said that change of phenotype due to mutation and discharge of waste into the environment are important issues among many others that need to be considered before a decision is reached.

Dr. Fedoroff said that there should be flexibility to have a group look at and approve specific experiments which are otherwise admonished against. Dr. Baltimore said investigators wishing to do such experiments could come to the local IBC or the RAC to discuss conditions under which such experiments could be done.

Dr. Berns said that at a meeting of the Large Scale Review Working Group on September 9, 1981, none of the members thought that the large-scale prohibition should be retained.

Mr. Thornton recognized Ms. Claire Nader who said that the RAC should look at the assumptions behind the recommendations such as that all corporations will do the right thing, and that the technology is safe. She said that there were no experts on corporate behavior, or law enforcement, or anti-trust questions on the RAC. She said the RAC should have on it people who want to talk about risks. She criticized the way in which the RAC was proceeding.

Dr. Nightingale said that a working group on the prohibitions was appointed over a year ago and that the prohibitions have been discussed extensively before this meeting. Dr. Gottesman said that it was peculiar to be concerned about the prohibitions and at the same time recommending that the entire system become voluntary. She said that perhaps

there could be a recommendation that these experiments be reviewed by the RAC.

Mr. Daloz moved that a vote be taken on Dr. Baltimore's motion, as amended. The motion to end discussion and vote failed to carry by a vote of four in favor, fourteen opposed, with three abstentions.

Dr. Ahmed said he wanted detailed procedures built into the revised Guidelines for handling the currently prohibited experiments. Dr. Baltimore said that the absence of detailed procedures pertains in the case of all nonrecombinant DNA laboratory work including that with known pathogens.

Mr. Thornton asked for a show of hands of RAC members who wished to continue discussion of this agenda item for an additional thirty minutes until approximately 3:30 p.m. The vote was eighteen in favor, one opposed.

Dr. Mason said that the RAC and the Guidelines cannot deal with scientists or industrial groups who are uninformed, dishonest, or careless. We have tried to produce guidelines that reponsible people will follow. There is no way to provide for every contingency.

Dr. Holmes moved to add current prohibition I–D–4 ("deliberate release into the environment of any organism containing recombinant DNA.") to the admonitions regarding cloning of toxins and transfer of drug resistance traits. Dr. Landy supported inclusion of I–D–4; Dr. Berns did not support it. The motion failed to carry by a vote of eight in favor, ten opposed, with two absentions.

Dr. Baltimore's amended motion was reviewed. Dr. Talbot said that if the proposal passed, the NIH staff would prepare a version of proposed revised Guidelines based on the proposal, and that it would be put in the **Federal Register** for public comment, along with background describing the work of the working group and the deliberations of the RAC. NIH would actively solicit comment on the proposal beyond its publication in the **Federal Register.**

The question was called and the vote to substitute Dr. Baltimore's motion, as amended, for Dr. Harris' motion was fifteen in favor, three opposed, with two abstentions. Dr. Ahmed asked to be recorded as voting against the motion. The motion was as follows:

"1. Section I–A of the Guidelines would be amended to read as follows:

"I–A. Purpose. The purpose of these Guidelines is to specify standard practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules. Adherence to these standards by all laboratories using recombinant DNA is recommended.

"2. Section I–C of the Guidelines would be eliminated.

"3. Section I–D of the Guidelines, *Prohibitions*, would be eliminated.

"4. Part III of the Guidelines would be replaced with the following language:

"Part III discusses experiments covered by the Guidelines. The reader should first consult Part I, where exempt experiments are listed.

"Where recommended physical containment levels applicable to non-recombinant DNA experiments exist for either the host or the vector*, recombinant DNA experiments should be carried out at containment levels at least as high as those recommended for non-recombinant DNA experiments. If there is clear evidence that the donor DNA will significantly change the pathogenicity of the host, the containment level appropriate to the anticipated change will be applied. Otherwise, all experiments may be carried out under conditions of P1 or P1–LS physical containment.

"5. Material would be added to Part III, as follows:

"No experiments should be performed which involve:

"(a) Deliberate transfer of a drug resistance trait to micro-organisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture.

"(b) Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G.

"6. Part IV of the Guidelines would be eliminated with the following exceptions:

"(a) Those definitions listed in Part IV–C which may be needed to clarify statements made elsewhere in the Guidelines shall be retained.

"(b) Those portions of Part IV–E defining the composition of RAC and prescribing rules for RAC procedures shall be retained.

"(c) The following statement shall be added:

"Each institution conducting or sponsoring recombinant DNA research should take responsibility for monitoring its own activities in this area. Any unusual events that might be associated with the use of recombinant DNA molecules should be reported to the Director, NIH.

"7. Section VI of the Guidelines will be eliminated, except for those portions of Section VI–F relevant to the protection of proprietary information."

The vote on this substitute motion was called, and the vote was sixteen in favor, three opposed, with one abstention.

* Such as those specified by the CDC Guidelines or the USDA Quarantine Regulations.

Dr. Zinder requested that a motion be introduced in support of the Adelberg-Zinder proposal to eliminate the Guidelines and the RAC. No motion was introduced.

Annex E

Current Guidelines for Research Involving Recombinant DNA Molecules

October 1981.

These Guidelines are the Guidelines as published in the **Federal Register** of July 1, 1981 (46 FR 34462), with the incorporation of those changes promulgated in the **Federal Register** of October 30, 1981, Part V.

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I. Scope of the Guidelines

I-A. *Purpose.* The purpose of these Guidelines is to specify practices for constructing and handling (i) recombinant DNA molecules and (ii) organisms and viruses containing recombinant DNA molecules.

I-B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

I-C. *General Applicability.* See Section IV-B.

I-D. *Prohibitions.* The following experiments are not to be initiated at the present time:

I-D-1. Formation of recombinant DNAs derived from the pathogenic organisms classifed [1] as Class 4 or 5 [2] or from cells known [2A] to be infected with such agents, regardless of the host-vector system used.

I-D-2. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin). Guidelines for the cloning of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight are specified in Appendix G, which overerides other parts of the Guidelines (e.g., exemptions, return to host of origin, etc.).

I-D-3. [Deleted].

I-D-4. Deliberate release into the environment of any organism containing recombinant DNA

I-D-5. Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture. [2A]

I-D-6. Large-scale experiments (e.g., more than 10 liters of culture) with organisms containing recombinant DNAs other than those listed in Appendix C, Section 2, 3, and 4 of the Guidelines, unless the recombinant DNAs are rigorously characterized and the absence of harmful sequences established [3]. (See Section IV-E-1-b-(3)-(d).)

I-D (1-6). Experiments in Categories I-D-1 to I-D-6 may be excepted [4] from the prohibitions (and will at that time be assigned appropriate levels of physical and biological containment) provide that these experiments are expressly approved by the Director, National Institutes of Health (NIH), with advice of the Recombinant DNA Advisory Committee (RAC), after appropriate notice and opportunity for public comment. (See Section IV-E-1-b-(1)-(e).)

Experiments in Categories I-D-1, I-D-2, I-D-5, and experiments involving "wild type" host-vector systems are excepted from the prohibitions, provided that these experiments are designed for risk-assessment purposes and are conducted within the NIH high-containment facilities located in Building 41-T on the Bethesda campus and in Building 550 located at the Frederick Cancer Research Center. The selection of laboratory practices and containment equipment for such experiments shall be approved by the Office of Recombinant DNA Activities (ORDA) following consultation with the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. ORDA shall inform RAC members of the proposed risk-assessment projects at the same time it seks consultation from the RAC Risk Assessment Subcommittee and the NIH Biosafety Committee. If a major biohazard is determined, the clones will be destroyed after the completion of the experiment rather than retaining them in the high containment facility. Other clones that are non-hazardous or not of major hazard will be retained in the high containment.

I–E. *Exemptions.* It must be emphasized that the following exemptions [4] are not meant to apply to experiments described in the Sections I–D–1 to I–D–5 as being prohibited. In addition, any recombinant DNA molecules involving DNA from Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange, are not exempt unless specifically so designated by NIH under Section I–E–5. Also, Appendix G overrides the exemptions for specified experiments involving genes coding for toxins.

The following recombinant DNA molecules are exempt from these Guidelines, and no registration with NIH is necessary:

I–E–1. Those that are not in organisms or viruses. [5]

I–E–2. Those that consist entirely of DNA segments from a single nonchromosomal or viral DNA source, though one or more of the segments may be a synthetic equivalent.

I–E–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

I–E–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchanges will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

I–E–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland, 20205.

I–F. *General Definitions.* See Section IV–C.

II. Containment

Effective biological safety programs have been operative in a variety of laboratories for many years. Considerable information, therefore, already exists for the design of physical containment facilities and the selection of laboratory procedures applicable to organisms carrying recombinant DNAs. [6–19] The existing programs rely upon mechanisms that, for convenience, can be divided into two categories: (i) A set of standard practices that are generally used in microbiological laboratories, and (ii) special procedures, equipment, and laboratory installations that provide physical barriers which are applied in varying degrees according to the estimated biohazard.

Experiments on recombinant DNAs, by their very nature, lend themselves to a third containment mechanism—namely, the application of highly specific biological barriers. In fact, natural barriers do exist which limit either (i) the infectivity of a *vector*, or *vehicle*, (plasmid or virus) for specific hosts or (ii) its dissemination and survival in the environment. The vectors that provide the means for replication of the recombinant DNAs and/or the host cells in which they replicate can be genetically designed to decrease by many orders of magnitude the probability of dissemination of recombinant DNAs outside the laboratory.

As these three means of containment are complementary, different levels of containment appropriate for experiments with different recombinants can be established by applying various combinations of the physical and biological barriers along with a constant use of the standard practices. We consider these categories of containment separately here in order that such combinations can be conveniently expressed in the Guidelines.

In constructing these Guidelines, it was necessary to define boundary conditions for the different levels of physical and biological containment and for the classes of experiments to which they apply. We recognize that these definitions do not take into account all existing and anticipated information on special procedures that will allow particular experiments to be carried out under different conditions that indicated here without affecting risk. Indeed, we urge that individual investigators device simple and more effective containment procedures and that investigators and institutional biosafety committees recommend changes in the Guidelines to permit their use.

II–A. *Standard Practices and Training.* The first principle of containment is a strict adherence to good microbiological practices. [6–15] Consequently, all personnel directly or indirectly involved in experiments on recombinant DNAs must receive adequate instruction. (see Sections IV–D–1–g, IV–D–5–d and IV–D–8–b.). This shall, as a minimum, include instructions in aseptic techniques and in the biology of the organisms used in the experiments, so that the potential biohazards can be understood and appreciated.

Any research group working with agents with a known or potential biohazard shall have an emergency plan which describes the procedures to be followed if an accident contaminates personnel or the environment. The principal investigator must ensure that everyone in the laboratory is familiar with both the potential hazards of the work and the emergency plan. (See Sections IV–D–5–e and IV–D–3–d.) If a research group is working with a known pathogen where there is an effective vaccine it should be made available to all workers. Where serological monitoring is clearly appropriate it shall be provided. (See Sections IV–D–1–h and IV–D–8–c.)

II–B. *Physical Containment Levels.* The objective of physical containment is to confine organisms containing recombinant DNA molecules, and thus to reduce the potential for exposure of the laboratory worker, persons outside of the laboratory, and the environment to organisms containing recombinant DNA molecules. Physical containment is achieved through the use of laboratory practices, containment equipment, and special laboratory design. Emphasis is placed on primary means of physical containment which are provided by laboratory practices and containment equipment. Special laboratory design provides a secondary means of protection against the accidental release of organisms outside the laboratory or to the environment. Special laboratory design is used primarily in facilities in which experiments of moderate to high potential hazards are performed.

Combinations of laboratory practices, containment equipment, and special laboratory design can be made to

achieve different levels of physical containment. Four levels of physical containment, which are designated as P1, P2, P3, and P4, are described. It should be emphasized that the descriptions and assignments of physical containment detailed below are based on existing approaches to containment of pathogenic organisms. For example, the "Classification of Etiologic Agents on the Basis of Hazard,"[7] prepared by the Centers for Disease Control, describes four general levels which roughly correspond to our descriptions for P1, P2, P3, and P4; and the National Cancer Institute describes three levels for research on oncogenic viruses which roughly correspond to our P2, P3, and P4 levels.[8]

It is recognized that several different combinations of laboratory practices, containment equipment, and special laboratory design may be appropriate for containment of specific research activities. The Guidelines, therefore, allow alternative selections of primary containment equipment within facilities that have been designed to provide P3 and P4 levels of physical containment. The selection of alternative methods of primary containment is dependent, however, on the level of biological containment provided by the host-vector system used in the experiment. Consideration will also be given by the Director, NIH, with the advice of the Recombinant DNA Advisory Committee to other combinations which achieve an equivalent level of containment. (See Section IV–E–1–b–(2)–(b).) Additional material on physical containment for plant host-vector systems is found in Sections III–C–3 and III–C–4.

II–B–1. *P1 Level.*

II–B–1–a. *Laboratory Practices.*

II–B–1–a. Laboratory doors shall be kept closed while experiments are in progress.

II–B–1–a–(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II–B–1–a–(3). All biological wastes shall be decontaminated before disposal. Other contaminated materials, such as glassware, animal cages, and laboratory equipment, shall be decontaminated before washing, reuse, or disposal.

II–B–1–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–1–a–(5). Eating, drinking, smoking, and storage of foods are not permitted in the laboratory area in which recombinant DNA materials are handled.

II–B–1–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–1–a–(7). Care shall be taken in the conduct of all procedures to minimize the creation of aerosols.

II–B–1–a–(8). Contaminated materials that are to be decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II–B–1–a–(9). An insect and rodent control program shall be instituted.

II–B–1–a–(10). The use of laboratory gowns, coats, or uniforms is discretionary with the laboratory supervisor.

II–B–1–a–(11). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II–B–1–a–(12). The laboratory shall be kept neat and clean.

II–B–1–b. *Containment Equipment.* Special containment equipment is not required at the P1 level.

II–B–1–c. *Special Laboratory Design.* Special laboratory design is not required at the P1 level.

II–B–2. *P2 Level.*

II–B–2–a. *Laboratory Practices.*

II–B–2–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II-B-2-a-(2). Work surfaces shall be decontaminated daily, and immediately following spills of organisms containing recombinant DNA molecules.

II-B-2-a-(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a means demonstrated to be effective before washing, reuse, or disposal.

II-B-2-a-(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II-B-2-a-(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II-B-2-a-(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II-B-2-a-(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II-B-2-a-(8). Contaminated materials that are to be steam sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II-B-2-a-(9). Only persons who have been advised of the nature of the research being conducted shall enter the laboratory.

II-B-2-a-(10). The universal biohazard sign shall be posted on all laboratory access doors when experiments requiring P2 containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II-B-2-a-(11). An insect and rodent control program shall be instituted.

II-B-2-a-(12). The use of laboratory gowns, coats, or uniforms is required. Laboratory clothing shall not be worn to the lunch room or outside of the building in which the laboratory is located.

II-B-2-a-(13). Animals not related to the experiment shall not be permitted in the laboratory.

II-B-2-a-(14). Use of the hypodermic needle and syringe shall be avoided when alternative methods are available.

II-B-2-a-(15). The laboratory shall be kept neat and clean.

II-B-2-a-(16). Experiments of lesser biohazard potential can be carried out concurrently in carefully demarcated areas of the same laboratory.

II-B-2-b. *Containment Equipment.* Biological safety cabinets[20] shall be used to contain aerosol-producing equipment, such as blenders, lyophilizers, sonicators, and centrifuges, when used to process organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol. For example, a centrifuge may be operated in the open if a sealed head or safety centrifuge cups are used.

II-B-2-c. *Special Laboratory Design.* An autoclave for sterilization of wastes and contaminated materials shall be available in the same building in which organisms containing recombinant DNA molecules are used.

II-B-3. *P3 Level.*

II-B-3-a. *Laboratory Practices.*

II-B-3-a-(1). Laboratory doors shall be kept closed while experiments are in progress.

II-B-3-a-(2). Work surfaces shall be decontaminated following the completion of the experimental activity, and immediately following spills of organisms containing recombinant DNA molecules.

II-B-3-a-(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials, such as glassware, animal cages, laboratory equipment, and radioactive wastes, shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II-B-3-a-(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II-B-3-a-(5). Eating, drinking, smoking, and storage of food are not permitted in the laboratory area in which recombinant DNA materials are handled.

II-B-3-a-(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II-B-3-a-(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II-B-3-a-(8). Contaminated materials that are to be steam-sterilized (autoclaved) or decontaminated at a site away from the laboratory shall be placed in a durable leak-proof container, which is closed before removal from the laboratory.

II-B-3-a-(9). Entry into the laboratory shall be through a controlled access area. Only persons who have been advised of the nature of the research being conducted shall enter the controlled access area. Only persons required on the basis of program or support needs shall be authorized to enter the laboratory. Such persons shall be advised of the nature of the research being conducted before entry, and shall comply with all required entry and exit procedures.

II-B-3-a-(10). Persons under 16 years of age shall not enter the laboratory.

II-B-3-a-(11). The universal biohazard sign shall be posted on the controlled access area door and on all laboratory doors when experiments requiring P3-level containment are in progress. Freezers and refrigerators or other units used to store organisms containing recombinant DNA molecules shall also be posted with the universal biohazard sign.

II-B-3-a-(12). An insect and rodent control program shall be instituted.

II-B-3-a-(13). Laboratory clothing that protects street clothing (e.g., long-sleeve solid-front or wrap-around gowns, no-button or slipover jackets) shall be worn in the laboratory. Front-button laboratory coats are unsuitable. Laboratory clothing shall not be worn outside the laboratory and shall be decontaminated before it is sent to the laundry.

II-B-3-a-(14). Raincoats, overcoats, topcoats, coats, hats, caps, and such street outer-wear shall not be kept in the laboratory.

II-B-3-a-(15). Gloves shall be worn when handling materials requiring P3 containment. They shall be removed aseptically immediately after the handling procedure and decontaminated.

II-B-3-a-(16). Animals and plants not related to the experiment shall not be permitted in the laboratory.

II-B-3-a-(17). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II-B-3-a-(18). Use of hypodermic needle and syringe shall be avoided when alternative methods are available.

II-B-3-a-(19). The laboratory shall be kept neat and clean.

II-B-3-a-(20). If experiments involving other organisms which require lower levels of containment are to be conducted in the same laboratory concurrently with experiments requiring P3-level physical containment, they shall be conducted in accordance with all P3-level laboratory practices.

II-B-3-b. *Containment Equipment.*

II-B-3-b-(1). Biological safety cabinets [20] shall be used for all equipment and manipulations that produce aerosols—e.g., pipetting, dilutions, transfer operations, plating, flaming, grinding, blending, drying, sonicating, shaking, centrifuging—where these procedures involve organisms containing recombinant DNA molecules, except where equipment design provides for containment of the potential aerosol.

II-B-3-b-(2). Laboratory animals held in a P3 area shall be housed in partial-containment caging systems, such as Horsfall units [19A], open cages placed in ventilated enclosures, solid-wall and -bottom cases covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet radiation lamps and reflectors.

Note.—Conventional caging systems may be used: *Provided,* That all personnel wear appropriate personal protective devices. These shall include, at a minimum, wrap-around gowns, head covers, gloves, shoe covers, and respirators. All personnel shall shower on exit from areas where these devices are required.

II-B-3-b-(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P2 level of physical containment. Experimental procedures involving a host-vector system that provides a one-step lower level of biological containment than that specified in Part III can be conducted in the P3 laboratory using containment equipment specified for the P4 level of physical containment. Alternative combinations of containment safeguards are shown in Table I.

TABLE I.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological containment	Laboratory design specified for—	Laboratory practices specified for—	Containment equipment specified for—	Biological containment
P3	HV3	P3	P3	P3	HV3.
P3	HV3	P3	P3	P4	HV2.
P3	HV2	P3	P3	P3	HV2.
P3	HV2	P3	P3	P2	HV3.
P3	HV2	P3	P3	P4	HV1.
P3	HV1	P3	P3	P3	HV1.
P3	HV1	P3	P3	P2	HV2.

[1] See Section II-D for description of biological containment.

II-B-3-c. *Special Laboratory Design.*

II-B-3-c-(1). The laboratory shall be separated by a controlled access area from areas that are open to unrestricted traffic flow. A controlled access area is an anteroom, a change room, an air lock or any other double-door arrangement that separates the laboratory from areas open to unrestricted traffic flow.

II-B-3-c-(2). The surfaces of walls, floors, and ceilings shall be readily cleanable. Penetrations through these surfaces shall be sealed or capable of being sealed to facilitate space decontamination.

II-B-3-c-(3). A foot-, elbow-, or automatically-operated hand-washing facility shall be provided near each primary laboratory exit area.

II-B-3-c-(4). Windows in the laboratory shall be sealed.

II-B-3-c-(5). An autoclave for sterilization of wastes and contaminated materials shall be available in the same building (and preferably within the controlled laboratory area) in which organisms containing recombinant DNA molecules are used.

II-B-3-c-(6). The laboratory shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential

(i.e., from the controlled access area to the laboratory area). If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the laboratory area shall not be recirculated to other areas of the building unless the exhaust air is filtered by HEPA filters or equivalent. The exhaust air from the laboratory area can be discharged to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

II–B–3–c–(7). The treated exhaust-air from Class I and Class II biological safety cabinets [20] may be discharged either to the laboratory or to the outdoors. The treated exhaust-air from a Class III cabinet shall be discharged directly to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through a building exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinet and the building ventilation system.

II–B–4. *P4 Level.*

II–B–4–a. *Laboratory Practices.*

II–B–4–a–(1). Laboratory doors shall be kept closed while experiments are in progress.

II–B–4–a–(2). Work surfaces shall be decontaminated following the completion of the experimental activity and immediately following spills of organisms containing recombinant DNA molecules.

II–B–4–a–(3). All laboratory wastes shall be steam-sterilized (autoclaved) before disposal. Other contaminated materials such as glassware, animal cages, laboratory equipment, and radioactive wastes shall be decontaminated by a method demonstrated to be effective before washing, reuse, or disposal.

II–B–4–a–(4). Mechanical pipetting devices shall be used; pipetting by mouth is prohibited.

II–B–4–a–(5). Eating, drinking, smoking, and storage of food are not permitted in the P4 facility.

II–B–4–a–(6). Persons shall wash their hands after handling organisms containing recombinant DNA molecules and when they leave the laboratory.

II–B–4–a–(7). Care shall be exercised to minimize the creation of aerosols. For example, manipulations such as inserting a hot inoculating loop or needle into a culture, flaming an inoculation loop or needle so that it splatters, and forceful ejection of fluids from pipettes or syringes shall be avoided.

II–B–4–a–(8). Biological materials to be removed from the P4 facility in a viable or intact state shall be transferred to a nonbreakable sealed container, which is then removed from the P4 facility through a pass-through disinfectant dunk tank or fumigation chamber.

II–B–4–a–(9). No materials, except for biological materials that are to remain in a viable or intact state, shall be removed from the P4 facility unless they have been steam-sterilized (autoclaved) or decontaminated by a means demonstrated to be effective as they pass out of the P4 facility. All wastes and other materials as well as equipment not damaged by high temperature or steam shall be steam sterilized in the double-door autoclave of the P4 facility. Other materials which may be damaged by temperature or steam shall be removed from the P4 facility through a pass-through fumigation chamber.

II–B–4–a–(10). Materials within the Class III cabinets shall be removed from the cabinet system only after being steam-sterilized in an attached double-door autoclave or after being contained in a nonbreakable sealed container, which is then passed through a disinfectant dunk tank or a fumigation chamber.

II–B–4–a–(11). Only persons whose entry into the P4 facility is required to meet program or support needs shall be authorized to enter. Before entering, such persons shall be advised of the nature of the research being conducted and shall be instructed as to the appropriate safeguards to ensure their safety. They shall comply with instructions and all other required procedures.

II–B–4–a–(12). Persons under 18 years of age shall not enter the P4 facility.

II–B–4–a–(13). Personnel shall enter into and exit from the P4 facility only through the clothing change and shower rooms. Personnel shall shower at each egress from the P4 facility. Air locks shall not be used for personnel entry or exit except for emergencies.

II–B–4–a–(14). Street clothing shall be removed in the outer side of the clothing-change area and kept there. Complete laboratory clothing, including undergarments, head cover, shoes, and either pants and shirts or jumpsuits, shall be used by all persons who enter the P4 facility. Upon exit, personnel shall store this clothing in lockers provided for this purpose or discard it into collection hampers before entering the shower area.

II–B–4–a–(15). The universal biohazard sign is required on the P4 facility access doors and on all interior doors to individual laboratory rooms where experiments are conducted. The sign shall also be posted on freezers, refrigerators, or other units used to store organisms containing recombinant DNA molecules.

II–B–4–a–(16). An insect and rodent control program shall be instituted.

II–B–4–a–(17). Animals and plants not related to the experiment shall not be permitted in the laboratory in which the experiment is being conducted.

II–B–4–a–(18). Vacuum outlets shall be protected by filter and liquid disinfectant traps.

II–B–4–a–(19). Use of the hypodermic needle and syringe shall be avoided when alternate methods are available.

II–B–4–a–(20). The laboratory shall be kept neat and clean.

II–B–4–a–(21). If experiments involving other organisms which require lower levels of containment are to be conducted in the P4 facility concurrently with experiments requiring P4-level containment, they shall be conducted in accordance with all P4-level laboratory practices specified in this section.

II–B–4–b. *Containment Equipment.*

II–B–4–b–(1). Experimental procedures involving organisms that require P4-level physical containment shall be conducted either in (i) a Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are required to wear one-piece positive-pressure isolation suits.

II–B–4–b–(2). Laboratory animals in experiments requiring P4-level physical containment shall be housed either in cages contained in Class III cabinets or in partial containment caging systems (such as Horsfall units [19A], open cages placed in ventilated enclosures, or solid-wall and -bottom cages covered by filter bonnets, or solid-wall and -bottom cages placed on holding racks equipped with ultraviolet irradiation lamps and reflectors) that are loated in a specially designed area in which all personnel are required to wear one-piece positive-pressure suits.

II–B–4–b–(3). *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified in Part III can be conducted in the P4 facility using containment equipment requirements specified for

the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II.

TABLE II.—COMBINATIONS OF CONTAINMENT SAFEGUARDS

Classification of experiment according to guidelines		Alternate combinations of physical and biological containment			
		Physical containment			
Physical containment	Biological containment [1]	Laboratory design specified for	Laboratory practices specified for	Containment equipment specified for	Biological containment
P4	HV1	P4	P4	P4	HV1.
P4	HV1	P4	P4 [2]	P3	HV2.

[1] See Section II-D for description of biological containment.
[2] In this case gloves shall be worn, in addition to the clothing requirements specified in II-B-4-a-(14).

II-B-4-c. *Special Laboratory Design.*

II-B-4-c-(1). The laboratory shall be located in a restricted-access facility which is either a separate building or a clearly demarcated and isolated zone within a building. Clothing-change areas and shower rooms shall be provided for personnel entry and egress. These rooms shall be arranged so that personnel leave through the shower area to the change room. A double-door ventilated vestibule or ultraviolet air lock shall be provided for passage of materials, supplies, and equipment which are not brought into the P4 facility through the change room area.

II-B-4-c-(2). Walls, floors, and ceilings of the P4 facility are constructed to form an internal shell which readily allows vapor-phase decontamination and is animal- and insect-proof. All penetrations through these structures and surfaces are sealed. (The integrity of the walls, floors, ceilings, and penetration seals should ensure adequate containment of a vapor-phase decontaminant under static pressure conditions. This requirement does not imply that these surfaces must be airtight.)

II-B-4-c-(3). A foot-, elbow-, or automatically-operated handwashing facility shall be provided near the door within each laboratory in which experiments involving recombinant DNA are conducted in openface biological safety cabinets.

II-B-4-c-(4). Central vacuum systems are permitted. The system, if provided, shall not serve areas outside the P4 facility. The vacuum system shall include in-line HEPA filters near each use point or service cock. The filters shall be installed so as to permit in-place decontamination and replacement. Water supply, liquid and gasous services provided to the P4 facility shall be protected by devices that prevent backflow.

II-B-4-c-(5). Drinking water foundations shall not be installed in laboratory or animal rooms of the P4 facilitiay. Foot-operated water fountains are permitted in the corridors of the P4 facility. The water service provided to such fountains shall be protected from the water services to the laboratory areas of the P4 facility.

II-B-4-c-(6). Laboratory doors shall be self-closing.

II-B-4-c-(7). A double-door autoclave shall be provided for sterilization of material passing out of the P4 facility. The autoclave doors shall be interlocked so that both doors will not be open at the same time.

II-B-4-c-(8). A pass-through dunk tank or fumigation chamber shall be provided for removal from the P4 facility of material and equipment that cannot be heat-sterilized.

II-B-4-c-(9). All liquid effluents from the P4 facility shall be collected and decontaminated before disposal. Liquid effluents from biological safety cabinets and laboratory sinks shall be sterilized by heat. Liquid effluents from the shower and hand washing facilities may be activated by chemical treatment. HEPA filters shall be installed in all vents from effluent drains.

II-B-4-c-(10). An individual supply and exhaust-air ventilation system shall be provided. The system shall maintain pressure differentials and directional air flow as required to ensure inflow from areas outside the facility toward areas of highest potential risk within the facility. The system shall be designed to prevent the reversal of air flow. The system shall sound an alarm in the event of system malfunction.

II-B-4-c-(11). Air within individual laboratories of the P4 facility may be recirculated if HEPA filtered.

II-B-4-c-(12). The exhaust air from the P4 facility shall be HEPA filtered and discharged to the outdoors so that it is dispersed clear of occupied buildings and air intakes. The filter chambers shall be designed to allow *in situ* decontamination before removal and to facilitate certification testing after replacement.

II-B-4-c-(13). The treated exhaust-air from Class I and Class II biological safety cabinets [20] may be discharged directly to the laboratory room environment or to the outdoors. The treated exhaust-air from Class III cabinets shall be discharged to the outdoors. If the treated exhaust-air from these cabinets is to be discharged to the outdoors through the P4 facility exhaust air system, it shall be connected to this system so as to avoid any interference with the air balance of the cabinets or the facility exhaust air system.

II-B-4-c-(14). As noted in Section II-B-4-b-(1), the P4 facility may contain specially designed areas in which all personnel are required to wear one-piece positive-pressure isolation suits. Such areas shall be airtight.

The exhaust-air from the suit shall be filtered by two sets of HEPA filters installed in series, and a duplicate filtration unit and exhaust fan shall be provided. The air pressure within the suit area shall be less than that in any adjacent area. An emergency lighting system, communication systems, and power source shall be provided. A double-door autoclave shall be provided for sterilization of all waste materials to be removed from the suit area.

Personnel who enter this area shall wear a one-piece positive-pressure suit that is ventilated by a life-support system. The life-support system shall be provided with alarms and emergency backup air. Entry to this area is through an airlock fitted with airtight doors. A chemical shower area shall be provided to decontaminate the surfaces of the suit before removal.

II-C. *Shipment.* Recombinant DNA molecules contained in an organism or virus shall be shipped only as an etiologic agent under requirements of the U.S. Public Health Service, and the U.S. Department of Transportation § 72.3, Part 72, Title 42, and §§ 173.386-173.388, Part 173, Title 49, U.S. Code of Federal Regulations (CFR) as specified below:

II-C-1. Recombinant DNA molecules contained in an organism or virus requiring P1, P2, or P3 physical containment, when offered for transportation or transported, are subject to all requirements of § 72.3(a)-(e), Part 72, Title 42 CFR, and §§ 173.386-173.388, Part 173, Title 49 CFR.

II-C-2. Recombinant DNA molecules contained in an organism or virus requiring P4 physical containment, when offered for transportation or transported, are subject to the requirements listed above under II-C-1 and are also subject to § 72.3(f), Part 72, Title 42 CFR.

II-C-3. Additional information on packaging and shipment is given in the "Laboratory Safety Monograph—A

Supplement to the NIH Guidelines for Recombinant DNA Research."

II-D. *Biological Containment.*

II-D-1. *Levels of Biological Containment.* In consideration of biological containment, the vector (plasmid, organelle, or virus) for the recombinant DNA and the host (bacterial, plant, or animal cell) in which the vector is propagated in the laboratory will be considered together. Any combination of vector and host which is to provide biological containment must be chosen or constructed so that the following types of "escape" are minimized: (i) Survival of the vector in its host outside the laboratory and (ii) transmission of the vector from the propagation host to other nonlaboratory hosts.

The following levels of biological containment (HV, or *H*ost-*V*ector, systems) for prokaryotes will be established; specific criteria will depend on the organisms to be used. Eukaryotic host-vector systems are considered in Part III.

II-D-1-a. *HV1.* A host-vector system which provides a moderate level of containment. *Specific systems:*

II-D-1-a-(1). *EK1.* The host is always *E. coli* K-12 or a derivative thereof, and the vectors include nonconjugative plasmids (e.g., pSC101, ColE1, or derivatives thereof[21-27]) and variants of bacteriophage, such as lambda[28-33]. The *E. coli* K-12 hosts shall not contain conjugation-proficient plasmids, whether autonomous or integrated, or generalized transducing phages, except as specified in Section III-0.

II-D-1-a-(2). *Other Prokaryotes.* Hosts and vectors shall be, at a minimum, comparable in containment to *E. coli* K-12 with a nonconjugative plasmid or bacteriophage vector. The data to be considered and a mechanism for approval of such HV1 systems are described below (Section II-D-2).

II-D-1-b. *HV2.* These are host-vector systems shown to provide a high level of biological containment as demonstrated by data from suitable tests performed in the laboratory. Escape of the recombinant DNA either via survival of the organisms or via transmission of recombinant DNA to other organisms should be less than $1/10^8$ under specified conditions. *Specific systems:*

II-D-1-b-(1). For EK2 host-vector systems in which the vector is a plasmid, no more than one in 10^8 host cells should be able to perpetuate a cloned DNA fragment under the specified nonpermissive laboratory conditions designed to represent the natural environment, either by survival of the original host or as a consequence of transmission of the cloned DNA fragment.

II-D-1-b-(2). For EK2 host-vector systems in which the vector is a phage, no more than one in 10^8 phage particles should be able to perpetuate a cloned DNA fragment under the specified nonpermissible laboratory conditions designed to represent the natural environment either (i) as a prophage (in the inserted or plasmid form) in the laboratory host used for phage propagation or (ii) by surviving in natural environments and transferring a cloned DNA fragment to other hosts (or their resident prophages).

II-D-1-c. *HV3.* These are host-vector systems in which:

II-D-1-c-(1). All HV2 criteria are met.

II-D-1-c-(2). The vector is dependent on its propagation host or is highly defective in mobilizability. Reversion to host-independence must be less than $1/10^8$ per vector genome per generation.

II-D-1-c-(3). No markers conferring resistance to antibiotics commonly used clinically or in agriculture are carried by the vector, unless expression of such markers is dependent on the propagating host or on unique laboratory-controlled conditions or is blocked by the inserted DNA.

II-D-1-c-(4). The specified containment shown by laboratory tests has been independently confirmed by specified tests in animals, including primates, and in other relevant environments.

II-D-1-c-(5). The relevant genotypic and phenotypic traits have been independently confirmed.

II-D-2. *Certification of Host-Vector Systems.*

II-D-2-a. *Responsibility.* HV1 systems other than *E. coli* K-12, and HV2 and HV3 host-vector systems, may not be designated as such until they have been certified by the Director, NIH. Application for certification of a host-vector system is made by written application to the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

Host-vector systems that are proposed for certification will be reviewed by the National Institutes of Health (NIH) Recombinant DNA Advisory Committee (RAC). (See Section IV-E-1-b-(1).) This will first involve review of the data on construction, properties, and testing of the proposed host-vector system by a Working Group composed of one or more members of the RAC and other persons chosen because of their expertise in evaluating such data. The Committee will then evaluate the report of the Working Group and any other available informaton at a regular meeting. The Director, NIH, is responsible for certification after receiving the advice of the RAC. Minor modifications of existing certified host-vector systems, where the modifications are of minimal or no consequence to the properties relevant to containment may be certified by the Director, NIH, without review by the RAC. (See Section IV-E-1-b-(3)-(f).)

When new host-vector systems are certified, notice of the certification will be sent by the Office of Recombinant DNA Activities (ORDA) to the applicant and to all Institutional Biosafety Committees (IBCs) and will be published in the *Recombinant DNA Technical Bulletin.* Copies of a list of all currently certified host-vector systems may be obtained from ORDA at any time.

The Director, NIH, may at any time rescind the certification of any host-vector system. (See Section IV-E-1-b-(3)-(i).) If certification of a host-vector system is rescinded, NIH will instruct investigators to transfer cloned DNA into a different system, or use the clones at a higher physical containment level unless NIH determines that the already constructed clones incorporate adequate biological containment.

Certification of a given system does not extend to modifications of either the host or vector component of that system. Such modified systems must be independently certified by the Director, NIH. If modifications are minor, it may only be necessary for the investigator to submit data showing that the modifications have either improved or not impaired the major phenotypic traits on which the containment of the system depends. Substantial modifications of a certified system require the submission of complete testing data.

II-D-2-b. *Data To be Submitted for Certification.*

II-D-2-b-(1). *HV1 Systems Other than E. Coli K-12.* The following types of data shall be submitted, modified as appropriate for the particular system under consideration. (i) A description of the organism and vector; the strain's natural habitat and growth requirements; its physiological properties, particularly those related to its reproduction and survival and the mechanisms by which it exchanges genetic information; the range of organisms with which this organism normally exchanges genetic information and what sort of information is exchanged; and any relevant information on its pathogenicity or toxicity. (ii) A description of the history of the particular strains and vectors to be used, including data on any mutations which render this organism

less able to survive or transmit genetic information. (iii) A general description of the range of experiments contemplated, with emphasis on the need for developing such an HV1 system.

II–D–2–b–(2). *HV2 Systems.* Investigators planning to request HV2 certification for host-vector systems can obtain instructions from ORDA concerning data to be submitted [33A, 33B]. In general, the following types of data are required: (i) Description of construction steps, with indication of source, properties, and manner of introduction of genetic traits. (ii) Quantitative data on the stability of genetic traits that contribute to the containment of the system. (iii) Data on the survival of the host-vector system under nonpermissive laboratory conditions designed to represent the relevant natural environment. (iv) Data on transmissibility of the vector and/or a cloned DNA fragment under both permissive and nonpermissive conditions. (v) Data on all other properities of the system which affect containment and utility, including information on yields of phage or plasmid molecules, ease of DNA isolation, and ease of transfection or transformation. (vi) In some cases, the investigator may be asked to submit data on survival and vector transmissibility from experiments in which the host-vector is fed to laboratory animals (e.g., rodents). Such *in vivo* data may be required to confirm the validity of predicting *in vivo* survival on the basis of *in vitro* experiments.

Data must be submitted in writing to ORDA. Ten to twelve weeks are normally required for review and circulation of the data prior to the meeting at which such data can be considered by the RAC. Investigators are encouraged to publish their data on the construction, properties, and testing of proposed HV2 systems prior to consideration of the system by the RAC and its subcommittee. More specific instructions concerning the type of data to be submitted to NIH for proposed EK2 systems involving either plasmids or bacteriophage in *E. coli* K–12 are available from ORDA.

II–D–2–b–(3). *HV3 Systems.* Putative HV3 systems must, as the first step in certification, be certified as HV2 systems. Systems which meet the critera given above under II–D–1–(c)–1, II–D–1–(c)–2, and II–D–1–(c)–3 will then be recommended for HV3 testing. Tests to evaluate various HV2 host-vector systems for HV3 certification will be performed by contractors selected by NIH. These contractors will repeat tests performed by individuals proposing the HV2 system and, in addition, will conduct more extensive tests on conditions likely to be encountered in nature. The genotypic and phenotypic traits of HV2 systems will be evaluated. Tests on survival and transmissibility in and on animals, including primates, will be performed, as well as tests on survival in certain specified natural environments.

II–D–3. *Distribution of Certified Host-Vectors.* Certified HV2 and HV3 host-vector systems (plus appropriate control strains) must be obtained from the NIH or its designees, one of whom will be the investigator who developed the system. NIH shall announce the availability of the system by publication of notices in appropriate journals.

Plasmid vectors will be provided in a suitable host strain, and phage vectors will be distributed as small-volume lysates. If NIH propagates any of the host strains or phage, a sample will be sent to the investigator who developed the system or to an appropriate contractor, prior to distribution, for verification that the material is free from contamination and unchanged in phenotypic properties.

In distributing the certified HV2 and HV3 host-vector systems, NIH or its designee will (i) send out a complete description of the system; (ii) enumerate and describe the tests to be performed by the user in order to verify important phenotypic traits; (iii) remind the user that any modification of the system necessitates independent approval of the system by the NIH; and (iv) remind the user of responsibility for notifying ORDA of any discrepancies with the reported properties or any problems in the safe use of the system.

NIH may also distribute certified HV1 host-vector systems.

III. Containment Guidelines for Covered Experiments

Part III discusses experiments covered by the Guidelines. The reader must first consult Part I, where listings are given of prohibited and exempt experiments.

Containment guidelines for permissible experiments are given in Part III. For these experiments no registration with the National Institutes of Health (NIH) is necessary. However, for these experiments, prior to their initiation, investigators must submit to their Institutional Biosafety Committee (IBC) a registration document that contains a description of (a) the source(s) of DNA, (b) the nature of the inserted DNA sequences, (c) the hosts and vectors to be used, (d) whether a deliberate attempt will be made to obtain expression of a foreign gene in the cloning vehicle and if so, what protein, and (e) the containment conditions specified by these Guidelines. This registration document must be dated and signed by the investigator and filed only with the local IBC. The IBC shall review all such proposals: IBC review prior to initiation of the experiment is not required for experiments described in Section III–O. Prior IBC review is required for all other experiments described in the subsections of Part III, including III–0–1, III–0–2, etc.

Changes from the levels specified in Part III for specific experiments (or the assignment of levels to experiments not explicitly considered here) may not be instituted without the express approval of the Director, NIH. (See Sections IV–E–1–b–(1)–(a), IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(b), IV–E–1–b–(2)–(c), IV–E–1–b–(3)–(b).)

In the classification of containment criteria for different kinds of recombinant DNAs, the stated levels of physical and biological containment are minimal for the experiments designated. The use of higher levels of biological containment (HV3>HV2>HV1) is encouraged if they are available and equally appropriate for the purposes of the experiment.

When the reader finds that the containment level given for the same experiment is different in two different sections within Part III, he may choose whichever of the two levels he wishes to use for the experiment.

III–O. *Classification of Experiments Using Certain Host-Vector Systems.* Experiments listed in Appendix H may be performed at P1 physical containment. For these experiments IBC review prior to initiation of the experiment is not required.

III–O–1. *Experiments Involving Class 3 Organisms.* Experiments involving recombinant DNA from Class 3 organisms [1] or from cells known to be infected with these agents may be conducted at P3 containment in *E. coli* K–12 EK1 hosts (see Appendix C). Containment levels for all other experiments with Class 3 organisms or with recombinant DNA which increases the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange will be determined by NIH. (See Section IV–E–1–b–2–(e)).

III–0–2. *Experiments involving Nonpathogenic Prokaryotic and Lower Eukaryotic Host-Vector Systems.* DNA from any species nonpathogenic for man, animals, or plants may be cloned into lower eukaryotes nonpathogenic for man, animals, or plants at the P3 level of

containment [2A] DNA from any species nonpathogenic for man, animals, or plants may be cloned into prokaryotes nonpathogenic for man, animals, or plants at the P2 level of containment [2A] Data supporting the contention that the donor and recipient are nonpathogenic must be submitted to the local IBC. Lower levels of physical containment may be assigned by ORDA on a case-by-case basis for specific donor-recipient combinations (see Section IV-E-1-b-(3)-(h)).

III-A. *Classification of Experiments Using Certain HV1 and HV2 Host-Vector Systems.* Certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of this Section III-A. Those so classified as of publication of these revised Guidelines are listed in Appendix D. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

III-A-1. *Shotgun Experiments.* These experiments involve the production of recombinant DNAs between the vector and portions of the specified cellular source, preferably a partially purified fraction. Care should be taken either to preclude or eliminate contaminating microorganisms before isolating the DNA.

III-A-1-a. *Eukaryotic DNA Recombinants.*

III-A-1-a-(1). *Primates.* P2 physical containment + an HV2 host-vector or P3+HV1.

III-A-1-a-(2). *Other Mammals.* P2 physical containment + an HV2 host-vector or P3 + HV1.

III-A-1-a-(3). *Birds.* P2 physical containment + an HV2 host-vector, or P3+HV1.

III-A-1-a-(4). *Cold-Blooded Vertebrates.* P2 physical containment + an HV1 host-vector or P1+HV2. If the eukaryote is known to produce a potent polypeptide toxin, [34] the containment shall be increased to P3+HV2.

III-A-1-a-(5). *Other Cold-Blooded Animals and Lower Eukaryotes.* This large class of eukaryotes is divided into two groups:

III-A-1-a-(5)-(a). Species that are known to produce a potent polypeptide toxin[34] that acts in vertebrates, or are known pathogens listed in Class 2,[1] or are known to carry such pathogens must use P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked eukaryote genes, containment may be reduced to P3+HV1 or P2 + HV2. Species that produce potent toxins that affect invertebrates or plants but not vertebrates require P2 + HV2 or P3+HV1. Any species that has a demonstrated capacity for carrying particular pathogenic microorganisms is included in this group, unless the organisms used as the source of DNA have been shown not to contain those agents, in which case they may be placed in the following group.[2A]

III-A-1-a-(5)-(b). The remainder of the species in this class including plant pathogenic or symbiotic fungi that do not produce potent toxins: P2 + HV1 or P1 + HV2. However, any insect in this group must be either (i) grown under laboratory conditions for at least 10 generations prior to its use as a source of DNA, or (ii) if caught in the wild, must be shown to be free of disease-causing microorganisms or must belong to a species that does not carry microorganisms causing disease in vertebrates or plants.[2A] If these conditions cannot be met, experiments must be done under P3 + HV1 or P2 + HV2 containment.

III-A-1-a-(6). *Plants.* P2 physical containment + an HV1 host-vector, or P1 + HV2. If the plant source makes a potent polypeptide toxin,[34] the containment must be raised to P3 physical containment + an HV2 host-vector. When the potent toxin is not a polypeptide and is likely not to be the product of closely linked plant genes, containment may be reduced to P3 + HV1 or P2 + HV2.[2A]

III-A-1-b. *Prokaryotic DNA Recombinants.* P2 + HV1 or P1 + HV2 for experiments with phages, plasmids and DNA from nonpathogenic prokaryotes which do not produce polypeptide toxins.[34] P3 + HV2 for experiments with phages, plasmids and DNA from Class 2 agents.[1]

III-A-2-a. *Viruses of Eukaryotes* (summary given in Table III; see also exception given at asterisk at end of Appendix D).

III-A-2-a-(1). *DNA Viruses.*

III-A-2-a-(1)-(a). *Nontransforming viruses.*

III-A-2-a(1)-(a)-(1). *Adeno-Associated Viruses, Minute Virus of Mice, Mouse Adenovirus (Strain FL), and Plant Viruses.[48]* P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) subgenomic DNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III-A-2-a-(1)-(a)-(2). *Hepatitis B.*

III-A-2-a-(1)-(a)-(2)-(a). P1 physical containment + an HV1 host-vector shall be used for purified subgenomic DNA segments.[38]

III-A-2-a-(1)-(a)-(2)-(b). P2 physical containment + an HV2 host-vector, or P3 + HV1, shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(1)-(a)-(2)-(c). P2 physical containment + an HV1 Host-vector shall be used for DNA recombinants derived from purified cDNA copies of viral mRNA.[37]

III-A-2-a-(1)-(a)-(3). *Other Nontransforming Members of Presently Classified Viral Families.[36]*

III-A-2-a-(1)-(a)-(3)-(a). P1 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA[38] segments or (ii) purified cDNA copies of viral mRNA.[37]

III-A-2-a-(1)-(a)-(3)-(b). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(1)-(b). *Transforming Viruses.*[37A]

III-A-2-a-(1)-(b)-(1). *Herpes Saimiri, Herpes Ateles, and Epstein Barr Virus.[39]*

III-A-2-a-(1)-(b)-(1)-(a). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III-A-2-a-(1)-(b)-(1)-(b). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with purified subgenomic DNA segments containing an entire transforming gene [38] or (ii) purified cDNA copies of viral mRNA.[37]

III-A-2-a-(1)-(b)-(1)-(c). P3 physical containment + an HV1 host-vector, or P2 + HV2, shall be used for DNA recombinants produced with the whole viral genome or with subgenomic segments that have not been purified to the extent required in footnote 38.

III-A-2-a-(1)-(b)-(2). *Other Transforming Members of Presently Classified Viral Families.[36]*

III-A-2-a-(1)-(b)-(2)-(a). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III-A-2-a-(1)-(b)-(2)-(b). P2 physical containment + an HV1 host-vector shall be used for (i) DNA recombinants produced with the whole viral genome, (ii) subgenomic DNA segments containing an entire transforming gene, (iii) purified cDNA copies of viral mRNA, [37] or (iv) subgenomic segments

that have not been purified to the extent required in footnote 38.

III–A–2–a–(2). *DNA Transcripts of RNA Viruses*

III–A–2–a–(2)–(a). *Retroviruses.*

III–A–2–a–(2)–(a)–(*1*). *Gibbon Ape, Woolly Monkey, Feline Leukemia and Feline Sarcoma Viruses. [39]*

III–A–2–a–(2)–(a)–(*1*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III–A–2–a–(2)–(a)–(*1*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified subgenomic DNA segments[38] containing an entire transforming gene.

III–A–2–a–(2)–(a)–(*1*)–(*c*). P2 physical containment + an HV2 host-vector, or P3 + HV1, shall be used for DNA recombinants produced with (i) the whole viral genome, (ii) purified cDNA copies of viral mRNA,[37] or (iii) subgenomic segments that have not been purified to the extent required in footnote 38.

III–A–2–a–(2)–(a)–(*2*). *Other Members of the Family Retroviridiae.[36]*

III–A–2–a–(2)–(a)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified nontransforming subgenomic DNA segments.[38]

III–A–2–a–(2)–(a)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) subgenomic DNA segments containing an entire transforming gene, (ii) the whole viral genome, or (iii) purified cDNA copies of viral mRNA,[37] or (iv) subgenomic segments that have not been purified to the extent required in footnote 38.

III–A–2–a–(2)–(b). *Negative Strand RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(c). *Plus-Strand RNA Viruses.*

III–A–2–a–(2)–(c)–(*1*). *Types 1 and 2 Sabin Poliovirus Vaccine Strains and Strain 17D [Theiler] of Yellow Fever Virus.* P1 physical containment + and HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(c)–(*2*). *Other Plus-Strand RNA Viruses Belonging to Presently Classified Viral Families.[36]*

III–A–2–a–(2)–(c)–(*2*)–(*a*). P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with purified subgenomic cDNA segments.[38]

TABLE III.—RECOMMENDED CONTAINMENT FOR CLONING OF VIRAL DNA OR CDNA IN CERTAIN HV1 AND HV2 SYSTEMS SPECIFIED IN APPENDIX D

[See text for full details]

Virus class	Type of viral DNA segment to be cloned				
	Subgenomic[38]		Genomic*		cDNA from viral mRNA[37]
	Nontransforming segment	Segment containing an entire transforming gene	Nonsegmented genome	Segmented genome	
DNA:					
Nontransforming viruses:					
AAV, MVM, Mouse Adeno (Strain FL).	P1+HV1		P1+HV1		P1+HV1.
Plant Viruses	P1+HV1		P1+HV1		P1+HV1.
Hepatitis B	P1+HV1[38]		P2+HV2 or P3+HV1		P2+HV1.
Other	P1+HV1[38]		P1+HV1		P1+HV1.
Transforming Viruses:					
Herpes Saimiri, H. Alelos and EBV[39].	P1+HV1[38]	P2+HV1	P2+HV2 or P3+HV1		P2+HV1.
Other	P1+HV1[38]	P2+HV1	P2+HV1		P2+HV1*.
RNA:					
Retroviruses:					
Gibbon Ape, Woolly Monkey FeLV and FeSV[39].	P1+HV1[38]	P2+HV1	P2+HV2 or P3+HV1		P2+HV2 or P3+HV1.
Other	P1+HV1[38]	P2+HV1	P2+HV1		P2+HV1.
Negative-Strand RNA	P1+HV1		P1+HV1	P1+HV1	P1+HV1.
Plus-Strand RNA:					
Types 1 and 2 Sabin Polio, 17D Yellow Fever Vaccine Strains.	P1+HV1		P1+HV1		P1+HV1.
Other	P1+HV1[38]		P2+HV1		P2+HV1.
Double-Stranded RNA	P1+HV1			P1+HV1	P1+HV1.
Plant Viruses + Viroids	P1+HV1		P1+HV1	P1+HV1	P1+HV1.
Intracellular Viral DNA	See text	See text	See text		

*See exception given at asterisk at end of Appendix D.

III–A–2–a–(2)–(c)–(*2*)–(*b*). P2 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole genome, or (ii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(d). *Double-Stranded Segmented RNA Viruses.* P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) mixtures of subgenomic cDNA segments, (ii) a specific subgenomic cDNA segment, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(2)–(e). *RNA Plant Viruses and Plant Viroids.*[48] P1 physical containment + an HV1 host-vector shall be used for DNA recombinants produced with (i) cDNA copies of the whole viral genome, (ii) subgenomic cDNA segments, or (iii) purified cDNA copies of viral mRNA.[37]

III–A–2–a–(3). *Intracellular Viral DNA.* Physical and biological containment specified for shotgun experiments with eukaryotic cellular DNA [see Section III–A–(1)–(a)] shall be used for DNA recombinants produced with integrated viral DNA or viral genomes present in infected cells.

III–A–2–b. *Eukaryotic Organelle DNAs.* P2 physical containment + an HV1 host-vector, or P1 + HV2, for mitochondrial or chloroplast DNA from eukaryotes when the organelle DNA has been obtained from isolated organelles. Otherwise, the conditions given for shotgun experiments apply.

III–A–2–c. *Prokaryotic Plasmid and Phage DNAs.* The containment levels required for shotgun experiments with DNA from prokaryotes apply to their

plasmids or phages (See Section III–A–1–b.)

III–A–3. *Lowering of Containment Levels for Characterized or Purified DNA Preparations and Clones.* Many of the risks which might conceivably arise from some types of recombinant DNA experiments, particularly shotgun experiments, would result from the inadvertent cloning of a harmful sequence. Therefore, in cases where the risk of inadvertently cloning the "wrong" DNA is reduced by prior enrichment for the desired piece, or in which a clone made from a random assortment of DNAs has been purified and the absence of harmful sequences established, the containment conditions for further work may be reduced. The following section outlines the mechanisms for such reductions.

III–A–3–a. *Purified DNA Other than Plasmids, Bacteriophages, and Other Viruses.* The formation of DNA recombinants from cellular DNAs that have been purified[41] and in which the absence of harmful sequences has been established[3] can be carried out under lower containment conditions than used for the corresponding shotgun experiment.[42] The containment may be decreased one step in physical containment (P4 P3; P3 P2; P2 P1) while maintaining the biological containment specified for the shotgun experiment, or one step in biological containment (HV3 HV2; HV2 HV1) while maintaining the specified physical containment. The Institutional Biosafety Committee (IBC) must review such a reduction and the approval of the IBC and of the NIH must be secured before such a reduction may be put into effect. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3–a to levels below P1 + HV1, which requires prior NIH approval. (See Section IV–E–1–b–(3)–(e).)

III–A–3–b. *Characterized Clones of DNA Recombinants.* When a cloned DNA recombinant has been rigorously characterized and the absence of harmful sequences has been established[3], experiments involving this recombinant DNA may be carried out under lower containment conditions. Institutional Biosafety Committees (IBCs) may give approval for a single-step reduction in physical or biological containment on receipt of evidence of characterization of a clone derived from a shotgun experiment and its probable freedom from harmful genes. IBC approval is sufficient for such a reduction except for any lowering of containment under Section III–A–3–b to levels below P1 + HV1, or reduction of containment levels by more than one step, which also requires prior NIH approval.(See Section IV–E–1–b–3–(e).)

III–B. *Experiments with Prokaryotic Host-Vectors Other Than E. coli K–12.*

III–B–1. *HV1 and HV2 Systems.* Certain certified HV1 and HV2 hostvector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, the classification of containment levels for experiments using them will be assigned by NIH.

III–B–2. *Return of DNA Segments to Prokaryotic Non–HV1 Host of Origin.* Certain experiments involving these prokaryotes that exchange genetic information with *E. coli* by known physiological processes will be exempt from these Guidelines if they appear on the "list of exchangers" set forth in Appendix A (see Section I–E–4). For a prokaryote which can exchange genetic information[35] with *E. coli* under laboratory conditions but which is not on the list (Host A), the following type of experiment may be carried out under P1 conditions without Host A having been approved as an HV1 host: DNA from Host A may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host A by mobilization, transformation, or transduction and may then be propagated in Host A in any desired vector under P1 conditions.

For a prokaryote which does not exchange genetic information with *E. coli* (Host B), the following type of experiment may be carried out without Host B having been approved as an HV1 host: DNA from Host B may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host B and propagated in Host B under P1 conditions.[43]

III–B–3. *Non-HV1 Systems.* Containment levels for other classes of experiments involving non-HV1 systems may be approved by the Director, NIH. (See Sections IV–E–1–b–(1)–(b), IV–E–1–b–(2)–(c), and IV–E–1–b–(3)–(b).)

III–C. *Experiments with Eukaryotic Host-Vectors.*

III–C–1. *Vertebrate Host-Vector Systems.[44]* The subsections of Sections III–C–1–a, –b, –c and –d involve the use of specific viral vectors, namely polyoma, SV40, human adenoviruses 2 and 5, and mouse adenovirus strain FL, respectively. The subsections of Section III–C–1–e involve the use of viral vectors including the specific viral vectors considered in the subsections of Sections III–C–1–a, –b, –c and –d, as well as any other viral vector. When the reader finds that the containment level given for a specific experiment in a subsection of Section III–C–1–e is different from the containment level given in a subsection of Section III–C–1–a, –b, –c or –d, he may choose which of the two containment levels he wishes to use for the experiment.

III–C–1–a. *Polyoma Virus.*

III–C–1–a–(1). *Productive Virus-Cell Interactions.*

III–C–1–a–(1)–(a). Defective or whole polyoma virus genomes, with appropriate helper, if necessary, can be used in P2 conditions to propagate DNA sequences:

III–C–1–a–(1)–(a)–(*1*). from bacteria of Class 1 or Class 2[1] or their phages or plasmids, except for those that produce potent polypeptide toxins;[34]

III–C–1–a–(1)–(a)–(*2*). from mice;

III–C–1–a–(1)–(a)–(*3*). from eukaryotic organisms that do not produce potent polypeptide toxins,[34] provided that the DNA segment is >99% pure.

III–C–1–a–(1)–(b). Defective polyoma genomes, with appropriate helper, if necessary, can be used in P2 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins.[34]

III–C–1–a–(1)–(c). Whole virus genomes with appropriate helper, if necessary, can be used in P3 conditions for shotgun experiments to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins.[34]

III–C–1–a–(1)–(d). Experiments involving the use of defective polyoma virus genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–a–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole polyoma virus genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper): *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b. *Simian Virus 40.*

III–C–1–b–(1). *Productive Virus-Cell Interactions.*

III–C–1–b–(1)–(a). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–b–(1)–(a)–(*1*). bacteria of Class 1 or Class 2,[1] or their phages or plasmids, except for those that produce potent polypeptide toxins;[34]

III–C–1–b–(1)–(a)–(*2*). uninfected African green monkey kidney cell cultures.

III–C–1–b–(1)–(b). SV40 DNA, rendered unconditionally defective by a deletion in an essential gene, with an appropriate helper, can be used in P3 conditions to propagate DNA sequences from eukaryotic organisms that do not produce potent polypeptide toxins[34] (shotgun experiments or purified DNA).

III–C–1–b–(1)–(c). Experiments involving the use of defective SV40 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–b–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole SV40 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper): *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c. *Human Adenoviruses 2 and 5.*

III–C–1–c–(1). *Productive Virus-Cell Interactions.*

III–C–1–c–(1)–(a). Human adenoviruses 2 and 5, rendered unconditionally defective by deletion of at least two essential genes, with appropriate helper, can be used in P3 conditions to propagate DNA sequences from:

III–C–1–c–(1)–(a)–(*1*). bacteria of Class 1 or Class 2[1] or their phages or plasmids except for those that produce potent polypeptide toxins;[34]

III–C–1–c–(1)–(a)–(*2*). eukaryotic organisms that do not produce potent polypeptide toxins[34] (shotgun experiments or purified DNA).

III–C–1–c–(1)–(b). Experiments involving the use of unconditionally defective human adenovirus 2 and 5 genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–c–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole human adenovirus 2 and 5 genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper): *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d. *Murine Adenovirus Strain FL.*

III–C–1–d–(1). *Productive Virus-Cell Interactions.*

III–C–1–d–(1)–(a). Unconditionally defective murine adenovirus strain FL genomes, with appropriate helper, can be used in P2 conditions to propagate DNA sequences from:

III–C–1–d–(1)–(a)–(*1*). bacteria of Class 1 or Class 2[1] or their phages or plasmids except for those that produce potent polypeptide toxins;[34]

III–C–1–d–(1)–(a)–(*2*). eukaryotic organisms that do not produce potent polypeptide toxins[34] (shotgun experiments or purified DNA).

III–C–1–d–(1)–(b). Experiments involving the use of whole murine adenovirus strain FL genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(1)–(c). Experiments involving the use of unconditionally defective murine adenovirus strain FL genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis[45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–d–(2). *Nonproductive Virus-Cell Interactions.* Defective or whole murine adenovirus strain FL genomes can be used as vectors in P2 conditions when production of viral particles cannot occur (e.g., transformation of nonpermissive cells or propagation of an unconditionally defective recombinant genome in the absence of helper): *Provided,* The inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–1–e. *All Viral Vectors.*

III–C–1–e–(1). Other experiments involving eukaryotic virus vectors can be done as follows:

III–C–1–(1)–(a). Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus [all viruses from a single Family (36) being considered identical (50)] may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one Family but each fragment must be less than two-thirds of a genome.

III–C–1–e–(1)–(b). Recombinants with less than two-thirds of the genome of any eukaryotic virus may be rescued with helper virus using P2 containment if wild type strains of the virus are CDC Class 1 or 2 agents, or using P3 containment if wild type strains of the virus are CDC Class 3 agents (1).

III–C–1–e–(2). Experiments involving the use of other whole or defective virus genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms (and viruses), or as vectors to transform nonpermissive cells, will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

NIH will also review on a case-by-case basis[45] all experiments involving the use of virus vectors in animals and will prescribed the physical and biological containment conditions appropriate for such studies. (See Section IV–E–1–b–(3)–(c).)

III–C–1–f. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempted from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and nonviral DNA from cells other than the host species

require only P1 physical containment for cells in culture since vertebrate cells in tissue culture inherently exhibit a very high level of containment. Recombinants involving viral DNA or experiments which require the use of the whole animals will be evaluated by NIH on a case-by-case basis.[45]

III–C–2. *Invertebrate Host-Vector Systems.*

III–C–2–a. *Inverebrate Viral Vectors.* Experiments involving invertebrate virus vectors can be done as follows:

III–C–2–a–(1). Recombinant DNA molecules containing no more than two-thirds of the genome of any invertebrate virus (all viruses from a single Family [36] being considered identical (50)) may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genomes of viruses from more one Family but each fragment must be less than two-thirds of a genome.

III–C–2–a–(2). Recombinants with less than two-thirds of the genome of any invertebrate virus may be rescued with helper virus using P2 containment unless it is classified by the CDC as a class 3 agent (1) in which case P3 containment is required.

III–C–2–a–(3). Experiments involving the use of other whole or defective virus genomes to propagate DNA sequences from prokaryotic or eukaryotic organisms (and viruses), or as vectors to transform nonpermissive cells, will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment condtions. (See Section IV–E–1–b–(3)–(c).)

NIH will also review on a case-by-case basis [45] all experiments involving the use of virus vectors in animals and will prescribe the physical and biological containment conditions appropriate for such studies. (See Section IV–E–1–b–(3)–(c).)

III–C–2–b. *Nonviral Vectors.* Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that the host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P1 physical containment for invertebrate cells in culture inherently exhibits a very high level of containment. Experiments which require the use of whole animals will be evaluated by NIH on a case-by-case basis.[45]

III–C–3. *Plant Viral Host-Vector Systems.* [48] The DNA plant viruses which could currently serve as vectors for coloning genes in plants and plant cell protoplasts are Cauliflower Mosaic Virus (CaMV) and its close relatives [2A] which have relaxed circular double-stranded DNA genomes with a molecular weight of 4.5×10^6, and Bean Golden Mosaic Virus (BGMV) and related viruses with small ($>10^6$ daltons) single-stranded DNA genomes. CaMV is spread in nature by aphids, in which it survives for a few hours. Spontaneous mutants of CaMV which lack a factor essential for aphid transmission arise frequently. BGMV is spread in nature by whiteflies, and certain other single-stranded DNA plant viruses are transmitted by leafhoppers.

The DNA plant viruses have narrow host ranges and are relatively difficulty to transmit mechanically to plants. For this reason, they are most unlikely to be accidentally transmitted from spillage of purified virus preparations.

When these viruses are used as vectors in intact plants, or propagative plant parts, the plants shall be grown under P1 conditions—that is, in either a limited access greenhouse or plant growth cabinet which is insect-restrictive, preferably with positive air pressure, [2A] and in which an insect fumigation regime is maintained. Soil, plant pots, and unwanted infected materials shall be removed from the greenhouse or cabinet in sealed insect-proof containers and sterilized. It is not necessary to sterilize run-off water from the infected plants, as this is not a plausible route for secondary infection. When the viruses are used as vectors in tissue cultures or in small plants in axenic cultures, no special containment is necessary. Infected plant materials which have to be removed from the greenhouse or cabinet for further research shall be maintained under insect-restrictive conditions. These measures provide an entirely adequate degree of containment. They are similar to those required in many countries for licensed handling of "exotic" plant viruses.

The viruses or their DNA may also be useful as vectors to introduce genes into plant protoplasts. The fragility of plant protoplasts combined with the properties of the viruses provides adequate safety. Since no risk to the environment from the use of the DNA plant virus/protoplast system is envisaged, no special containment is necessary, except as described in the following paragraph.

Experiments involving the use of plant genomes to propagate DNA sequences from eukaryotic viruses will be evaluated by NIH on a case-by-case basis [45] and will be conducted under the prescribed physical and biological containment conditions. (See Section IV–E–1–b–(3)–(c).)

III–C–4. *Plant Host-Vector Systems Other than Viruses.* [48] Organelle, plasmid, and chromosomal DNAs may be used as vectors. DNA recombinants formed between such vectors and host DNA, when propagated only in that host (or a closely related strain of the same species), are exempt from these Guidelines (see Section I–E). DNA recombinants formed between such vectors and DNA from cells other than the host species require P2 physical containment. The development of host-vector systems that exhibit a high level of biological containment, such as those using protoplasts or undifferentiated cells in culture, permit [2A] a decrease in the physical containment to P1.

Intact plants or propagative plant parts which cannot be grown in a standard P2 laboratory because of their large size may be grown under the P1 conditions described above in Section III–C–3, except that (i) sterilization of run-off water is required where this is a plausible route for secondary infection and (ii) the standard P2 practices are adopted for microbiological work, and (iii) negative air pressure should be employed in the greenhouse or growth chamber when infectious agents are used which generate airborne propagules.

III–C–5. *Fungal or Similar Lower Eukaryotic Host-Vector Systems.*

Certain certified HV1 and HV2 host-vector systems appear in Appendix D. The containment levels for these systems are given in the subsections of Section III–A. Other systems in the future may be certified as HV1 and HV2. At the time of certification, they may be added to Appendix D (and thus the containment levels for their use will be those of the subsections of Section III–A). Alternatively, at the time of their certification, another classification of containment levels for experiments using them may be assigned by NIH.

In addition to the experiments described above, the following experiments may be carried out without the eukaryotic host (Host C) having been approved as an HV1 host: DNA from Host C may be inserted into a vector and propagated in *E. coli* K–12. Subsequently, this recombinant DNA may be returned to Host C and propagated there under P1 conditions.[43]

Containment levels for other classes of experiments involving non-HV1 systems may be expressly approved by the Director, NIH. (See Sections IV-E-1-b-(1)-(b), IV-E-1-b-(2)-(c), and IV-E-1-b-(3)-(b).)

III-C-6. *Return of DNA Segments to a Higher Eukaryotic Host of Origin.* DNA from a higher eukaryote (Host D) may be inserted into a vector and propagated in *E. coli* K-12. Subsequently, this recombinant DNA may be returned to Host D and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study.[2A]

III-C-7. *Transfer of Cloned DNA Segments to Eukaryotic Organisms*

III-C-7-a. *Transfer to Non-human Vertebrates.* DNA from any nonprohibited source (Section I-D), except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* K-12, may be transferred with *E. coli* vector used for cloning to any eukaryotic cells in culture or to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study[2]. Transfers to any other host will be considered by the RAC on a case-by-case basis[45].

III-C-7-b. *Transfer to Higher Plants.* DNA from any nonprohibited source [Section I-D] which has been cloned and propagated in *E. coli* K-12 or *S. cerevisiae*, may be transferred with the *E. coli* or *S. cerevisiae* vector used for cloning to any higher plant organisms (Angiosperms and Gymnosperms) and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study [2A]. Intact plants or propagative plant parts may be grown under P1 conditions described under Section III-C-3. Containment must be modified to ensure that the spread of pollen, seed or other propagules is prevented. This can be accomplished by conversion to negative pressure in the growth cabinet or greenhouse or by physical entrapment by "bagging" of reproductive structures. Transfers to any other plant organisms will be considered on a case-by-case basis[45].

III-C-7-c. *Transfer to Invertebrates.* DNA from any nonprohibited source [Section I-D], except for greater than one quarter of a eukaryotic viral genome, which has been cloned and propagated in *E. coli* K-12, may be transferred with the *E. coli* vector used for cloning to any eukaryotic cells in culture or to any invertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (2A). Transfers to any other host will be considered by the RAC on a case-by-case basis (45).

III-D. *Complementary DNAs.* Specific containment levels are given in Section III-A-2-a (see also last column of Table III) for complementary DNA (cDNA) of viral mRNA. For the other Sections of the Guidelines, where applicable, cDNAs synthesized *in vitro* are included within each of the above classifications. For example, cDNAs formed from cellular RNAs that are not purified and characterized are included under III-A-1, shotgun experiments; cDNAs formed from purified and characterized RNAs are included under III-A-3; etc.

Due to the possibility of nucleic acid contamination of enzyme preparations used in the preparation of cDNAs, the investigator must employ purified enzyme preparations that are free of viral nucleic acid.

III-E. *Synthetic DNAs.* If the synthetic DNA segment is likely to[2A] yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent), the containment conditions must be as stringent as would be used for propagating the natural DNA counterpart.

If the synthetic DNA sequence codes for a harmless product,[2A] it may be propagated at the same containment level as its purified natural DNA counterpart. For example, a synthetic DNA segment which corresponds to a nonharmful gene of birds, to be propagated in *Saccharomyces cerevisiae*, would require P2 physical containment plus an HV1 host-vector, or P1 + HV2.

If the synthetic DNA segment is not expressed *in vivo* as a polynucleotide or polypeptide product, the organisms containing the recombinant DNA molecule are exempt[4] from the Guidelines.

IV. Roles and Responsibilities

IV-A. *Policy.* Safety in activities involving recombinant DNA depends on the individual conducting them. The Guidelines cannot anticipate every possible situation. Motivation and good judgment are the key essentials to protection of health and the environment.

The Guidelines are intended to help the Institution, the Institutional Biosafety Committee (IBC), the Biological Safety Officer, and the Principal Investigator determine the safeguards that should be implemented. These Guidelines will never be complete or final, since all conceivable experiments involving recombinant DNA cannot be foreseen. Therefore, it is the responsibility of the Institution and those associated with it to adhere to the *purpose* of the Guidelines as well as to their specifics.

Each Institution (and the IBC acting on its behalf) is responsible for ensuring that recombinant DNA activities comply with the Guidelines. General recognition of institutional authority and responsibility properly establishes accountability for safe conduct of the research at the local level.

The following roles and responsibilities constitute an administrative framework in which safety is an essential and integral part of research involving recombinant DNA molecules. Further clarifications and interpretations of roles and responsibilities will be issued by NIH as necessary.

IV-B. *General Applicability.* The Guidelines are applicable to all recombinant DNA research within the United States or its territories which is conducted at or sponsored by an Institution that receives any support for recombinant DNA research from NIH. This includes research by NIH directly.

An individual receiving support for research involving recombinant DNA must be associated with or sponsored by an Institution that can and does assume the responsibilities assigned in these Guidelines.

The Guidelines are also applicable to projects done abroad if they are supported by NIH funds. If the host country, however, has established rules for the conduct of recombinant DNA projects, then a certificate of compliance with those rules may be submitted to NIH in lieu of compliance with the NIH Guidelines. NIH reserves the right to withhold funding if the safety practices to be employed abroad are not reasonably consistent with the NIH Guidelines.

IV-C. *General Definitions.* The following terms, which are used throughout the Guidelines, are defined as follows:

IV-C-1. "DNA" means deoxyribonucleic acid.

IV-C-2. "Recombinant DNA" or "recombinant DNA molecules" means either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules which result from the replication of a molecule described in (i) above.

IV-C-3. [Deleted]

IV-C-4. "Institution" means any public or private entity (including

Federal, State, and local government agencies).

IV–C–5. "Institutional Biosafety Committee" of "IBC" means a committee that (i) meets the requirements for membership specified in Section IV–D–2, and (ii) reviews, approves, and oversees projects in accordance with the responsibilities defined in Sections IV–D–2 and –3.

IV–C–6. "NIH Office of Recombinant DNA Activities" or "ORDA" means the office within NIH with responsibility for (i) reviewing and coordinating all activities of NIH related to the Guidelines, and (ii) performing other duties as defined in Section IV–E–3.

IV–C–7. "Recombinant DNA Advisory Committee" or "RAC" means the public advisory committee that advises the Secretary, the Assistant Secretary for Health, and the Director of the National Institutes of Health concerning recombinant DNA research. The RAC shall be constituted as specific in Section IV–E–2.

IV–C–8. "Director, NIH" or "Director" means the Director of the National Institutes of Health and any other officer or employee of NIH to whom authority has been delegated.

IV–C–9. "Federal Interagency Advisory Committee on Recombinant DNA Research" means the committee established in October 1976 to advise the Secretary, HHS, the Assistant Secretary of Health, and the Director, NIH, on the coordination of those aspects of all Federal programs and activities which relate to recombinant DNA research.

IV–C–10. "Administrative Practices Supplement" or "APS" means a publication to accompany the NIH Guidelines specifying administrative procedures for use at NIH and at Institutions.

IV–C–11. "Laboratory Safety Monograph" or "LSM" means a publication to accompany the NIH Guidelines describing practices, equipment, and facilities in detail.

IV–D. *Responsibilities of the Institution.*

IV–D–1. Each Institution conducting or sponsoring recombinant DNA research covered by these Guidelines is responsible for ensuring that the research is carried out in full conformity with the provisions of the Guidelines. In order to fulfill this responsibility, the Institution shall:

IV–D–1–a. Establish and implement policies that provide for the safe conduct of recombinant DNA research and that ensure compliance with the Guidelines. The Institution, as part of its general responsibilities for implementing the Guidelines, may establish additional procedures, as deemed necessary, to govern the Institution and its components in the discharge of its responsibilities under the Guidelines. This may include (i) statements formulated by the Institution for general implementation of the Guidelines and (ii) whatever additional precautionary steps the Institution may deem appropriate.

IV–D–1–b. Establish an Institutional Biosafety Committee (IBC) that meets the requirements set forth in Section IV–D–2 and carries out the functions detailed in Section IV–D–3.

IV–D–1–c. [Deleted]

IV–D–1–d. [Deleted]

IV–D–1–e. If the Institution is engaged in recombinant DNA research at the P3 or P4 containment level, appoint a Biological Safety Officer (BSO), who shall be a member of the IBC and carry out the duties specified in Section IV–D–4.

IV–D–1–f. Require that investigators responsible for research covered by these Guidelines comply with the provisions of Section IV–D–5, and assist investigators to do so.

IV–D–1–g. Ensure appropriate training for the IBC chairperson and members, the BSO, Principal Investigators (PIs), and laboratory staff regarding the Guidelines, their implementation, and laboratory safety. Responsibility for training IBC members may be carried out through the IBC chairperson. Responsibility for training laboratory staff may be carried out through the PI. The Institution is responsible for seeing that the PI has sufficient training, but may delegate this responsibility to the IBC.

IV–D–1–h. Determine the necessity, in connection with each project, for health surveillance of recombinant DNA research personnel, and conduct, if found appropriate, a health surveillance program for the project. (The Laboratory Safety Monograph (LSM) discusses various possible components of such a program—for example, records of agents handled, active investigation of relevant illnesses, and the maintenance of serial serum samples for monitoring serologic changes that may result from the employees' work experience. Certain medical conditions may place a laboratory worker at increased risk in any endeavor where infectious agents are handled. Examples given in the LSM include gastrointestinal disorders and treatment with steroids, immunosuppressive drugs, or antibiotics. Workers with such disorders or treatment should be evaluated to determine whether they should be engaged in research with potentially hazardous organisms during their treatment or illness.)

IV–D–1–i. Report within 30 days to ORDA any significant problems with and violations of the Guidelines and significant research-related accidents and illnesses, unless the institution determines that the PI or IBC has done so.

IV–D–2. *Membership and Procedures of the IBC.* The Institution shall establish an Institutional Biosafety Committee (IBC) meeting the following requirements:

IV–D–2–a. The IBC shall comprise no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and the capability to assess the safety of recombinant DNA research experiments and any potential risk to public health or the environment. At least two members (but not less than 20 percent of the membership of the committee) shall not be affiliated with the Institution (apart from their membership on the IBC) and shall represent the interest of the surrounding community with respect to health and protection of the environment. Members meet the requirement if, for example, they are officials of State or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community. The Biological Safety Officer (BSO), mandatory when research is being conducted at the P3 and P4 levels, shall be a member (see Section IV–D–4).

IV–D–2–b. In order to ensure the professional competence necessary to review recombinant DNA activities, it is recommended that (i) the IBC include persons from disciplines relevant to recombinant DNA technology, biological safety, and engineering; (ii) the IBC include, or have available as consultants, persons knowledgeable in institutional commitments and policies, applicable law, standards of professional conduct and practice, community attitudes, and the environment; and (iii) at least one member be a nondoctoral person from a laboratory technical staff.

IV–D–2–c. The Institution shall identify the committee members by name in a report to the NIH Office of Recombinant DNA Activities (ORDA) and shall include relevant background information on each member in such form and at such times as ORDA may require. (See the Administrative Practices Supplement for further guidance.)

IV-D-2-d. No member of an IBC may be involved (except to provide information requested by the IBC) in the review or approval of a project in which he or she has been, or expects to be, engaged or has a direct financial interest.

IV-D-2-e. The Institution may establish procedures that the IBC will follow in its initial and continuing review of applications, proposals, and activities. (IBC review procedures are specified in Section IV-D-3-a.)

IV-D-2-f. Central to implementation of the Guidelines is the review of experiments by the IBC. In carrying out this responsibility, the Institution shall comply with instructions and procedures specified in the Administrative Practices Supplement.

IV-D-2-g. Institutions are encouraged to open IBC meetings to the public whenever possible, consistent with protection or privacy and proprietary interests.

IV-D-2-h. Upon request, the Institution shall made available to the public all minutes of IBC meetings and any documents submitted to or received from funding agencies which the latter are required to make available to the public (e.g., reports of Guideline violations and significant research-related accidents, and agency directives to modify projects). If comments are made by members of the public on IBC actions, the Institution shall forward to NIH both the comments and the IBC's response.

IV-D-3. *Functions of the IBC.* On behalf of the Institution, the IBC is responsible for:

IV-D-3-a. Reviewing for compliance with the NIH Guidelines all recombinant DNA research conducted at or sponsored by the Institution, and approving those research projects that it finds are in conformity with the Guidelines. This review shall include:

IV-D-3-a-(1). An independent assessment of the containment levels required by these Guidelines for the proposed research, and

IV-D-3-a-(2). An assessment of the facilities, procedures, and practices, and of the training and expertise of recombinant DNA personnel.

Note.—See Laboratory Safety Monograph (pages 187-190) for suggested guidance in conducting this review.

IV-D-3-b. Notifying the Principal Investigator (PI) of the results of their review.

IV-D-3-c. Reviewing periodically recombinant DNA research being conducted at the Institution, to ensure that the requirements of the Guidelines are being fulfilled.

IV-D-3-d. Adopting emergency plans covering accidental spills and personnel contamination resulting from such research.

Note.—Basic elements in developing specific procedures for dealing with major spills of potentially hazardous materials in the laboratory are detailed in the Laboratory Safety Monograph. Included are information and references on decontamination and emergency plans. NIH and the Centers for Disease Control are available to provide consultation, and direct assistance if necessary, as posted in the LSM. The Institution shall cooperate with the State and local public health departments, reporting any significant research-related illness or accident that appears to be a hazard to the public health.

IV-D-3-e. Reporting within 30 days to the appropriate institutional official and to the NIH Office of Recombinant DNA Activities (ORDA) any significant problems with or violations of the Guidelines, and any significant research-related accidents or illnesses, unless the IBC determines that the PI has done so.

IV-D-3-f. The IBC may not authorize initiation of experiments not explicitly covered by the Guidelines until NIH, (with the advice of the RAC when required) established the containment requirement.

IV-D-3-g. Performing such other functions as may be delegated to the IBC under Section IV-D-1.

IV-D-4. *Biological Safety Officer.* The Institution shall appoint a BSO if it engages in recombinant DNA research at the P3 or P4 containment level. The officer shall be a member of the Institutional Biosafety Committee (IBC), and his or her duties shall include (but need not be limited to):

IV-D-4-a. Ensuring through periodic inspections that laboratory standards are rigorously followed;

IV-D-4-b. Reporting to the IBC and the Institution all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses of which the BSO becomes aware, unless the BSO determines that the Principal Investigator (PI) has done so.

IV-D-4-c. Developing emergency plans fro dealing with accidential spills and personnel contamination, and investigating recombinant DNA research laboratory accidents;

IV-D-4-d. Providing advice on laboratory security;

IV-D-4-e. Providing technical advice to the PI and IBC on research safety procedures.

Note.—See Laboratory Safety Monograph for additional information on the duties of the BSO.

IV-D-5. *Principal Investigator.* On behalf of the Institution, the PI is responsible for complying fully with the Guidelines in conducting any recombinant DNA research.

IV-D-5-a. *PI-General.* As part of this general responsibility, the PI shall:

IV-D-5-a-(1). Initiate or modify no recombinant DNA research subject to the Guidelines until that research, or the proposed modification thereof, has been approved by the Institutional Biosafety Committee (IBC) and has met all other requirements of the Guidelines and the Administrative Practices Supplement (APS).

Note.—No prior approval by the IBC is required for most experiments described in Section III-O. Modify containment and experimental protocol according to recommendations of the IBC.

IV-D-5-a-(2). Report within 30 days to the IBC and NIH (ORDA) all significant problems with and violations of the Guidelines and all significant research-related accidents and illnesses;

IV-D-5-a-(3). Report to the IBC and to NIH (ORDA) new information bearing on the Guidelines;

IV-D-5-a-(4). Be adequately trained in good microbiological techniques;

IV-D-5-a-(5). Adhere to IBC-approved emergency plans for dealing with accidental spills and personnel contamination; and

IV-D-5-a-(6). Comply with shipping requirements for recombinant DNA molecules. (See Section II-C for shipping requirements, Laboratory Safety Monograph for technical recommendations, and the APS for administrative instructions and procedures. The requesting laboratory must be in compliance with the NIH Guidelines and under appropriate review by its IBC, and the sending investigator must maintain a record of all shipments of recombinant DNA materials.)

IV-D-5-b. *Submissions by the PI to NIH.* The PI shall:

IV-D-5-b-(1). Submit information to NIH (ORDA) in order to have new host-vector systems certified;

IV-D-5-b-(2). Petition NIH, with notice to the IBC, for exemptions to these Guidelines (see Sections I-E-4 and I-E-5 and, for additional information on procedures, the APS); and

IV-D-5-b-(3). Petition NIH, with concurrence of the IBC, for exceptions to the prohibitions under these Guidelines (see Section I-D and, for additional information on procedures, the APS).

IV-D-5-b-(4). Petition NIH for determination of containment for

experiments requiring case-by-case review.

IV–D–5–b–(5). Petition NIH for determination of containment for experiments not covered by the Guidelines.

IV–D–5–c. *Submissions by the PI to the IBC.* The PI shall:

IV–D–5–c–(1). Make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines;

IV–D–5–c–(2). Select appropriate microbiological practices and laboratory techniques to be used in the research;

IV–D–5–c–(3). Submit the initial research protocol (and also subsequent changes—e.g., changes in the source of DNA or host-vector system) to the IBC for review and approval or disapproval, and

IV–D–5–c–(4). Remain in communication with the IBC throughout the conduct of the project.

IV–D–5–d. *PI Responsibilities After Approval but Prior to Initiating the Research.* The PI is responsible for:

IV–D–5–d–(1). Making available to the laboratory staff copies of the approved protocols that describe the potential biohazards and the precautions to be taken;

IV–D–5–d–(2). Instructing and training staff in the practices and techniques required to ensure safety and in the procedures for dealing with accidents; and

IV–D–5–d–(3). Informing the staff of the reasons and provisions for any precautionary medical practices advised or requested, such as vaccinations or serum collection.

IV–D–5–e. *PI Responsibilities During the Conduct of the Approved Research.* The PI is responsible for:

IV–D–5–e–(1). Supervising the safety performance of the staff to ensure that the required safey practices and techniques are employed;

IV–D–5–e–(2). Investigating and reporting in writing to ORDA, the Biological Safety Officer (where applicable), and the IBC any significant problems pertaining to the operation and implementation of containment practices and procedures;

IV–D–5–e–(3). Correcting work errors and conditions that may result in the release of recombinant DNA materials;

IV–D–5–e–(4). Ensuring the integrity of the physical containment (e.g., biological safety cabinets) and the biological containment (e.g., purity, and genotypic and phenotypic characteristics); and

IV–D–5–e–(5). *Publications.* PIs are urged to include, in all publications reporting on recombinant DNA research, a description of the physical and biological containment procedures employed.

IV–E. *Responsibilities of NIH.*

IV–E–1. *Director.* The Director, NIH, is responsible for (i) establishing the NIH Guidelines on recombinant DNA research, (ii) overseeing their implementation, and (iii) their final interpretation.

The Director has a number of responsibilities under the Guidelines that involve the NIH Office of Recombinant DNA Activities (ORDA) and the Recombinant DNA Advisory Committee (RAC). ORDA's responsibilities under the Guidelines are administrative. Advice from the RAC is primarily scientific and technical. In certain circumstances, there is specific opportunity for public comment, with published response, before final action.

IV–E–1–a. *General Responsibilities of the Director, NIH.* The responsibilities of the Director shall include the following:

IV–E–1–a–(1). Promulgating requirements as necessary to implement the Guidelines.

IV–E–1–a–(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV–E–2. The RAC's membership is specified in its charter and in Section IV–E–2;

IV–E–1–a–(3). Establishing and maintaining ORDA to carry out the responsibilities defined in Section IV–E–3; and

IV–E–1–a–(4). Maintaining the Federal Interagency Advisory Committee on Recombinant DNA Research established by the Secretary, HEW, for advice on the coordination of all Federal programs and activities relating to recombinant DNA, including activities of the RAC.

IV–E–1–b. *Specific Responsibilities of the Director, NIH.* In carrying out the responsibilities set forth in this Section, the Director shall weigh each proposed action, through appropriate analysis and consultation, to determine that it complies with the Guidelines and presents no significant risk to health or the environment.

IV–E–1–b–(1). *The Director is responsible for the following major actions* (For these, the Director must seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the agenda of the RAC meeting citing the major actions will be published in the **Federal Register** at least 30 days before the meeting, and the Director will also publish the proposed actions in the **Federal Register** for comment at least 30 days before the meeting. In addition, the Director's proposed decision, at his discretion, may be published in the **Federal Register** for 30 days for comment before final action is take. The Director's final decision, along with response to the comments, will be published in the **Federal Register** and the *Recombinant DNA Technical Bulletin.* The RAC and IBC chairpersons will be notified of this decision):

IV–E–1–b–(1)–(a). Changing containment levels for types of experiments that are specified in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(b). Assigning containment levels for types of experiments that are not explicitly considered in the Guidelines when a major action is involved;

IV–E–1–b–(1)–(c). Certifying new host-vector systems, with the exception of minor modifications of already certified systems. [The standards and procedures for certification are described in Section II–D–2–a. Minor modifications constitute, for example, those of minimal or no consequence to the properties relevant to containment. See the Administrative Practices Supplement (APS) for further information];

IV–E–1–b–(1)–(d). Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from these Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes, or otherwise do not present a significant risk to health or the environment (see Sections I–E–4 and –5 and the APS for further information);

IV–E–1–b–(1)–(e). Permitting exceptions to the prohibited experiments in the Guidelines, in order, for example, to allow risk-assessment studies; and

IV–E–1–b–(1)–(f). Adopting other changes in the Guidelines.

IV–E–1–b–(2). *The Director is also responsible for the following lesser actions* (For these, the Director must seek the advice of the RAC. The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the Recombinant DNA Technical Bulletin):

IV–E–1–b–(2)–(a). Interpreting and determining containment levels, upon request by ORDA;

IV–E–1–b–(2)–(b). Changing containment levels for experiments that are specified in the Guidelines (see Section III);

IV–E–1–b–(2)–(c). Assigning containment levels for experiments not explicitly considered in the Guidelines (see Section III);

IV–E–1–b–(2)–(d). Designating certain class 2 agents as class 1 for the purpose

of these Guidelines (see Footnote 1 and Appendix B);

IV–E–1–b–(2)–(e). Assigning containment levels for experiments with recombinant DNA from Class 3 organisms[1] and assigning containment levels for experiments which increase the host-range and virulence of plant pathogens beyond that which occurs by natural genetic exchange.

IV–E–1–b–(3). *The Director is also responsible for the following actions.* (The Director's decision will be transmitted to the RAC and IBC chairpersons and published in the *Recombinant DNA Technical Bulletin):*

IV–E–1–b–(3)–(a). Interpreting the Guidelines for experiments to which the Guidelines specifically assign containment levels;

IV–E–1–b–(3)–(b). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV–E–1–b–(2)–(c).

IV–E–1–b–(3)–(c). Determining appropriate containment conditions upon case-by-case analysis of experiments explicitly considered in the Guidelines but for which no containment levels have been set (see Footnote 45 in Part V; Sections III–C–1–a through –e; and Sections III–C–2 and –3);

IV–E–1–b–(3)–(d). Authorizing, under procedures specified by the RAC, large-scale experiments (i.e., involving more than 10 liters of culture) for recombinant DNAs that are rigorously characterized and free of harmful sequences (see Footnote 3 and Section I–D–6);

IV–E–1–b–(3)–(e). Lowering containment levels for characterized clones or purified DNA (see Sections III–A–3–a and –b, Footnotes 3 and 41);

IV–E–1–b–(3)–(f). Approving minor modifications of already certified host-vector systems. (The standards and procedures for such modifications are described in Section II–D–2); and

IV–E–1–b–(3)–(g). Decertifying already certified host-vector systems.

IV–E–1–b–(3)–(h). Assigning containment levels for experiments in which both donor and recipient are nonpathogenic prokaryotes and/or nonpathogenic lower eukaryotes (see Section III–0–2).

IV–E–1–b–(3)–(i). Adding new entries to the list of toxins for vertebrates (see Appendix G).

IV–E–1–b–(3)–(j). Approving the cloning of toxin genes in host-vector systems other than *E. coli* K–12 (see Appendix G).

IV–E–1–b–(4). The Director shall conduct, support, and assist training programs in laboratory safety for Institutional Biosafety Committee members, Biological Safety Officers, Principal Investigators, and laboratory staff.

IV–E–1–b–(5). The Director, at the end of 36 months from the time these Guidelines are promulgated, will report on the Guidelines, their administration, and the potential risks and benefits of this research. In doing so, the Director will consult with the RAC and the Federal Interagency Committee. Public comment will be solicited on the draft report and taken into account in transmitting the final report to the Assistant Secretary for Health and the Secretary, HHS.

IV–E–2. *Recombinant Advisory Committee.* The NIH Recombinant DNA Advisory Committee (RAC) is responsible for carrying out specified functions cited below as well as others assigned under its charter or by the Secretary, HHS, the Assistant Secretary for Health, and the Director, NIH.

The members of the committee shall be chosen to provide, collectively expertise in scientific fields relevant to recombinant DNA technology and biological safety—e.g., microbiology, molecular biology, virology, genetics, epidemiology, infectious diseases, the biology of enteric organisms, botany, plant pathology, ecology, and tissue culture. At least 20 percent of the members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as nonvoting members. Nominations for the RAC may be submitted to the NIH Office of Recombinant DNA Activities, Bethesda, Md., 20205.

All meetings of the RAC will be announced in the Federal Register, including tentative agenda item, 30 days in advance of the meeting, with final agendas (if modified) available at least 72 hours before the meeting. No item defined as a major action under Section IV–E–1–b–(1) may be added to an agenda after it appears in the Federal Register.

IV–E–2–a. *The RAC shall be responsible for advising the Director, NIH, on the actions listed in Section IV–E–1–b–(1) and (2).*

IV–E–3. *The Office of Recombinant DNA Activities.* ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH, including Institutions, Biological Safety Committees, Principal Investigators, Federal agencies, State and local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the Director, NIH, including those authorities described in Section IV–E–1–b–(3). In addition, ORDA shall be responsible for the following:

IV–E–3–a. Review and approval of Institutional Biosafety Committee (IBC) membership;

IV–E–3–b through IV–E–3–c–(3). [Deleted]

IV–E–c–(4). Publish in the Federal Register:

IV–E–c–(4)–(a). Announcements of Recombinant DNA Advisory Committee (RAC) meetings and agendas 30 days in advance, with publication of the Director's proposed decision for 30 days of public and Federal agency comment followed by a published response, on any action listed in Section IV–E–1–(b)–(1); and

IV–E–3–c–(4)–(b). Announcements of RAC meetings and agendas 30 days in advance of any action listed in Section IV–E–1–b–(2).

Note.—If the agenda for an RAC meeting is modified, ORDA shall make the revised agenda available to anyone, upon request, at least 72 hours in advance of the meeting.

IV–E–3–c–(5). Publish the *Recombinant DNA Technical Bulletin;* and

IV–E–3–c–(6). Serve as executive secretary to the RAC.

IV–E–4. *Other NIH Components.* Other NIH components shall be responsible for:

IV–E–4–a. [Deleted]

IV–E–4–b. Certifying P4 facilities, inspecting them periodically, and inspecting other recombinant DNA facilities as deemed necessary; and

IV–E–4–c. Announcing and distributing certified HV2 and HV3 host-vector systems (see Section II–E–3).

(See Administrative Practices Supplement for additional information on the administrative procedures of ORDA and other NIH components.)

IV–F. [Deleted]

IV–G. *Compliance.* As a condition for NIH funding or recombinant DNA research, Institutions must ensure that such research conducted at or sponsored by the Institution, irrespective of the source of funding, shall comply with these Guidelines. The policies on noncompliance are as follows:

IV–G–1. All NIH-funded projects involving recombinant DNA techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of financial assistance for such projects and of NIH funds for other recombinant DNA research at the Institution, or (ii) a

requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–2. All non-NIH funded projects involving recombinant DNA techniques conducted at or sponsored by an Institution that receives NIH funds for projects involving such techniques must comply with the NIH Guidelines. Noncompliance may result in (i) suspension, limitation, or termination of NIH funds for recombinant DNA research at the Institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the Institution.

IV–G–3. Information concerning noncompliance with the Guidelines may be brought forward by any person. It should be delivered to both NIH (ORDA) and the relevant Institution. The Institution, generally through the IBC, shall take appropriate action. The Institution shall forward a complete report of the incident to ORDA, recommending any further action indicated.

IV–G–4. In cases where NIH proposes to suspend, limit, or terminate financial assistance because of noncompliance with the Guidelines, applicable DHEW and Public Health Service procedures shall govern.

IV–G–5. *Voluntary Compliance.* Any individual, corporation, or institution that is not otherwise covered by the Guidelines is encouraged to conduct recombinant DNA research activities in accordance with the Guidelines, through the procedures set forth in Part VI.

V. Footnotes and References

(*1*) The reference to organisms as Class 1, 2, 3, 4, or 5 refers to the classification in the publication *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974; U.S. Department of Health, Education, and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333. The list of organisms in each class, as given in this publication, is reprinted in Appendix B to these Guidelines.

The Director, NIH, with advice of the Recombinant DNA Advisory Committee, may designate certain of the agents which are listed as Class 2 in the *Classification of Etiologic Agents on the Basis of Hazard*, 4th Edition, July 1974, as Class 1 agents for the Purposes of these Guidelines (see Section IV–E–1–b–(2)–(d)). An updated list of such agents may be obtained from the Office of Recombinant DNA Activities (ORDA), National Institutes of Health, Bethesda, Maryland 20205.

The entire *Classification of Etiologic Agents on the Basis of Hazard* is in the process of revision.

(*2*) For experiments using Vesicular Stomatitis virus (VSV), contact the NIH Office of Recombinant DNA Activities.

(*2A*) In Parts I and III of the Guidelines, there are a number of places where judgments are to be made. These include: "cells known to be infected with such agents" (Section I–D–1); "known to acquire it naturally" (Section I–D–5); "known to produce a potent polypeptide toxin * * * or known to carry such pathogens * * * not likely to be a product of closely linked eukaryote genes * * * shown not to contain such agents" (Section III–A–1–a–(5)–(a)); "shown to be free of disease causing microorganisms" (Section III–A–1–a(5)–(b)); "close relatives" (Section III–C–3); and "produce a potent polypeptide toxin" (Footnote 34).

In all these cases the principal investigator is to make the initial judgment on these matters as part of his responsibility to "make the initial determination of the required levels of physical and biological containment in accordance with the Guidelines" (Section IV–D–7–a). In all these cases, this judgment is to be reviewed and approved by the Institutional Biosafety Committee as part of its responsibility to make "an independent assessment of the containment levels required by these Guidelines for the proposed research" (Section IV–D–3–a–(1)). If the IBC wishes, any specific cases may be referred to the NIH Office of Recombinant DNA Activities as part of ORDA's functions to "provide advice to all within and outside NIH" (Section IV–E–3), and ORDA may request advice from the Recombinant DNA Advisory Committee as part of the RAC's responsibility for "interpreting and determining containment levels upon request by ORDA" (Section IV–E–1–b–(2)–(a)).

(*3*) The following types of data should be considered in determining whether DNA recombinants are "characterized" and the absence of harmful sequences has been established: (a) The absence of potentially harmful genes (e.g., sequences contained in indigenous tumor viruses or sequences that code for toxins, invasins, virulence factors, etc., that might potentiate the pathogenicity or communicability of the vector and/or the host or be detrimental to humans, animals, or plants); (b) the type(s) of genetic information on the cloned segment and the nature of transcriptional and translation gene products specified; (c) the relationship between the recovered and desired segment (e.g., hybridization and restriction endonuclease fragmentation analysis where applicable); (d) the genetic stability of the cloned fragment; and (e) any alterations in the biological properties of the vector and host.

(*4*) In Section I–E, "exemptions" from the Guidelines are discussed. Such experiments are not covered by the Guidelines and need not be registered with NIH. In Section I–D on "prohibitions," the possibility of "exceptions" is discussed. An "exception" means that an experiment may be expressly released from a prohibition. At that time it will be assigned an appropriate level of physical and biological containment.

(*5*) Care should be taken to inactivate recombinant DNA before disposal. Procedures for inactivating DNA can be found in the "Laboratory Safety Monograph: A Supplement to the NIH Guidelines for Recombinant DNA Research."

(*6*) *Laboratory Safety at the Center for Disease Control* (Sept. 1974). U.S. Department of Health Education and Welfare Publication No. CDC 75–8118.

(*7*) *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare. Public Health Service. Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(*8*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (Oct. 1974). U.S. Department of Health, Education and Welfare Publication No. (NIH) 75–790.

(*9*) *National Institutes of Health Biohazards Safety Guide* (1974). U.S. Department of Health, Education, and Welfare, Public Health.

(*10*) *Biohazards in Biological Research* (1973). A. Hellman, M. N. Oxman, and R. Pollack (ed.) Cold Spring Harbor Laboratory.

(*11*) *Handbook of Laboratory Safety* (1971). Second Edition. N. V. Steere (ed.). The Chemical Rubber Co., Cleveland.

(*12*) Bodily, J. L. (1970). *General Administration of the Laboratory*, H. L. Bodily, E. L. Updyke, and J. O. Mason (eds.), Diagnostic Procedures for Bacterial Mycotic and Parasitic Infections. American Public Health Association, New York, pp. 11–28.

(*13*) Darlow, H. M. (1969). *Safety in the Microbiological Laboratory.* In J. R. Norris and D. W. Robbins (ed.), Methods in Microbiology, Academic Press, Inc., New York. pp. 169–204.

(*14*) *The Prevention of Laboratory Acquired Infection* (1974). C. H. Collins, E. G. Hartley, and R. Pilsworth. Public Health Laboratory Service, Monograph Series No. 6.

(*15*) Chatigny, M. A. (1961). *Protection Against Infection in the Microbiological Laboratory: Devices and Procedures.* In W. W. Umbreit (ed.). Advances in Applied Microbiology. Academic Press, New York, N.Y. 3:131–192.

(*16*) *Design Criteria for Viral Oncology Research Facilities* (1975). U.S. Department of Health, Education and Welfare, Public Health Service, National Institutes of Health, DHEW Publication No. (NIH) 75–891.

(*17*) Kuehne, R. W. (1973). *Biological Containment Facility for Studing Infectious Disease.* Appl. Microbiol. 26–239–243.

(*18*) Runkle, R. S., and G. B. Phillips (1969). *Microbial Containment Control Facilities.* Van Nostrand Reinhold, New York.

(*19*) Chatigny, M. A., and D. I. Clinger (1969). *Contamination Control in Aerobiology.* In R. L. Dimmick and A. B. Akers (eds.). An Introduction to Experimental Aerobiology. John Wiley & Sons, New York, pp. 194–263.

(*19A*) Horsfall, F. L., Jr., and J. H. Baner (1940). *Individual Isolation of Infected Animals in a Single Room.* J. Bact. *40*, 569–580.

(*20*) Biological safety cabinets referred to in this section are classified as *Class I, Class II,* or *Class III* cabinets. A *Class I* is a ventilated cabinet for personnel protection having an inward flow of air away from the operator. The exhaust air from this cabinet is filtered through a high-efficiency particulate air (HEPA) filter. This cabinet is used in three operational modes: (1) With a full-width open front, (2) with an installed front closure panel

(having four 8-inch diameter openings) without gloves, and (3) with an installed front closure panel equipped with arm-length rubber gloves. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. A *Class II* cabinet is a ventilated cabinet for personnel and product protection having an open front with inward air flow for personnel protection, and HEPA filtered mass recirculated air flow for product protection. The cabinet exhaust air is filtered through a HEPA filter. The face velocity of the inward flow of air through the full-width open front is 75 feet per minute or greater. Design and performance specifications for *Class II* cabinets have been adopted by the National Sanitation Foundation, Ann Arbor, Michigan. A *Class III* cabinet is a closed-front ventilated cabinet of gas-tight construction which provides the highest level of personnel protection of all biohazard safety cabinets. The interior of the cabinet is protected from contaiminants exterior to the cabinet. The cabinet is fitted with arm-length rubber gloves and is operated under a negative pressure of at least 0.5 inches water gauge. All supply air is filtered through HEPA filters. Exhaust air is filtered through two HEPA filters or one HEPA filter and incinerator before discharged to the outside environment.

(*21*) Hershfield, V., H. W. Boyer, C. Yanofsky, M. A. Lovett, and D. R. Helinski (1974). *Plasmid ColEl as a Molecular Vehicle for Cloning and Amplification of DNA.* Proc. Nat. Acad. Sci. USA *71*, 3455–3459.

(*22*) Wensink, P. C., D. J. Finnegan, J. E. Donelson, and D. S. Hogness (1974). *A System for Mapping DNA Sequences in the Chromosomes of Drosophila Melanogaster.* Cell *3*, 315–335.

(*23*) Tanaka, T., and B. Weisblum (1975). *Construction of a Colicin El–R Factor Composite Plasmid In Vitro: Means for Amplification of Deoxyribonucleic Acid.* J. Bacteriol. *121*, 354–362.

(*24*) Armstrong, K. A., V. Hershfield, and D. R. Helinski (1977). *Gene Cloning and Containment Properties of Plasmid Col El and Its Derivatives.* Science *196*, 172–174.

(*25*) Bolivar, F., R. L. Rodriguez, M. C. Betlach, and H. W. Boyer (1977). *Construction and Characterization of New Cloning Vehicles: I. Ampicillin-Resistant Derivative of pMB9.* Gene *2*, 75–93.

(*26*) Cohen, S. N., A. C. W. Chang, H. Boyer, and R. Helling (1973). *Construction of Biologically Functional Bacterial Plasmids in Vitro.* Proc. Natl. Acad. Sci. USA 70, 3240–3244.

(*27*) Bolivar, F., R. L. Rodriquez, R. J. Greene, M. C. Batlach, H. L. Reyneker, H. W. Boyer, J. H. Crosa, and S. Falkow (1977). *Construction and Characterization of New Cloning Vehicles: II. A Multi-Purpose Cloning System.* Gene *2*, 95–113.

(*28*) Thomas, M., J. R. Cameron, and R. W. Davis (1974). *Viable Molecular Hybrids of Bacteriophage Lambda and Eukaryotic DNA.* Proc. Nat. Acad. Sci. USA *71*, 4579–4583.

(*29*) Murray, N.E., and K. Murray (1974). *Manipulation of Restriction Targets in Phage Lambda to Form Receptor Chramosomes for DNA Fragments.* Nature *251*, 476–481.

(*30*) Rambach, A., and P. Tiollais (1974). *Bacteriophage Having EcoRI Endonuclease Sites Only in the Non-Essential Region of the Genome.* Proc. Nat. Acad. Sci., USA *71*, 3927–3930.

(*31*) Blattner, F. R., B. G. Williams, A. E. Bleche, K. Denniston-Thompson, H. E. Faber, L. A. Furlong, D. J. Gunwald, D. O. Kiefer, D. D. Moore, J. W. Shumm, E. L. Sheldon, and O. Smithies (1977). *Charon Phages: Safer Derivatives of Bacteriophage Lambda for DNA Cloning.* Science *196*, 163–169.

(*32*) Donoghue, D. J., and P. A. Sharp (1977). *An Improved Lambda Vector: Construction of Model Recombinants Coding for Kanamycin Resistance.* Gene *1*, 209–227.

(*33*) Leder, P., D. Tiemeier and L. Enquist (1977). *EK2 Derivatives of Bacteriophage Lambda Useful in the Cloning of DNA from Higher Organisms: The gt WES System.* Science *196*, 175–177.

(*33A*) Skalka, A. (1978). *Current Status of Coliphage EK2 Vectors.* Geen *3*, 29–35.

(*33B*) Szybalski, W., A. Skalka, S. Gottesman, A. Campbell, and D. Botstein (1978). *Standardized Laboratory Tests for EK2 Certification.* Gene *3*, 36–38.

(*34*) We are specifically concerned with the remote possibility that potent toxins could be produced by acquiring a single gene or cluster of genes. See also footnote 2A.

(*35*) Defined as observable under optimal laboratory conditions by transformation, transduction, phage infection, and/or conjugation with transfer of phage, plasmid, and/or chromosomal genetic information. Note that this definition of exchange may be less stringent than that applied to exempt organisms under Section I–E–4.

(*36*) As classified in the Third Report of the International Committee on Taxonomy of Viruses: Classification and Nomenclature of Viruses, R. E. F. Matthews, Ed. Intervirology 12 (129–296) 1979. [As noted in the Prohibition Section, the use of viruses classified[1] as Class 4 or 5 is prohibited.]

(*37*) The cDNA copy of the viral mRNA must be >99% pure; otherwise as for shotgun experiments with eukaryotic cellular DNA.

(*37A*) For the purpose of these Guidelines, viruses of the families *Papovaviridae*, *Adenoviridae*, and *Herpetoviridae* (36) should be considered as "transforming" viruses. While only certain of these viruses have been associated with cell transformation *in vivo* or *in vitro*, it seems prudent to consider all members to be potentially capable of transformation. In addition, those viruses of the family *Poxviridae* that produce proliferative responses—i.e., myxoma, rabbit and squirrel fibroma, and Yaba viruses—should be considered as "transforming."

(*38*) >99% pure [i.e., less than 1% of the DNA consists of intact viral genomes]; otherwise as for whole genomes.

(*39*) The viruses have been classified by NCI as "moderate-risk oncogenic viruses." See "Laboratory Safety Monograph—A Supplement to the NIH Guidelines for Recombinant DNA Research" for recommendations on handling the viruses themselves.

(*40*) [Deleted]

(*41*) The DNA preparation is defined as "purified" if the desired DNA represents at least 99% (w/w) of the total DNA in the preparation, provided that it was verified by more than one procedure.

(*42*) The lowering of the containment level when this degree of purification has been obtained is based on the fact that the total number of clones that must be examined to obtain the desired clone is markedly reduced. Thus, the probability of cloning a harmful gene could, for example, be reduced by more than 10^3-fold when a nonrepetitive gene from mammals was being sought. Furthermore, the level of purity specified here makes it easier to establish that the desired DNA does not contain harmful genes.

(*43*) This is not permitted, of course, if it falls under any of the Prohibitions of Section I–D. Of particular concern here is prohibition I–D–5, i.e., "Deliberate transfer of a drug resistance trait to micro-organisms that are not known to acquire it naturally if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture."

(*44*) Because this work will be done almost exclusively in tissue culture cells, which have no capacity for propagation outside the laboratory, the primary focus for containment is the vector. It should be pointed out that risk of laboratory-acquired infection as a consequence of tissue culture manipulation is very low. Given good microbiological practices, the most likely mode of escape of recombinant DNAs from a physically contained laboratory is carriage by an infected human. Thus the vector with an inserted DNA segment should have little or no ability to replicate or spread in humans.

For use as a vector in a vertebrate host cell system, an animal viral DNA molecule should display the following properties:

(i) It should not consist of the whole genome of any agent that is infectious for humans or that replicates to a significant extent in human cells in tissue culture. If the recombinant molecule is used to transform nonpermissive cells (i.e., cells which do not produce infectious virus particles), this is not a requirement.

(ii) It should be derived from a virus whose epidemiological behavior and host range are well understood.

(iii) In permissive cells, it should be defective when carrying an inserted DNA segment (i.e., propagation of the recombinant DNA as a virus must be dependent upon the presence of a complementing helper genome). In almost all cases this condition would be achieved automatically by the manipulations used to construct and propagate the recombinants. In addition, the amount of DNA encapsidated in the particles of most animal viruses is defined within fairly close limits. The insertion of sizable foreign DNA sequences, therefore, generally demands a compensatory deletion of viral sequences. It may be possible to introduce very short insertions (50–100 base pairs) without rendering the viral vector defective. In such a situation, the requirement that the viral vector be defective is not necessary, except in those cases in which the inserted DNA encodes a biologically active polypeptide.

It is desired but not required that the functional anatomy of the vector be known—that is, fL-re sLogld be a clear idea of the location within the molecule of:

(i) The sites at which DNA synthesis originates and terminates,

(ii) The sites that are cleaved by restriction endonucleases, and

(iii) The template regions for the major gene product.

If possible the helper virus genome should:

(i) Be integrated into the genome of a stable line of host cells (a situation that would effectively limit the growth of the vector recombinant to such cell lines) or

(ii) Consist of a defective genome, or an appropriate conditional lethal mutant virus, making vector and helper dependent upon each other for propagation.

However, neither of these stipulations is a requirement.

(45) Review by NIH on a case-by-case basis means that NIH must review and set appropriate containment conditions before the work may be undertaken. NIH actions in such case-by-case reviews will be published in the *Recombinant DNA Technical Bulletin*.

(46) Provided the inserted DNA sequences are not derived from eukaryotic viruses. In the latter case, such experiments will be evaluated on a case-by-case basis.

(47) ≥99% pure, otherwise as for shotgun experiments.

(48) A USDA permit, required for import and interstate transport of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD 20782.

(49) A subset of non-conjugative plasmid vectors are also poorly mobilizable (e.g., pBR322, pBR313). Where practical, these vectors should be employed.

(50) I.e., the total of all genomes within a Family shall not exceed two-thirds of the genome.

VI. Voluntary Compliance

VI–A. *Basic Policy.* Individuals, corporations, and institutions not otherwise covered by the Guidelines are encouraged to do so by following the standards and procedures set forth in Parts I–IV or the Guidelines. In order to simplify discussion, references hereafter to "institutions" are intended to encompass corporations, and individuals who have no organizational affiliation. For purposes of complying with the Guidelines, an individual intending to carry out research involving recombinant DNA is encouraged to affiliate with an institution that has an Institutional Biosafety Committee approved under the Guidelines.

Since commercial organizations have special concerns, such as protection of proprietary data, some modifications and explanations of the procedures in Parts I–IV are provided below, in order to address these concerns.

VI–B. *IBC Approval.* The NIH Office of Recombinant DNA Activities (ORDA) will review the membership of an institution's Institutional Biosafety Committee (IBC) and, where it finds the IBC meets the requirements set forth in Section IV–D–2, will give its approval to the IBC membership.

It should be emphasized that employment of an IBC member solely for purposes of membership on the IBC does not itself make the member an institutionally affiliated member for purposes of Section IV–D–2–a.

Except for the unaffiliated members, a member of an IBC for an institution not otherwise covered by the Guidelines may participate in the review and approval of a project in which the member has a direct financial interest, so long as the member has not been and does not expect to be engaged in the project. Section IV–D–2–d is modified to that extent for purposes of these institutions.

VI–C. [Deleted]

VI–D. *Certification of Host-Vector Systems.* A host-vector system may be proposed for certification by the Director, NIH, in accordance with the procedures set forth in Section II–D–2–a.

Institutions not otherwise covered by the Guidelines will not be subject to Section II–D–3 by complying with these procedures.

In order to ensure protection for proprietary data, any public notice regarding a host-vector system which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–E. *Requests for Exceptions, Exemptions, Approvals.* Requests for exceptions from prohibitions, exemptions, or other approvals required by the Guidelines should be requested by following the procedures set forth in the appropriate sections in Parts I–IV of the Guidelines.

In order to ensure protection for proprietary data, any public notice regarding a request for an exception, exemption, or other approval which is designated by the institution as proprietary under Section VI–F–1 will be issued only after consultation with the institution as to the content of the notice.

VI–F. *Protection of Proprietary Data.* In general, the Freedom of Information Act requires Federal agencies to make their records available to the public upon request. However, this requirement does not apply to, among other things, "trade secrets and commercial and financial information obtained from a person and privileged or confidential." 18 U.S.C. 1905, in turn makes it a crime for an officer or employee of the United States or any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer of employee thereof, which information concerns or relates to the trade secrets, (or processes * * * of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including special Government employees. Members of the Recombinant DNA Advisory Committee are "special Government employees."

VI–F–1. In submitting information to NIH for purposes of complying voluntarily with the Guidelines, an institution may designate those items of information which the institution believes constitute trade secrets or privileged or confidential commercial or financial information.

VI–F–2. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its views as to whether the information (or some portion) should be released.

V–F–3. If the NIH decides to release this information (or some portion) in response to a Freedom of Information request or otherwise, the institution will be advised; and the actual release will not be made until the expiration of 15 days after the institution is so advised, except to the extent that earlier release, in the judgement of the Director, NIH, is necessary to protect against an imminent hazard to the public or the environment.

VI–F–4. Projects should be registered in accordance with procedures specified in the *Administrative Practices Supplement*. The following information will usually be considered publicly available information, consistent with the need to protect proprietary data:

a. The names of the institution and principal investigator.

b. The location where the experiments will be performed.

c. The host-vector system.

d. the source of the DNA.

e. The level of physical containment.

VI–F–5–a. Any institution not otherwise covered by the Guidelines, which is considering submission of data or information voluntarily to NIH, may request presubmission review of the records involved to determine whether, if the records are submitted, NIH will or will not make part or all of the records available upon request under the Freedom of Information Act.

VI–F–5–b. A request for presubmission review should be submitted to ORDA, along with the records involved. These records must be clearly marked as being the property of the institution, on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. ORDA will then seek a determination from the HEW Freedom of Information Officer, the responsible official under HEW regulations (45 CFR Part 5), as to whether the records involved (or some portion) are or are not available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from ORDA files, will be considered records of the institution and not ORDA, and will not be received as part of ORDA files. No copies will be made of the records.

VI–F–5–c. ORDA will inform the institution of the HEW Freedom of Information Officer's determination and follow the institution's instructions as to where some or all of the records involved are to be returned to the institution or to become a part of ORDA files. If the institution instructs ORDA to return the records, no copies or summaries of the records will be made or retained by HEW, NIH, or ORDA.

VI–F–5–d. The HEW Freedom of Information Officer's determination will represent the official's judgment, as of the time of the determination, as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act, if at the time of the determination the records were in ORDA files and a request were received from them under the Act.

Appendix A of Annex E.—Exemptions Under I–E–4

Section I–E–4 states that exempt from these Guidelines are "certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment (see Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A."

Under exemption I–E–4 of these revised Guidelines are recombinant DNA molecules that are (1) composed entirely of DNA segments from one or more of the organisms within a sublist and (2) to be propagated in any of the organisms within a sublist. (Classification of *Bergey's Manual of Determinative Bacteriology*, eighth edition. R.E. Buchanan and N.E. Gibbons, editors. Williams and Wilkins Company: Baltimore, 1974.)

Sublist A

1. Genus *Escherichia*
2. Genus *Shigella*
3. Genus *Salmonella* (including *Arizona*)
4. Genus *Enterobacter*
5. Genus *Citrobacter* (including *Levinea*)
6. Genus *Klebsiella*
7. Genus *Erwinia*
8. *Pseudomonas aeruginosa, Pseudomonas putida* and *seudomonas fluorescens*
9. *Serratia marcescens*

Sublist B

1. *Bacillus subtilis*
2. *Bacillus licheniformis*
3. *Bacillus pumilus*
4. *Bacillus globigii*
5. *Bacillus niger*
6. *Bacillus nato*
7. *Bacillus amyloliquefaciens*
8. *Bacillus aterrimus*

Sublist C

1. *Streptomyces aureofaciens*
2. *Streptomyces rimosus*
3. *Streptomyces coelicolor*

Sublist D

1. *Streptomyces griseus*
2. *Streptomyces cyaneus*
3. *Streptomyces venezuelae*

Sublist E

One way transfer of *Streptococcus mutans* or *Streptococcus lactis* DNA into *Streptococcus sanguis.*

Sublist F

1. *Streptococcus sanguis*
2. *Streptococcus pneumoniae*
3. *Streptococcus faecalis*
4. *Streptococcus pyogenes*

Appendix B of Annex E.—Classification of Microorganisms on the Basis of Hazard

I. *Classification of Etiologic Agents on the Basis of Hazard (1)*

A. Class 1 Agents

All bacterial, parasitic, fungal, viral, rickettsial, and chlamydial agents not included in higher classes.

B. Class 2 Agents

1. Bacterial Agents

Actinobacillus—all species except *A. mallei*, which is in Class 3
Arizona hinshawii—all serotypes
Bacillus anthracis
Bordetella—all species
Borrelia recurrentis, B. vincenti
Clostridium botulinum, Cl. chauvoei, Cl. haemolyticum, Cl. histolyticum, Cl. novyi, Cl. septicum, Cl. tetani
Corynebacterium diptheriae, C. equi, C. haemolyticum, C. pseudotuberculosis, C. pyogenes, C. renale
Diplococcus (Streptococcus) pneumoniae
Erysipelothrix insidiosa
Escherichia coli—all enteropathogenic serotypes
Haemophilus ducreyi, H. influenzae
Herellae vaginicola
Klebsiella—all species and all serotypes
Leptospira interrogans—all serotypes
Listeria—all species
Mima polymorpha
Moraxella—all species
Mycobacteria—all species except those listed in Class 3
Mycoplasma—all species except *Mycoplasma mycoides* and *Mycoplasma agalactiae*, which are in Class 5
Neisseria gonorrhoeae, N. meningitidis
Pasteurella—all species except those listed in Class 3
Salmonella—all species and all serotypes
Shigella—all species and all serotypes
Sphaerophorus necrophorus
Staphylococcus aureus
Streptobacillus moniliformis
Streptococcus pyogenes
Treponema carateum, T. pallidum, and T. pertenue
Vibrio fetus, V. comma, including biotype El Tor, and *V. parahemolyticus*

2. Fungal Agents

***Actinomycetes* (including *Nocardia* species and *Actinomyces species and Arachnia propionica)*
Blastomyces dermatitidis
Cryptococcus neoformans
Paracoccidioides brasilienis

3. Parasitic Agents

Endamoeba histolytica
Leishmania sp.
Naegleria gruberi
Toxoplasma gondii
Toxocara canis
Trichinella spiralis
Trypanosoma cruzi

4. Viral, Rickettsial, and Chlamydial Agents

Adenoviruses—human—all types
Cache Valley virus
Coxsackie A and B viruses
Cytomegaloviruses
Echoviruses—all types.
Encephalomyocarditis virus (EMC)
Flanders virus
Hart Park virus
Hepatitis-associated antigen material
Herpes viruses—except *Herpesvirus simiae* (Monkey B virus) which is in Class 4
Coroma viruses
Influenza viruses—all types except A/PR8/34, which is in Class 1
Langat virus
Lymphogranuloma venereum agent
Measles virus
Mumps virus

Parainfluenza virus—all types except Parainfluenza virus 3, SF4 strain, which is in Class 1
Polioviruses—all types, wild and attenuated
Poxviruses—all types except *Alastrim, Smallpox, Monkey pox, and Whitepox*, which depending on experiments, are in Class 3 or Class 4
Rabies virus—all strains except *Rabies street virus*, which should be classified in Class 3 when inoculated into carnivores
Reoviruses—all types
Respiratory syncytial virus
Rhinoviruses—all types
Rubella virus
Simian viruses—all types except *Herpesvirus simiae (Monkey B virus) and Marburg virus*, which are in Class 4
Sindbis virus
Tensaw virus
Turlock virus
Vaccinia virus
Varicella virus
Vole rickettsia
Yellow fever virus, 17D vaccine strain

C. Class 3 Agents

1. Bacterial Agents

*Actinobacillus mallei**
Bartonella—all species
Brucella—all species
Francisella tularensis
Mycobacterium avium, M. bovis, M. tuberculosis
Pasteurella multocide type B ("buffalo" and other foreign virulent strains*)
*Pseudomonas pseudomallei**
Yersenia pestis

2. Fungal Agents

Coccidioides immitis
Histoplasma capsulatum
Histoplasma capsulatum var. *duboisii*

3. Parasitic Agents

Schistosoma mansoni

4. Viral, Rickettsial, and Chlamydial Agents

***Alastrim, Smallpox, Monkey pox, and Whitepox*, when used *in vitro*
Arboviruses—all strains except those in Classes 2 and 4 (Arboviruses indigenous to the United States are in Class 3, except those listed in Class 2. *West Nile* and *Semliki Forest* viruses may be classified up or down, depending on the conditions of use and geographical location of the laboratory.)
Dengue virus, when used for transmission or animal inoculation experiments
Lymphocytic choriomeningitis virus (LCM)
Psittacosis-Ornithosis-Trachoma group of agents
Rabies street virus, when used in inoculations of carnivores (See Class 2)
Rickettsia—all species except *Vole rickettsia* when used for transmission or animal inoculation experiments
*Vesicular stomatitis virus**
Yellow fever virus—wild, when used *in vitro*

D. Class 4 Agents

1. Bacterial Agents

None

3. Fungal Agents

None

3. Parasitic Agents

None

Viral, Rickettsial, and Chlamydial Agents

***Alastrim, Smallpox, Monkey pox, and Whitepox*, when used for transmission or animal inoculation experiments
Hemorrhagic fever agents, including *Crimean hemorrhagic fever, (Congo), Junin*, and *Machupo* viruses, and others as yet undefined
Herpesvirus simiae (Monkey B virus)
Lassa virus
Marburg virus
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever*, and *Central European encephalitis viruses*
Venezuelan equine encephalitis virus, epidemic strains, when used for transmission or animal inoculation experiments
Yellow fever virus—wild, when used for transmission or animal inoculation experiments

II. Classification of Oncogenic Viruses on the Basis of Potential Hazard (2)

A. Low-Risk Oncogenic Viruses

Rous Sarcoma
SV–40
CELO
Ad7–SV40
Polyoma
Bovine papilloma
Rat mammary tumor
Avian Leukosis
Murine Leukemia
Murine Sarcoma
Mouse mammary tumor
Rat Leukemia
Hamster Leukemia
Bovine Leukemia
Dog Sarcoma
Mason-Pfizer Monkey Virus
Marek's
Guinea Pig Herpes
Lucke (Frog)
Adenovirus
Shope Fibroma
Shope Papilloma

B. Moderate-Risk Oncogenic Viruses

Ad2–SV40
FeLV
HV Saimiri
EBV
SSV–1
GaLV
HV ateles
Yaba
FeSV

III. Animal Pathogens (3)

A. Animal disease organisms which are forbidden entry into the United States by Law (CDC Class 5 agents)

1. Foot and mouth disease virus

B. Animal disease organisms and vectors which are forbidfden entry into the United States by USDA Policy (CDC Class 5 Agents)

African horse sickness virus
African swine fever virus
Besnoitia besnoiti
Borna disease virus
Bovine infectious petechial fever
Camel pox virus
Ephemeral fever virus
Fowl plague virus
Goat pox virus
Hog cholera virus
Louping ill virus
Lumpy skin disease virus
Nairobi sheep disease virus
Newcastle disease virus (Asiatic strains)
Mycoplasma mycoides (contagious bovine pleuropneumonia)
Mycoplasma agalactiae (contagious agalactia of sheep)
Rickettsia ruminatium (heart water)
Rift valley fever virus
Rhinderpest virus
Sheep pox virus
Swine vesicular disease virus
Teschen disease virus
Trypanosoma vivax (Nagana)
Trypanosoma evansi
Theileria parva (East Coast fever)
Theileria annulata
Theileria lawrencei
Theileria bovis
Theileria hirci
Vesicular exanthema virus
Wesselsbron disease virus
Zyonema

Footnotes and References of Appendix B

*A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service, USDA, Federal Building, Hyattsville, MD. 20782.

**Since the publication of the classification in 1974 [1], the *Actinomycetes* have been reclassified as bacterial rather than fungal agents.

***All activities, including storage of variola and whitepox are restricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

(*1*) *Classification of Etiologic Agents on the Basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Center for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

(*2*) *National Cancer Institute Safety Standards for Research Involving Oncogenic Viruses* (October 1974). U.S. Department of Health, Education, and Welfare Publication No. (NIH) 75–790

(*3*) U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

Appendix C of Annex E.—Exemptions under I–E–5

Section I–E–5 states that exempt from these Guidelines are "Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the Recombinant DNA Advisory Committee, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines."

The following classes of experiments are exempt under Section I–E–5 of the Guidelines:

1. *Recombinant DNAs in Tissue Culture.*

Recombinant DNA molecules derived entirely from non-viral components (that is, no component is derived from a eukaryotic virus), that are propagated and maintained in cells in tissue culture are exempt from these Guidelines with the exceptions listed below.

Exceptions.

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Experiments involving the deliberate introduction of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

2. *Experiments Involving E. coli K–12 host-vector systems.*

Experiments which use *E. coli* K–12 host-vector systems, with the exception of those experiments listed below, are exempt from these Guidelines provided that (a) the *E. coli* host shall not contain conjugation proficient plasmids or generalized transducing phages, and (b) lambda or lambdoid or Ff bacteriophages or nonconjugative plasmids [49] shall be used as vectors. However, experiments involving the insertion into *E. coli* K–12 of DNA from prokaryotes that exchange genetic information [35] with *E. coli* may be performed with any *E. coli* K–12 vector (e.g., conjugative plasmid). When a nonconjugative vector is used, the *E. coli* K–12 host may contain conjugation-proficient plasmids either autonomous or integrated, or generalized transducing phages.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions.

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving DNA from Class 3 organisms [1] or from cells known to be infected with these agents may be conducted at P3 containment. Lower containment levels may be specified by NIH. (See Section IV–E–1–b–(2)–(e).) Experiments in this category require prior IBC review and approval.

Experiments which increase the virulence and host range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval.

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

3. *Experiments Involving Saccharomyces cerevisiae host-vector systems.*

Experiments which use *Saccharomyces cerevisiae* host-vector systems, with the exception of experiments listed below, are exempt from these Guidelines provided that laboratory strains are used.

For these exempt experiments, P1 physical containment conditions are recommended.

Exceptions.

Experiments described in Sections I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval.

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

4. *Experiments Involving Bacillus subtilis host-vector systems.*

Any asporogenic *Bacillus subtilis* strain which does not revert to a sporeformer with a frequency greater than 10^{-7} can be used for cloning DNA from any nonprohibited source, with the exception of those experiments listed below. Indigenous *Bacillus* plasmids and phages, whose host-range does not include *Bacillus cereus* or *Bacillus anthracis*, may be used as vectors.

For these exempt experiments P1 physical containment conditions are recommended.

Exceptions.

Experiments described in Section I–D–1 to I–D–5 as being prohibited.

Experiments involving CDC Class 3 organisms [1] or cells known to be infected with these agents, or any recombinant DNA molecules which increase the virulence and host-range of a plant pathogen beyond that which occurs by natural genetic exchange. (See Section III–O–1.)

Large-scale experiments (e.g., more than 10 liters of culture) require prior IBC review and approval.

Experiments involving the deliberate cloning of genes coding for the biosynthesis of toxins potent for vertebrates. (See Appendix G.)

Appendix D of Annex E.—HV1 and HV2 Host-Vector Systems Assigned Containment Levels as Specified in the Subsections of Section III–A

As noted above at the beginning of Section III–A, certain HV1 and HV2 host-vector systems are assigned containment levels as specified in the subsections of Section III–A. Those so classified as of publication of these Revised Guidelines are listed below.

*HV1—The following specified strains of *Neurospora crassa* which have been modified to prevent aerial dispersion:

(1) inl (inositolless) strains 37102, 37401, 46316, 64001 and 89601.

(2) csp–1 strain UCLA37 and csp–2 strains FS 590, UCLA101 (these are conidial separation mutants).

(3) eas strain UCLA191 (an "easily wettable" mutant).

HV1—The following *Streptomyces* species: *Streptomyces coelicolor, S. lividans, S. parvulus,* and *S. griseus.* The following are accepted as vector components of certified *Streptomyces* HV1 systems: *Streptomyces* plasmids SCP2, SLP1.2, pIJ101, actinophage phi C31, and their derivatives.

Appendix E of Annex E.—Actions Taken Under the Guidelines

As noted in the subsections of Sections IV–E–1–b–(1) and IV–E–1–b–(2), the Director, NIH, may take certain actions with regard to the Guidelines after consideration by the RAC.

Some of the actions taken to date include the following:

1. The following experiment has been approved: The cloning in *B. subtilis,* under P2 conditions, of DNA derived from *Saccharomyces cerevisiae* using EK2 plasmid

*These follow the assigned containment levels as specified in the subsections of Section III–A with one exception. This exception is that experiments involving complete genomes of eukaryotic viruses will require P3+HV1 or P2+HV2 rather than the levels given in the subsections of Section III–A.

vectors provided that an HV1 *B. subtilis* host is used.

2. Unmodified laboratory strains of *Neurospora crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used. For agents other than Class 1, unmodified laboratory strains of *N. crassa* can be used in all experiments for which HV1 *N. crassa* systems are approved, provided that these are carried out at physical containment one level higher than required for HV1. However, if P3 containment is specified for HV1 *N. crassa*, this level is considered adequate for unmodified *N. crassa*. Care must be exercised to prevent aerial dispersal of macroconidia, in accordance with good laboratory practice. Mutationally modified strains of *N. crassa* specified as HV1 in Appendix D can be used in all experiments for which HV2 *N. crassa* systems are approved, provided that only DNA from Class 1 agents is used.

3. P2 physical containment shall be used for DNA recombinants produced between members of the *Actinomycetes* group except for the species which are known to be pathogenic for man, animals, or plants.

4. Cloned desired fragments from any non-prohibited source may be transferred into *Agrobacterium tumefaciens* containing a Ti plasmid (or derivatives thereof), using a nonconjugative *E. coli* plasmid vector coupled to a fragment of the Ti plasmid and/or the origin of replication of an *Agrobacterium* plasmid, under containment conditions one step higher than would be required for the desired DNA in HV1 systems (i.e. one step higher physical containment than that specified in the subsections of Section III–A). However, DNA from plants and nonpathogenic prokaryotes may be cloned under P2 containment conditions; and the *Saccharomyces cerevisiae* alcohol dehydro-genase 1 gene and the gene coding for the maize (*Zea mays*) seed storage protein, zein, may be cloned under P1 conditions. Transfer into plant parts or cells in culture is permitted at the same containment level as is ued for the cloning in *Agrobacterium tumefaciens*.

5. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used as hosts specifically for the cloning of DNA derived from *E. coli* K–12 and *Streptomyces coelicolor, S. aureofaciens, S. rimosus, S. griseus, S. cyaneus*, and *s. venezuelae*, using NIH-approved *Staphylococcus aureau* plasmids as vectors under P2 conditions.

6. *Streptomyces coelicolor, S. auerofaciens, S. rimosus, S. griseus, S. cyaneus*, and *S. venezuelae* can be used as hosts for the cloning of DNA derived from *B. subtilis, E. coli*, K–12, or from *S. aureus* vectors that have been approved for use in *B. subtilis* under P2 conditions, using as vectors any plasmid indigenous to *Streptomyces* species or able to replicate in these hosts by natural biological mechanisms.

7. Certain cloned segments of *Anabena* DNA may be transferred into *Klebsiella* under P2 physical containment.

8. Permission is granted to clone foot-and-mouth disease virus in the EK1CV host-vector system consisting of *E. coli* K–12 and the vector pBR322, all work to be done at the Plumb Island Animal Disease Center.

9. Permission is granted to clone the Exotoxin A gene of *Pseudomonas aeruginosa* under P1 + EK1 conditions in *Escherichia coli* K–12 and under P1 conditions in *Pseudomonas aeruginosa*.

10. Permission is granted to return to the host of origin *Helminthosporanium maydis* (race O) DNA which has been cloned in yeast strain SHY2 using the hybrid *E. coli*—yeast plasmid Y1p5. The cloned DNA may be returned to, and propagated in, *Helminthosporanium maydis* at the P2 level of physical containment.

11. Permission is granted to return *Schizophyllum commune* DNA (or yeast DNA) cloned in *Saccharomyces cerevisiae* with YR or 2 mu circle vectors to *Schizophyllum commune*. The cloned DNA may be returned to, and propagated in, *Schizophyllum commune* at the P2 level of physical containment.

12. Permission is granted to return *Wangiella dermatitidis* DNA to *Wangiella dermatitidis* using an HV2 certified *Saccharomyces/E. coli* hybrid vector. The *Wangiella dermatitidis* may be propagated at the P3 level of physical containment.

13. Certain specified clones derived from segments of the Foot-and-Mouth Disease Virus may be transferred from Plum Island Animal Disease Center to the facilities of Genetech, Inc., of South San Francisco, California. Further development of the clones at Genentech has been approved under P1 + EK1 conditions.

14. *Saccharomycopsis lipolytica* may be used as a host for transformation with defined *Escherichia coli/Saccharomyces cerevisiae* hybrid plasmids and the hybrid plasmids may be used for cloning *S. lipolytica* DNA in *E. coli* and returning the cloned DNA to *S. lipolytica*.

15. Conjugative plasmids or transducing phages may be employed in recombinant DNA experiments when employing *E. coli* as host when a small defined segment of Adenovirus 2 DNA is employed as linker DNA.

16. Permission is granted to introduce DNA segments from aphid tramsmissible strains into non-aphid transmissible strains of Cauliflower mosiac virus in order to study the factors determining aphid transmissibility.

17. Permission is granted to return *Mucor racemosus* DNA which as been cloned in *Saccharomyces cerevisiae* host-vector systems to *Mucor racemosus*. In addition, permission is granted to transform *Mucor racemosus* with *S. cerevisiae* vectors with or without cloned *S. cerevisiae* sequences. These manipulations may be performed under P2 conditions.

18. DNA from nonpathogenic prokaryotes and nonpathogenic lower eukaryotes may be cloned into *Schizosaccharomyces pombe* species under P1 containment conditions. DNA from higher eukaryotes may be cloned in *S. pombe* species under P3 containment conditions.

19. The pyrogenic endotoxin type A (Tox A) gene of *Staphylococcus aureus* may be cloned in an HV2 *Bacillus subtilis* host-vector system under P3 containment conditions.

20. A hybrid plasmid composed of, (1) *E. coli* plasmid pBR325, (2) the origin of replication and transfer genes of *Agrobacterium tumefaciens* plasmid Ti, (3) the thiamine gene of *E. coli*, and (4) *Arabidopsis* DNA, may be transformed into *Agrobacterium tumefaciens* under P1 conditions. The *Agrobacterium tumefaciens* may subsequently be used to introduce the composite plasmid carrying *Arabidopsis* DNA and the *E. coli* thiamine gene into *Arabidopsis* plants under P1 containment conditions.

21. *Chlamydomonas reinhardi* can be used as a host for cloning defined DNA segments derived from *E. coli* and *Saccharomyces cerevisiae* using *E. coli/S. cerevisiae* hybrid vectors under P2 physical containment.

22. *Candida albicans* can be used as a host for cloning *Candida albicans* DNA following propagation of the DNA in *E. coli* K–12 or in *Saccharomyces cerevisiae* employing an *E. coli-S. cerevisiae* hybrid plasmid vector or the yeast 2 micron plasmid.

23. The Rd strain of *Hemophilus influenzae* can be used as a host for the propagation of the cloned Tn 10 tet R gene derived from *E. coli* K–12 employing the non-conjugative *Haemophilus* plasmid, pRSF0885, under P1 conditions.

24. *Zymomonas mobilis* may be used as a host under P2 conditions for transformation by recombinant DNA derived from *Pseudomonas* strains that are non-pathogenic for animals or plants, and that has been cloned in an *E. coli* K–12 host.

25. Protoplasts of *Streptosporangium brasiliense* may be transformed with a hybrid plasmid containing pBR322 plus a *Streptosporangium* plasmid into which have been incorporated specified DNA segments from *Streptomyces* species or an HV1 approved *Bacillus subtilis* cloning vector.

26. *Saccharomyces cerevisiae* DNA may be cloned in *Tetrahymena thermophila* using *E. coli/S. cerevisiae* hybrid plasmids under P1 containment conditions.

27. All members of the nonpathogenic *Actinomycetes* genus *Streptomyces* and the plasmids native to this genus are approved as host-vector systems for the cloning under P1 conditions of DNA derived from other nonpathogenic prokaryotic organisms such as *Streptomyces* and other nonpathogenic *Actinomycetes* species, *Escherichia coli* K–12, *Bacillus subtilis, Bacillus licheniformis, Bacillus circulans*, and other nonpathogenic *Bacillus* species, and for the cloning of DNA derived from nonpathogenic unicellular eukaryotic microorganisms such as *Saccharomyces cerevisiae* and *Neurospora crassa*.

28. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P2 conditions for the cloning of DNA from any CDC Class 1 organism, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

29. *Bacillus subtilis* strains that do not carry an asporogenic mutation can be used under P1 conditions for the cloning of DNA from any Class 1 *Bacillus* species, using indigenous plasmid and phage vectors whose host range does not include *Bacillus anthracis* or *Bacillus cereus*.

30. Permission is granted to clone in *E. coli* K-12, in high containment Building 550 at the Frederick Cancer Research Center, restriction fragments of *Corynephage Beta* carrying the structural gene for diphtheria toxin. Laboratory practices and containment equipment are to be specified by the IBC.

31. Permission is granted to clone certain subgenomic segments of Foot and Mouth Disease Virus in HV1 *Bacillus subtilis* and *Saccharomyces cerevisiae* host-vector systems under P1 conditions at Genentech, Inc., South San Francisco, California.

32. Permission is granted in principle to propagate in mammalian cell culture recombinant DNA molecules consisting of segments of Foot and Mouth Disease Virus and SV40 deletion vectors under P3 conditions at the Plum Island Animal Disease Center. Approval is subject to review by a RAC Working Group of individual experiments.

33. A conjugative plasmid may be used to transfer among *E. coli* K-12 strains, under P2 physical containment, the qa-2 of *Neurospora crassa* ligated to a mobilizable plasmid.

34. *E. coli* K-12 strain DF214 (or derivatives thereof) and plasmid vectors (e.g., pBR322, pBR325) may be used to clone rat cDNA under P2 conditions. After the clone of interest has been purified, it may be worked with under P1 containment.

35. Permission is granted to Dr. Ronald Davis of Stanford University to field test corn plants modified by recombinant DNA techniques under specified containment conditions.

36. Permission is granted to clone in *E. coli* K-12, under P1 physical containment conditions, subgenomic segments of Rift Valley Fever Virus Subject to conditions which have been set forth by the RAC.

37. Permission is given to transfer a recombinant lactose plasmid from *Streptococcus faecalis* to *S. lactis* by conjugation.

38. Attenuated laboratory strains of *Salmonella typhimurium* may be used under P1 physical containment conditions to screen for the *Saccharomyces cerevisiae* pseudouridine synthetase gene. The plasmid YEp13 will be employed as the vector.

39. Permission is granted to clone in *Haemophilus parainfluenzae* Moloney murine leukemia provirus and mouse cellular flanking sequences employing the plasmid vector, pRK290, under P2 containment conditions.

40. Permission is granted for the development, under P1 conditions, of a new host-vector system based on the use of *Corynebacterium glutamicum* as host and non-conjugative poorly mobilizable plasmids as vectors.

41. *Vibrio harveyi* DNA may be cloned in *Vibrio cholera*; plasmids may be used to transfer the cloned *V. harveyi* DNA between *E. coli* K-12, *V. cholera*, and *V. harveyi*. P2 physical containment conditions are required for those experiments involving *V. cholera*. P1 containment conditions may be used for other phases of the project.

Appendix F of Annex E.—Certified Host-Vector Systems

While many experiments using *E. coli* K-12, *Saccharomyces cerevisiae* and *Bacillus subtilis* are currently exempt from the Guidelines under Exemption I-E-5, some derivatives of these host-vector systems were previously classified as HV1 or HV2. A listing of those systems follows.

HV1—The following plasmids are accepted as the vector components of certified *B. subtilis* HV1 systems: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124. *B. subtilis* strains RUB 331 and BGSC 1553 have been certified as the host component of HV1 systems based on these plasmids.

HV2—The asporogenic mutant derivative of *Bacillus subtilis*, ASB 298, with the following plasmids as the vector component: pUB110, pC194, pS194, pSA2100, pE194, pT127, pUB112, pC221, pC223, and pAB124.

HV2—The following sterile strains of *Saccharomyces cerevisiae*, all of which have the ste-VC9 mutation, SHY1, SHY2, SHY3, and SHY4. The following plasmids are certified for use: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32 and YIp33.

EK2 Plasmid Systems. The *E. coli* K-12 strain chi-1776. The following plasmids are certified for use: pSC101, pMB9, pBR313, pBR322, pDH24, pBR327, pGL101, pHB1. The following *E. coli/S. cerevisiae* hybrid plasmids are certified as EK2 vectors when used in *E. coli* chi-1776 or in the sterile yeast strains, SHY1, SHY2, SHY3 and SHY4: YIp1, YEp2, YEp4, YIp5, YEp6, YRp7, YEp20, YEp21, YEp24, YIp25, YIp26, YIp27, YIp28, YIp29, YIp30, YIp31, YIp32, YIp33.

EK2 Bacteriophage Systems: The following are certified EK2 systems based on bacteriophage lambda.

Vector	*Host*
λ gt*WES*. λB'	DP50*supF*
λ gt*WES*. λB*	DP50*supF*
λ gtZJ*vir*. λB'	*E. coli* K-12
λ gtALO. λB	DP50*supF*
Charon 3A	DP50 or DP50*supF*
Charon 4A	DP50 or DP50*supF*
Charon 16A	DP50 or DP50*supF*
Charon 21A	DP50*supF*
Charon 23A	DP50 or DP50*supF*
Charon 24A	DP50 or DP50*supF*

Appendix G of Annex E.—Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Toxins for Vertebrates

1. General Information

Appendix G specifies the containment to be used for the deliberate cloning of genes coding for the biosynthesis of toxins for vertebrates. Cloning of genes coding for toxins for vertebrates that have an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae* neurotoxin) is prohibited. No specific restrictions shall apply to the cloning of genes if the protein specified by the gene has an LD_{50} of 100 micrograms or more per kilogram of body weight. Experiments involving genes coding for toxins with an LD_{50} of 100 micrograms or less per kilogram body weight shall be registered with ORDA prior to initiating the experiments. A list of toxins classified as to LD_{50} is available from ORDA. Testing procedures for determining toxicity of toxins not on the list are available from ORDA. The results of such tests shall be forwarded to ORDA, which will consult with the *ad hoc* Working Group on toxins prior to inclusion of the toxin on the list. (See Section IV-E-1-b-(3)-(i).)

2. Containment Conditions for Cloning of Toxin Genes in E. coli K-12

(a) Cloning of genes coding for toxins for vertebrates that have an LD_{50} in the range of 100 nanograms to 1000 nanograms per kilogram body weight (e.g., abrin, *Clostridium perfringens* epsilon toxin) may proceed under P2 + EK2 or P3 + EK1 containment conditions.

(b) Cloning of genes for the biosynthesis of toxins for vertebrates with an LD_{50} in the range of 1 microgram to 100 micrograms per kilogram body weight may proceed under P1 + EK1 containment conditions (e.g., *Staphylococcus aureus* alpha toxin, *Staphylococcus aureus* beta toxin, ricin, *Pseudomonas aeruginosa* exotoxin A, *Bordatella pertussis* toxin, the lethal factor of *Bacillus anthracis*, the *Pasteurella pestis* murine toxins, the oxygen-labile hemolysins such as streptolysin O, and certain neurotoxins present in snake venoms and other venoms).

(c) Some enterotoxins are substantially more toxic when administered internally than parenterally. The following enterotoxins shall be subject to P1 + EK1 containment conditions: cholera toxin, the heat labile toxins of *E. coli*, *Klebsiella*, and other related proteins that may be identified by neutralization with an antiserum mono-specific for cholera toxin, and the heat stable toxins of *E. coli* and of *Yersinia enterocolitica*.

3. Containment Conditions for Cloning of Toxins Genes in Organisms Other Than E. coli K-12

Requests involving the cloning of genes coding for toxins for vertebrates in host-vector systems other than *E. coli* K-12 will be evaluated by ORDA, which will consult with the *ad hoc* working group on toxins. (See Section IV-E-1-b-(3)-(j).)

Appendix H of Annex E.—Experiments Covered by Section III-0

No experiments currently fall under Section III-0 of the Guidelines.

Note.—OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8-(b)-(4) and (5) of that Circular.

Dated: October 26, 1981.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases.

[FR Doc. 81-34469 Filed 12-3-81; 8:45 am]

BILLING CODE 4110-08-M

federal register

Friday
December 4, 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 Division

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

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

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, 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.

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.

Arkansas:	
AR81-4040	June 19, 1981.
AR81-4041	June 19, 1981.
California:	
CA81-5129	July 6, 1981.
CA81-5154	Sept. 25, 1981.
Delaware: DE81-3028	May 8, 1981.
Iowa: IA81-4089	Nov. 13, 1981.
Idaho: ID81-5157	Oct. 9, 1981.
Louisiana:	
LA81-4084	Nov. 6, 1981.
LA81-4086	Nov. 6, 1981.
Oklahoma:	
OK81-4051	July 10, 1981.
OK81-4054	July 10, 1981.
OK81-4056	July 17, 1981.
OK81-4066	Aug. 21, 1981.
OK81-4067	Aug. 21, 1981.
OK81-4069	Sept. 4, 1981.
OK81-4070	Sept. 4, 1981.
OK81-4071	Sept. 11, 1981.
OK81-4072	Sept. 4, 1981.
Virginia: VA81-3083	Nov. 6, 1981.
Pennsylvania:	
PA81-3049	July 17, 1981.
PA81-3047	July 17, 1981.
PA80-3074	Dec. 12, 1980.
PA81-3027	July 17, 1981.
PA81-3029	July 10, 1981.
PA81-3043	July 17, 1981.
PA81-3044	Aug. 7, 1981.
Texas:	
TX81-4030	May 8, 1981.
TX81-4036	June 5, 1981.
TX81-4037	June 5, 1981.
TX81-4044	June 26, 1981.
TX81-4074	Oct. 2, 1981.
TX81-4075	Oct. 2, 1981.
TX81-4076	Oct. 2, 1981.
TX81-4077	Oct. 2, 1981.
TX81-4079	Oct. 2, 1981.
TX81-4083	Nov. 6, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Kansas: KS80-4055 (KS81-4100) ..... July 18, 1980.
Maryland: MD81-3002 (MD81-3067) ..... Jan. 16, 1981
Ohio: OH81-2021 (OH81-2064) ..... May 8, 1981
Washington: WA81-5126 (WA81-5163) ..... July 6, 1981

Signed at Washington, D.C. this 27th day of November 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION #AR81-4040-Mod. #6 46FR32179-June 19, 1981 Union & Ouachita Counties, Arkansas	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electrical Contracts $20,000. or less:					
Electricians	$14.39		3%		1/4%
Cable splicers	14.69		3%		1/4%
Electrical Contracts over $20,000.:					
Electricians	15.18		3%		1/4%
Cable splicers	15.48		3%		1/4%
LINE CONSTRUCTION:					
Electrical Contracts $20,000. or less:					
Electricians	14.39		3%		1/4%
Cable splicers	14.69		3%		1/4%
Electrical Contracts over $20,000.:					
Electricians	15.18		3%		1/4%
Cable splicers	15.48		3%		1/4%

DECISION #AR81-4041-Mod. #5 46FR32137-June 19, 1981 Garland, Clark and Hot Springs Counties, Arkansas					
CHANGE:					
ELECTRICIANS:					
Electricians	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%
LINE CONSTRUCTION:					
Linemen	12.77	.60	3%+1.00		1/4%
Cable splicers	12.895	.60	3%+1.00		1/4%

Modification Page 2

DECISION NO. CA81-5129 - Mod. #3 (46 FR 34961 - July 6, 1981) Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
ELEVATOR CONSTRUCTORS:					
Area 1:					
Elevator Constructors	$18.67	1.345	1.085	a	.035
Elevator Constructors Helpers	70%JR	1.345	1.085	a	.035
Probationary Helpers	50%JR				
IRRIGATION and LAWN SPRINKLERS	13.52	10%	16%	13%	1½%
PAINTERS:					
Area 1:					
Brush; Paint Burners	16.74	1.23	1.78	.75	.07
Iron, steel and bridge (swing stage)	17.74	1.23	1.78	.75	.07
Sheet Rock Taper	16.05	1.23	1.78	.75	.07
Brush (swing stage): Spray	16.99	1.23	1.78	.75	.07
Steeplejack	18.39	1.23	1.78	.75	.07

DECISION NO. CA81-5154 - Mod. #5 (46 FR 47384 - September 25, 1981) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
IRRIGATION and LAWN SPRINKLERS	$13.52	10%	16%	13%	1½%

DECISION NO. DE-81-3028 MOD. NO. 9 (46 FR 25909 - May 8, 1981) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters:					
Building & Heavy Sussex County	$13.17	.80	1.50		.06
Millwrights:					
Sussex County	13.77	.80	1.50		.06
Bricklayers & Stonemasons	12.90	1.45	1.10		
Ironworkers:					
Structural, Ornamental, Reinforcing, Rigger and Machinery Movers	14.95	1.49	1.46		.05
DECISION NO. IA81-4089 - MOD. #1 (46 FR 56122 - November 13, 1981) Clinton County, Iowa					
CHANGE:					
Building, water treatment plants & sewage disposal plants construction:					
Bricklayers & stonemasons	$14.03		.50		.02
ADD:					
Building, water treatment plants & sewage disposal plants construction:					
Cement masons	13.53		.50		.02
Plasterers	14.03		.50		.02

DECISION NO. ID81-5157 - Mod #1 (46 FR 50223 - October 9, 1981) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS; STONEMASONS; and MARBLE SETTERS:					
Area 2	$16.68	1.05	2.00		.05
ELEVATOR CONSTRUCTORS:					
Area 2:					
Mechanics	14.045	1.345	1.085	a	.035
Helpers	9.83	1.345	1.085	a	.035
Probationary Helpers	7.02				
GLAZIERS:					
Area 3	14.01	.64	.30		
Area 4	10.55	.84	.30	b	
IRONWORKERS: ORNAMENTAL; REINFORCING; STRUCTURAL					
Area 3	14.87	1.25	1.60		.04
PLASTERERS:					
Area 2	11.64	1.04	1.00	1.50	.20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. LA81-4084 - MOD. #2 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Pars., Louisiana					
CHANGE:					
Asbestos workers:					
Bossier & Caddo Pars.	$14.71	.95	1.48		.045
Elevator constructors:					
Calcasieu Parish:					
Mechanics	13.43	1.345	1.035	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Prob.)	50%JR				
Tile setters:					
Calcasieu Parish	10.60	.48	.67		.02
DECISION NO. LA81-4086 - MOD. #2 (46 FR 55189 - November 6, 1981) Statewide Louisiana					
CHANGE:					
Asbestos workers - Zone 2	14.71	.95	1.48		.045
Electricians:					
Zone 2 - Electricians	14.50	.60	3%		.02
Cable splicers	15.00	.60	3%		.02
Elevator constructors:					
Zone 1 - Mechanics	13.43	1.345	1.085	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Prob.)	50%JR				
Marble, tile & terrazzo workers & finishers:					
Zone 2 - Tile setters	10.60	.48	.67		.02
OMIT all rates & classifications for lathers					
ADD:					
Lathers - Zone 1	11.93	.55	.40		.05
Zone 2	12.08	.55	.40		.05
Zone 3	12.33	.55	.40		.05
Zone 4	12.68	.55	.40		.05
Zone 5	14.30	.65	.70		.10
Zone 6	12.05	.55			.05
Zone 7	13.81	.85	.48		.07
Zone 8	11.00	.65	.50		.04
Zone 9	12.00				
Zone 10	11.65	.80	.70		.10

DECISION NO. LA81-4086 - MOD. #2 (CONT'D)

LATHERS ZONE DEFINITIONS

ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are 12.5 miles from center of New Orleans

ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard, & St. Charles Pars. which are within a 22.5 mile radius of New Orleans Center

ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Pars. which are within a 32.5 mile radius of New Orleans Center

ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lutcher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Bolton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Pars. outside 32.5 mile radius of New Orleans Center

ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston (western part), Pointe Coupee, St, Helena, St. James (only towns of Union, Bymel, Convent & Lutcher), St. Martin (only lower separated section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite, Hammond, & Pontchatoula), Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Pars.

ZONE 6 - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin (excluding lower separated section), St. Mary (east to Berwick) & Vermilion Pars.

ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.

ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Pars.

ZONE 9 - Avoyelles, Grant, LaSalle, Natchitoches, Rapides & Sabine Pars.

ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas Union, West Carroll & Winn Pars.

DECISION #OK81-4051-Mod. #7 46FR35886-July 10, 1981 Pittsburg County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Roofers	$12.40	.85	.50		.04
Sheet metal workers	14.91	.65	.72		.10
DECISION #OK81-4054-Mod. #6 46FR35888-July 10, 1981 Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma					
CHANGE:					
BRICKLAYERS:					
Muskogee, Adair and Cherokee Counties	$14.85	.80	.70		.05
PAINTERS (Okmulgee County):					
Brush	13.35		.60		.10
Highwork and stage	13.75		.60		.10
Spray and sandblasting	14.35		.60		.10
Hot or bituminous	14.65		.60		.10
Sheetrock hand tools	13.35		.60		.10
Sheetrock power tools	14.35		.60		.10
PLASTERERS	14.20				.01
SHEET METAL WORKERS	14.91	.65	.72		.10
ROOFERS	12.40	.85	.50		.04
DECISION #OK81-4056-Mod. #7 46FR37209-July 17, 1981 Tulsa, Delaware, Creek, Craig, Ottawa, Mayes and Roger Counties, Oklahoma					
CHANGE:					
PAINTERS:	$13.35		.60		.10
Brush	13.35		.60		.10
Highwork and stage	13.75		.60		.10
Spray and Sandblasting	14.35		.60		.10
Hot or bituminous	14.65		.60		.10
Sheet rock hand tools	13.35		.60		.10
Sheet rock power tools	14.35		.60		.10
Roofers	12.40	.85	.50		.04
Sheet metal workers	14.95	.65	.72		.10
Plasterers	14.20				.01

DECISION #OK81-4066-Mod. #6 46FR42610-August 21, 1981 Garfield County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ROOFERS	$12.40	.85	.50		.04
DECISION #OK81-4067-Mod. #7 46FR42613-August 21, 1981 Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady, Seminole and Pottawatomie Counties, Oklahoma					
CHANGE:					
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Logan, Canadian, and McClain Counties	$14.05	.88	1.05		.13
CEMENT MASONS:					
Lincoln, Oklahoma, Caddo, McClain, Grady, Cleveland, Canadian, Logan and Kingfisher Counties	12.53	.75			
ROOFERS	12.40	.85	.50		.04
DECISION #OK81-4069-Mod. #5 46FR44646-September 4, 1981 Wagoner County, Oklahoma					
CHANGE:					
PLASTERERS	$14.20				.01
SHEET METAL WORKERS	14.91	.65	.72		.10
ROOFERS	12.40	.85	.50		.04
DECISION #OK81-4070-Mod. #6 46FR44651-September 4, 1981 Comanche County, Oklahoma					
CHANGE:					
BRICKLAYERS	$12.46	.62	.50		.12
CARPENTERS:					
Carpenters	11.45	.65	.50		.09
Millwrights-Piledrivermen	11.95	.65	.50		.09
ROOFERS	12.40	.85	.50		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OK81-4071-Mod. #5					
46FR455535-Sept. 11, 1981					
McIntosh County, Oklahoma					
CHANGE:					
ROOFERS	$12.40	.85	.50		.04
PLASTERERS	14.20				.01
SHEET METAL WORKERS	14.91	.65	.72		.10
DECISION #OK81-4072-Mod. #5					
46FR44648-Sept. 4, 1981					
Latimer, Leflore, Haskell, Sequoyah & Pushmataha Counties, Oklahoma					
CHANGE:					
SHEET METAL WORKERS	$14.91	.65	.72		.10
ROOFERS	12.40	.85	.50		.04
PLASTERERS (Sequoyah Co.)	14.20				.01
Decision No. VA81-3083-Mod. #1					
(46 FR 55217-November 6,1981					
The Cities of Chesapeake, Portsmouth, and Virginia Beach					
CHANGE:					
ELEVATOR CONSTRUCTORS	10.33	1.195	.95	b+c	.035
ELEVATOR CONSTRUCTORS HELPERS	7.23	1.195	.95	b+c	.035

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3049 - MOD. #2					
(46 FR 27221 - July 17, 1981)					
Elk, Forest, McKean & Warren Counties, Pennsylvania					
CHANGE:					
TILE SETTERS & TERRAZZO WORKERS:					
Elk, McKean and Warren Cos.	14.20	.90	1.20		
DECISION NO. PA81-3047 - MOD. #1					
(46 FR 37225 - July 17, 1981)					
Lawrence & Mercer Counties, Pennsylvania					
CHANGE:					
BRICKLAYERS & STONEMASONS:					
Mercer County	13.82	1.00	1.49		.02
MILLWRIGHTS:					
Mercer County	14.66	1.34	1.50		.05
ADD:					
To Description of Work: Excluding Sewage and Water Treatment Plant Projects.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA80-3074					
MOD. NO. 9					
(45 FR 81981 - December 12, 1980)					
Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
CHANGE:					
Asbestos Workers					
Zone 1	$13.83	.80	.90		.01
Bricklayers & Stonemasons:					
Zone 1	11.90	1.00	1.20		.05
Zone 4	12.60	1.00	1.20		.05
Electricians:					
Zone 1	14.95	1.75	3%+.50		.10
Plumbers & Steamfitters					
Zone 1	14.66	.94	.95		.05
Zone 3	13.80	1.02	1.00		.11
Sheet metal workers					
Zone 2	13.01	1.63	1.18		.23
DECISION NO. PA81-3027					
MOD. NO. 3					
(46 FR 37212 - July 17, 1981)					
Franklin County, Pennsylvania					
CHANGE:					
Bricklayers	$11.87	.95	.72		.01
Painters	10.00	.45	.15		
Plumbers	13.80	1.02	1.00		.11
Sheet metal Workers	13.01	1.63	1.18		.23
DECISION NO. PA81-3029					
MOD. NO. 2					
(46 FR 35891 - July 10, 1981)					
Blair County, Pennsylvania					
CHANGE:					
Bricklayers	11.90	1.00	1.20		.05
Electricians	14.95	1.75	3%+.50		.10
Sheet metal workers	13.01	1.63	1.18		.23
Stonemasons	11.90	1.00	1.20		.05
Terrazzo Workers	11.90	1.00	1.20		.05
Tile Setters	11.90	1.00	1.20		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3043 -					
MOD. #2					
(46 FR 37212 - July 17, 1981)					
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington, Westmoreland Counties, Pennsylvania					
CHANGE:					
ELECTRICIANS					
Zone 1	14.95	1.75	3%+.50		.10
PLUMBERS					
Zone 2	15.48	.80	1.70		.08
DECISION NO. PA81-3044 -					
MOD. #4					
(46 FR 40477 - August 7, 1981)					
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford and Venango Counties, Pennsylvania					
CHANGE:					
BRICKLAYERS & STONEMASONS					
Zone 1	12.60	1.00	1.20		.05
BRICKLAYERS & STONEMASONS					
Zone 5	11.90	1.00	1.20		.05
CEMENT MASONS					
Zone 3	15.40	.75	.60		.02
ELECTRICIANS (Zone I)	14.95	1.75	3%+.50		.10
MARBLE SETTERS					
Zone 1	12.60	1.00	1.20		.05
PLUMBERS & STEAMFITTERS					
Zone 1	15.48	.80	1.70		.08
SHEET METAL WORKERS					
Zone 2	13.01	1.63	1.18		.23

Modification Page 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4030 - MOD. #5 (46 FR 25984 - May 8,1981) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
CHANGE:					
Electricians:					
Zone 1 - Electricians	$13.98	.60	3%+.50		1/2%
Cable splicers	15.38	.60	3%+.50		1/2%
Line construction:					
Zone 2:					
Linemen	13.98	.60	3%+.50		1/2%
Cable splicers	15.38	.60	3%+.50		1/2%
Groundmen	9.24	.60	3%+.50		1/2%
Operator-hole digger, line truck	10.75	.60	3%+.50		1/2%
Flat bed truck driver	8.11	.60	3%+.50		1/2%
DECISION NO. TX81-4036 - MOD. #2 (46 FR 30286 - June 5,1981) Lubbock County, Texas					
CHANGE:					
Electricians:					
Electricians	13.75	.60	3%		1/10%
Cable splicers	14.00	.60	3%		1/10%
Ironworkers:					
Structural, ornamental, reinforcing	12.30	.55	1.70		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	12.425	.55	1.70		.10
Laborers - Group 1	7.31	.30	.27		
Group 2	7.58	.30	.27		
Group 3	7.51	.30	.27		
Group 4	7.66	.30	.27		
Group 5	7.91	.30	.27		
Plumbers & steamfitters	13.45	.50	.55		.04
Line construction:					
Linemen	13.75	.60	3%		1/10%
Operators	11.00	.60	3%		1/10%
Groundmen	7.56	.60	3%		1/10%
Flat bed truck driver	9.625	.60	3%		1/10%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4037 - MOD. #6 (46 FR 30284 - June 5,1981) Wichita County, Texas					
CHANGE:					
Asbestos workers	$14.71	.95	1.48		.045
Ironworkers:					
Structural, ornamental, reinforcing	12.30	.55	1.70		.10
Ironworkers on jobs 30 miles or more from the City of Wichita Falls	12.425	.55	1.70		.10
DECISION NO. TX81-4044 - MOD. #3 (46 FR 33194 - June 26, 1981) Bowie County, Texas					
CHANGE:					
Asbestos workers	14.71	.95	1.48		.045
Electricians	14.02	.60	3%+.50		1/4%
Ironworkers	12.90	.60	1.65		.11
Line construction:					
Linemen	15.20		3%		1/2%
Cable splicers	15.66		3%		1/2%
Hole digger op., heavy equipment ops. (or pole cat equivalent);powder-man	13.83		3%		1/2%
Line truck driver (winch op.)	12.46		3%		1/2%
Jackhammer man	11.40		3%		1/2%
Groundman	10.18		3%		1/2%
Truck driver (flat bed, ton & half & under)	10.79		3%		1/2%
Power equipment ops.:					
Group 1	7.515	.65	1.25		.15
Group 2	13.57	.65	1.25		.15
Group 3	13.97	.65	1.25		.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4074 - MOD. #3 (46 FR 48861 - October 2, 1981) Travis County, Texas					
CHANGE:					
Glaziers	$11.91		.50		.02
Line construction:					
Linemen	15.03	.60	3%		1/2%
Groundmen	8.27	.60	3%		1/2%
DECISION NO. TX81-4075 - MOD. #2 (46 FR 48863 - October 2, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Lathers (Harris Co. only)	14.90	1.00	.95		.07
Plumbers	16.89	.75	.80		.10
Truck drivers - Group 1	10.79				
Group 2	11.21				
Group 3	11.61				
Group 4	11.61				
Group 5	12.18				
Power equipment operators:					
Group 1	15.09	.75	1.25		.09
Group 2	13.23	.75	1.25		.09
Group 3	12.60	.75	1.25		.09
Group 4	12.39	.75	1.25		.09
DECISION NO. TX81-4076 - MOD. #2 (46 FR 48857 - October 2, 1981) Brazos County, Texas					
CHANGE:					
Plumbers	16.89	.75	.80		.10
Power equipment operators:					
Group 1	15.09	.75	1.25		.09
Group 2	13.23	.75	1.25		.09
Group 3	12.60	.75	1.25		.09
Group 4	12.39	.75	1.25		.09

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4077 - MOD. #2 (46 FR 48859 - October 2, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Bricklayers & stonemasons	$15.68	.94	1.10		.06
Electricians	17.55	.90	3%+.285		.08
Glaziers - southern 1/2 of Jefferson Co. & all of Orange Co. (Commercial)	13.91	.82			.05
Lathers	14.37	.85	.60		.065
Tile setters	14.17	.94	1.10		.06
Truck drivers - Group 1	11.25	.79			
Group 2	12.04	.79			
Group 3	12.33	.79			
Group 4	12.33	.79			
Group 5	12.51	.79			
Power equipment operators:					
Group 1	15.185		.75		
Group 2	12.71		.75		
Group 3	11.69		.75		
Group 4	11.44		.75		
OMIT all rates & classifications for cement masons & painters (southern 1/2 of Jefferson Co. & all of Orange Co.)					
ADD:					
Cement masons	14.62				
Painters:					
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
Commercial:					
Group 1 - Brush, steel wool & wall paperhanger	13.91	.82			.05
Group 2 - Spray, roller, sandblaster, power cleaning, all time spent rigging; hot paint or creosote brush	14.36	.82			.05
Group 3 - Hot paint or creosote spray or roller	14.71	.82			.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION TX81-4077 - MOD. #2 (CONT'D)					
Painters (Cont'd):					
Southern 1/2 of Jefferson Co. & all of Orange Co. (Cont'd):					
Residential:					
Brush	11.95	.60			.05
Paperhanger	12.20	.60			.05
Spray	12.47	.60			.05
Sandblaster, power cleaning	12.21	.60			.05
DECISION NO. TX81-4079 - MOD. #1 (46 FR 48867 - October 2, 1981) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Carpenters:					
Zone 2 - Carpenters	11.42	.66			
Millwrights	12.44	.66			
Asbestos workers	14.71	.95	1.48		.045
Electricians:					
Zone 1 - Electricians	12.90	.60	3%		1/2%
Cable splicers	13.90	.60	3%		1/2%
Line construction:					
Zone 1:					
Linemen	12.46	.60	8%		1/2%
Cable splicers	13.71	.60	8%		1/2%
Groundmen	8.72	.60	8%		1/2%
Operators	13.08	.60	8%		1/2%
Zone 2:					
Linemen	14.30	.60	8%		1/2%
Cable splicers	15.73	.60	8%		1/2%
Groundmen	10.01	.60	8%		1/2%
Operators	15.02	.60	8%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4083 - MOD. #1 (46 FR 55213 - November 6, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE:					
Asbestos workers	$14.71	.95	1.48		.045
Bricklayers & stonemasons:					
Zone 2	14.73	.67	1.00		.04
Electricians:					
Zone 1 - Electricians	14.45	.60	7%		1%
Cable splicers	14.70	.60	7%		1%
Zone 2 - Electricians	15.15	.60	8%		1%
Cable splicers	16.67	.60	8%		1%
Marble, tile & terrazzo workers - Collin, Dallas, Denton, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos.	13.17	.67	.30		.10
Painters:					
Zone 1 - Group 1	13.65	.55	.85		.07
Group 2	13.90	.55	.85		.07
Group 3	13.775	.55	.85		.07
Group 4	14.025	.55	.85		.07
Zone 2 - Group 1	14.10	.50	.40		.12
Group 2	14.35	.50	.40		.12
Group 3	15.35	.50	.40		.12
Group 4	14.475	.50	.40		
Soft floor layers	13.61	.50	.60		.06
Line construction:					
Linemen	15.15	.60	8%		1/2%
Cable splicers	16.66	.60	8%		1/2%
Operators	15.91	.60	8%		1/2%
Groundmen	10.60	.60	8%		1/2%
Power equipment operators:					
Zone 2 - Group 1	7.515	.65	1.25		.15
Group 2	13.57	.65	1.25		.15
Group 3	13.97	.65	1.25		.15

STATE: KANSAS COUNTY: Shawnee
DECISION No.: KS81-4100 DATE: Date of Publication
Supersedes Decision No. KS80-4055 dated July 18, 1980 in 45 FR 48411
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$16.69	1.05	1.75		.06
Boilermakers	14.97	1.275	1.00		.05
Bricklayers, Stonemasons	13.14	.70	.25		.05
Carpenters	9.12	.70	.75		.05
Cement Masons:					
Cement Masons	10.85	.70	.35		
Machine operators	10.975	.70	.35		
Composition color or chloride addition	11.05	.55	.35		
Electricians	10.65	.75	3%+.50		.10
Ironworkers	14.00	.85	1.50	1.00	.10
Laborers:					
General laborers	8.65	.70	.50	.50	.05
Power tool opers., compactors concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	8.85	.70	.50	.50	.05
Mason tenders, plaster tenders, mortar mixers for plasterers, masons and cement finishers, all stocking scaffold, clean up for masons (building & wrecking)	8.95	.70	.50	.50	.05
Sand and concrete gun norzleman powderman	9.05	.70	.50	.50	.05
Laborers (Site preparation and grading):					
Group 1	7.80	.50	.50	.50	.05
Group 2	7.95	.50	.50	.50	.05
Group 3	8.05	.50	.50	.50	.05
Group 4	8.20	.50	.50	.50	.05

CLASSIFICATION DEFINITIONS

LABORERS (Site Preparation and Grading):

Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated);grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hooper and scale man, mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; tile and duck line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distrubution

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction:					
Lineman	$14.52	.45	3%		1/2%
Cable splicers	15.26	.45	3%		1/2%
Groundman	9.03	.45	3%		1/2%
Powderman	12.03	.45	3%		1/2%
Line truck and equipment operator	12.03	.45	3%		1/2%
Painters	8.52	.70			.03
Plasterers	13.10				.01
Plumbers: Pipefitters	14.93	1.00	1.00		.04
Roofers:					
Roofers flat slate and tile, dampproofers	14.66		.60	a	
Roofers working in pitch, tar or creosote coal	15.76		.60	a	
Sheet Metal Workers	13.76	3%+.75	1.77		.07
Soft Floor Layers	12.45	.50	.55		.06
Sprinkler Fitters	15.10	.95	1.40		.08
Tile Setters	13.00				

FOOTNOTE: a-after 6 months of employment .26¢: after 5 years .52¢

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	$14.25	.85	1.00	1.05	.15
Cranes with lifting ring	13.25	.85	1.00	1.05	.15
Cranes and shovels-100 ft. of boom or over including jib or 30 tons or over or 2 yard capacity, three (3) drum hoist	12.50	.85	1.00	1.05	.15
Cranes and shovels-booms 200 ft. and over four (4) drum hoist, Frankie-type pile driving machines, and tower cranes and derricks	12.75	.85	1.00	1.05	.15
GROUP I	12.25	.85	1.00	1.05	.15
GROUP II	11.85	.85	1.00	1.05	.15
GROUP III					
CLASS A	10.05	.85	1.00	1.05	.15
CLASS B	10.30	.85	1.00	1.05	.15
GROUP IV					
CLASS A	9.50	.85	1.00	1.05	.15
CLASS B	9.75	.85	1.00	1.05	.15

WAGE CLASSIFICATIONS

GROUP I
Boiler (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell dragline, dozer, scrapper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over one yard), hoist, two drum, mechanic or welder, mix-ermobile, paver, or any other machine with power swing, piledriver operator, power shovel, pump, concrete or other material, locomotive

GROUP II
A-frame truck, bob cat/hi-loaders (1 yard or under), barber-greene loader or similar type, boiler (1), ditchin, machine - small, elevator operator, fireman, forklift, hoist, or active drum, hydra hammer jeep ditcher, mixer, other than paver, power broom, pump 4" or larger, small machine engineer, welding machine (1), greaser equipment

GROUP III
CLASS A - Farm tractor (without attachments)
CLASS B - Farm tractor (with attachments)

GROUP IV
CLASS A - Oiler
CLASS B - Motor crane oiler

POWER EQUIPMENT OPERATORS Site Preparation and Grading	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$11.55	.85	1.00		.15
Group 2	11.30	.85	1.00		.15
Group 3	11.05	.85	1.00		.15
Group 4	10.70	.85	1.00		.15
Group 5	10.80	.85	1.00		.15
Group 6	11.80	.85	1.00		.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):
Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist -2 active drums; loader, all types, mechanic or welder; mixer-moble; track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator
Group 2 - Asphalt plant operator; elevating grader operator
Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greene loader; boiler other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; greaser; hoist 1 drum; jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operators; vibrating machine operator, not hand
Group 4 - Concrete gang saw, self-propelled (con-cut); conveyor operator; Harrow. disc seeder; oiler; tractor operator, 50 h.p. or less without attachments
Group 5 - Oiler, motor crane
Group 6 - Master mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DIVERS - Light Station Wagons, Pickups	9.225	.40	.35		
TRUCK DRIVERS - Medium Flatbeds and dump five ton or less, Warehousemen & Partsmen	9.325	.40	.35		
TRUCK DRIVERS - Heavy - Over 5 ton, Semi-Trailers, Fork Lifts, Industrial Tractors as used in Teamsters jurisdiction, Staddle Trucks, A frame & Winch Trucks when used as such	9.575	.40	.35		
Mechanics and Dispatchers	9.725	.40	.35		
TRUCK DRIVERS (Site Preparation and Grading)					
Group 1	8.25	.40	.50		
Group 2	8.35	.40	.50		
Group 3	8.50	.40	.50		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
Group 1 - pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
Group 2 - Tandem trucks, warehousemen or partsmen; mechanic helpers and servicemen
Group 3 - Lowboys; semi-trailers, all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; euclid end and bottom dump; tournarockers; atheys; dumptors and similar off-road equipment and mechanics on such equipment
WELDERS: Recieve rates 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)).

SUPERSEDEAS DECISION

STATE: MARYLAND COUNTIES: BALTIMORE AND BALTIMORE CITY
DECISION NO.: MD81-3087 DATE: DATE OF PUBLICATION
Supersedes Decision No. MD81-3002, dated January 16, 1981 in 46 FR 4255
DESCRIPTION OF WORK: Residential Construction consisting of single family houses and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	9.88				
CARPENTERS/DRY WALL INSTALLERS	7.65				
CEMENT MASONS	7.38				
DRY WALL FINISHER	5.76				
ELECTRICIANS	6.23				
INSULATION MECHANIC	5.90				
LABORERS:					
Laborers	5.03				
Mason Tenders	8.20				
IRONWORKERS	7.92				
PAINTERS	6.10				
PLUMBERS	6.96				
ROOFERS	5.50				
SHEET METAL MECHANICS	6.77				
TILE SETTERS	7.50				
TRUCK DRIVER	7.88				
POWER EQUIPMENT OPERATORS					
Backhoe	9.00				
Bulldozer	7.70				
Grader	7.50				
Loader	7.36				
Roller	6.00				

SUPERSEDEAS DECISION

STATE: OHIO
DECISION NO: OH81-2064
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. OH81-2021, dated May 8, 1981 in 46 FR 25964
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

BRICKLAYERS & STONE MASONS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS & SCIOTO COUNTIES	$15.07		.50		.05
ALLEN, AUGLAIZE, MERCER & VAN WERT COS.	13.19	.90	.95		.02
ASHLAND, CRAWFORD, HARDIN, HOLMES, MARION, MORROW, RICHLAND, & WAYNE (except Twps. of Milton & Chippewa) COS. & WYANDOT CO. (except Twps. of Crawford, Richland, Ridge & Tymochtee)	13.63	.90	2.00		.04
ASHTABULA COUNTY					
Bricklayers	16.42	.95	1.50		
Sewer Bricklayers	16.67	.95	1.50		
ATHENS COUNTY	14.90	.90	1.00		.05
BELMONT, JEFFERSON (Warren, Mt. Pleasant, & Dillonvale), & MONROE COS.	13.77	.80	1.10		.02
BROWN, BUTLER, CLERMONT, HAMILTON, PREBLE (Twps. of Dixon, Gratis, Israel, Lanier, & Somers), & WARREN COS.	16.445	.80	.45		.02
CARROLL, COLUMBIANA (Twps. of Butler, Hanover, Knox & West), STARK, & TUSCARAWAS COS.	14.44	1.05	1.05		.02
CHAMPAIGN, CLARK & LOGAN COS.	12.94	1.00	1.35		.08
CLINTON & HIGHLAND COS.	12.00				
COLUMBIANA CO., (Twps. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem & Unity), MAHONING CO. & City of Youngstown	14.695	1.00	1.25		.02

DECISION NO. OH81-2064

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COLUMBIANA CO. (Twps. of E. Liverpool, Franklin, Madison, St. Clair, Washington, Wayne & Yellow Creek), JEFFERSON CO. (Twps. of Bush, Creek & Saline)	$13.55	.90	1.00		
COSHOCTON, FAIRFIELD, GUERNSEY, HOCKING, KNOX, LICKING, MORGAN, MUSKINGUM, & PERRY COUNTIES	13.00	1.30	1.85		.10
CUYAHOGA CO. & MEDINA CO. (except the Twps. of Chatham, Wadsworth, Guilford, Westfield, Sharon, Lafayette, Harrisville, Homer, Litchfield & Spencer)	15.97	1.31	1.33		.10
DARKE, MIAMI, & SHELBY COS.	13.60	1.00	1.35		.08
DEFIANCE, FULTON (except Twps. of Amboy, Fulton, & Swan Creek), HENRY (except Twps. of Barlow, Damascus, Liberty, Marion, Monroe, Richfield, Washington & that part of Harrison outside City limits of Napolean), PAULDING, PUTNAM, & WILLIAMS COS.	15.22	1.06	1.00		
DELAWARE, FRANKLIN, MADISON, PICKAWAY & UNION COS.	15.09	.90	1.50		.10
ERIE, HANCOCK & HURON, OTTAWA, SANDUSKY, SENECA, WOOD (Perry & Bloom Twps.) WYANDOT (Tymochtee, Crawford, Ridge, & Richland Twps.) COS. & ISLAND OF LAKE ERIE N. of SANDUSKY	14.34	.90	1.80		.02
FAYETTE, PIKE, & ROSS COS.	14.96		.50		.05
FULTON (Rem. of Co.), HENRY (Rem. of Co.), LUCAS, & WOOD (Rem. of Co.) COS.	16.135	1.06	1.90		.03
GALLIA & MEIGS COS.	14.90	.70			
GEAUGA & LAKE COS.	16.72	.90	1.15		75.00p/y
GREENE & MONTGOMERY COS. & Remainder of PREBLE CO.	13.60	1.00	1.35		.08

DECISION NO. OH81-2064

BRICKLAYERS & STONEMASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HARRISON CO. & the Remainder of JEFFERSON CO.	$14.03	.90	.50		.03
JACKSON & VINTON COS.	13.85	.90	.80		.05
LAWRENCE COUNTY	13.65		.50		.05
LORAIN CO. & MEDINA CO. (Chatham, Harrisville, Homer, Litchfield, & Spencer Twps.)	16.45		.80	a	.01
MEDINA (Remainder of Co.), PORTAGE, SUMMIT & WAYNE (Twps. of Milton & Chippewa) COS. Bricklayers	15.32	1.17	1.05		.02
NOBLE CO. (Remainder of Co.) & WASHINGTON CO.	14.00	.70	.50		.05 .02
TRUMBULL COUNTY (except City of Youngstown)	14.94	1.00	1.00		

FOOTNOTE: a. 2 pd. Holidays: Independence Day and Labor Day

CARPENTERS & PILEDRIVERMEN					
ADAMS, FAYETTE, GALLIA, HIGHLAND, JACKSON, LAWRENCE, MEIGS, PIKE, ROSS, & SCIOTO COS.					
Carpenters	14.33	.75	1.25		.05
Piledrivermen	14.62	.75	1.25		.05
ALLEN, ADGLAIZE, CHAMPAIGN, CLARK, COSHOCTON, DELAWARE, FAIRFIELD, FRANKLIN, GUERNSEY, HARDIN, HOLMES, KNOX, LICKING, LOGAN, MADISON, MARION, MERCER, MORGAN, MORROW, MUSKINGUM, NOBLE, PERRY, PICKAWAY, PUTNAM, UNION, VAN WERT, & WYANDOT COS.					
Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.57	.90	1.25		.04

DECISION NO. OH81-2064

ASHLAND, CRAWFORD, ERIE (East of B & O Railroad Tracks), HURON, LORAIN and RICHLAND COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 15.37	.90	1.25	b	.08
Piledrivermen	15.50	1.20	2.02		.09
ASHTABULA, CUYAHOGA, GEAUGA and LAKE COUNTIES					
Carpenters	15.67	1.20	1.85		.09
Piledrivermen	15.30	1.20	2.02		.09
ATHENS, HOCKING, VINTON and WASHINGTON COUNTIES					
Carpenters	13.92	.90	1.25		.04
Piledrivermen	14.57	.90	1.25		.04
BELMONT and MONROE COUNTIES					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.53	1.04	1.50		.05
BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON and WARREN COUNTIES					
Carpenters	15.80	.90	1.10		.075
Piledrivermen	15.80	.90	1.10		.075
CARROLL, STARK, TUSCARAWAS and WAYNE COUNTIES					
Carpenters	12.63	.70	.80		.02
Piledrivermen	13.16	.65	.80		.02
COLUMBIANA, & JEFFERSON COUNTIES					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.05	6%	10%		.5%
DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE & SHELBY COUNTIES					
Carpenters	14.30	1.00	1.40		.07
Piledrivermen	14.30	1.00	1.40		.07
DEFIANCE, HENRY, PAULDING and WILLIAMS COUNTIES					
Carpenters	15.76	1.06	.75		
Piledrivermen	15.90	1.06	1.25		.10
ERIE (West of B & O Railroad Tracks), OTTAWA, SANDUSKY & SENECA COS. and City of Fostoria in HANCOCK & WOOD COUNTIES					
Carpenters	15.37	.90	1.25	b	.08
Piledrivermen	15.90	1.06	1.25		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FULTON, LUCAS, HANCOCK & WOOD COS. excluding the City of Fostoria					
Carpenters; Piledrivermen	$15.90	1.06	1.25		.10
HARRISON COUNTY					
Carpenters	13.83	1.04	1.50		.05
Piledrivermen	14.53	1.04	1.50		.05
MAHONING & TRUMBULL COS.					
Carpenters	13.87	1.34	1.50		.05
Piledrivermen	14.66	1.34	1.50		.05
MEDINA, PORTAGE, & SUMMIT COS.					
Carpenters	15.35	.75	1.50		.04
Piledrivermen	15.50	1.20	2.02		.09
FOOTNOTE: b. 2 Paid Holidays: Memorial Day and Independence Day					
CEMENT MASONS:					
ASHTABULA, CUYAHOGA, FULTON, GEAUGA, HANCOCK, HENRY, LAKE, LUCAS, PUTNAM, & WOOD COUNTIES	15.03	.70	.95		.02
BROWN, BUTLER, CLERMONT, COLUMBIANA, DEFIANCE, ERIE, HAMILTON, HIGHLAND, HURON, LORAIN, MAHONING, MEDINA, OTTAWA, PAULDING, PORTAGE, SANDUSKY, SENECA, STARK, SUMMIT, TRUMBULL, WARREN, & WILLIAMS COS.	14.38	.70	.95		.02
REMAINING COUNTIES	13.83	.70	.95		.02
ELECTRICIANS:					
ADAMS, JACKSON (All but Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish, & Union) & SCIOTO COS.	15.48	.50	3%+1.00	1.00	.04
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, & VAN WERT COS. & WYANDOT CO. (West of Crane, Pitt, & Tymochtee Twps.)	13.70	1.10	3%+.43		.04

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHLAND, CRAWFORD, HURON (Twps. of Greenwich, New Haven, Richmond, & Ripley) Knox (N½ inclu. Clinton, Howard, Liberty, Monroe & Union Twps.), MARION, MORROW, RICHLAND, & WYANDOT (Rem. of Co.) COS.	$16.03	.60	3%+.72		.1%
ASHTABULA CO. (all but Colebrook, Orwell, Wayne, Williamsfield & Windsor Twps.)	16.50	1.00	3%+1.50		.5%
ASHTABULA (Rem. of Co.), GEAUGA (Twps. of Auburn, Middlefield, Parkman, & Troy), MAHONING (Milton Twp.), PORTAGE (Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham) & TRUMbull (except Hubbard & Liberty Twps.) COS.	16.62	1.00	9%		.702%
ATHENS, MEIGS, MONROE, MORGAN, NOBLE, VINTON (East of Clinton, Elk and Swan Twps.) & WASHINGTON COS.	14.90	.50	3%+1.25	1.75	.04
BELMONT CO.	14.66	.50	3%+1.25	1.50	.04
BROWN, CLERMONT & HAMILTON COUNTIES					
Within 18 Mi. of Hamilton County Court House	16.70	.85	3%+1.00		½%
From 18 to 21 Miles	17.00	.85	3%+1.00		½%
From 21 to 25 Miles	17.10	.85	3%+1.00		½%
Over 25 Miles	17.25	.85	3%+1.00		½%
BUTLER CO. & WARREN CO. (excluding Clear Creek, Franklin & Wayne Twps.)	16.55	1.00	3%+1.00		½%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.	15.50	8%	17%	10%	½%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARROLL (Rem. of Co.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N ½ excl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, & Bucks), & WAYNE (S. of Baughman, Chester, Green, & Wayne Twps.) COS.	$ 15.70	1.00	3%+1.00		.3%
CHAMPAIGN & CLARK COS. & MADISON CO. (Twps. of Paint, Pike, Somerford, Stokes & Union)	13.34	.75	3%+1.00		.04
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, & PREBLE COS. & WARREN CO. (Rem. of Co.)					
Within 11 Mi. Radius of 3rd & Main Streets, Dayton	14.13	.75	3%+1.00		.5%
Beyond 11 Mi. Radius	14.36	.75	3%+1.00		.5%
COLUMBIANA CO. (except Twps. of Butler, Fairfield, Knox, Perry, Salem & Unity)	13.30	2.00	3%+.53		.09
COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), MAHONNING (exclu. Milton & Smith Twps.), & TRUMBULL (Twps. of Hubbard & Liberty) COS.	16.09	1.00	11%		.5%

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ELECTRICIANS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
COSHOCTON, GUERNSEY, KNOX (Jackson, Clay, Morgan, Miller, Milford, Hilliard, Butler, Harrison, Pleasant, and College Twps.), LICKING, MUSKINGUM, PERRY, TUSCARAWAS (S½ incl. Twps. of Auburn, Clay, Rush, York, Salem, Jefferson, Oxford, Washington, Perry, and Bucks) COS.	14.70	.70	3%+1.02		.03
CUYAHOGA, GEAUGA (Twps. of Bainbridge, Chester, & Russell), and LORAIN (Twp. of Columbia) COS.	16.84	1.10	3%+ .59		.06
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	17.40	.85	3%+.95		.3%
DELAWARE, FAIRFIELD, FRANKLIN, MADISON (Rem. of Co.) & PICKAWAY CO. (Excl. Deer Creek, Perry, Pickaway, Salt Creek & Wayne Twps.) & UNION COS.	14.00	.50	3%+1.02		.06
ERIE CO., HURON CO. (Rem. of Co.)	16.05	.98	3%		.1%
FAYETTE, HIGHLAND, HOCKING, JACKSON (Rem. of Co.), PICKAWAY, PIKE, ROSS, & VINTON COS.	15.80	.70	3%		.06
GALLIA CO.	16.22	.50	3%+1.00	1.00	.04
GEAUGA (except Auburn, Bainbridge, Chester, Middlefield, Parkman, Russell, & Troy Twps.), & LAKE COS.	16.98	.85	3%+.70		.2%
LAWRENCE COUNTY	15.72	.50	3%+1.00	1.00	.04
LORAIN CO. (Rem. of Co.) and MEDINA CO. (Twps. of Litchfield & Liverpool)	16.75	.85	3%+1.00		.1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
MEDINA (Rem. of Co.), PORTAGE (exclu. Twps. of Charleston, Edinburg, Freedom, Hiram, Palmyra, Paris, & Windham), SUMMIT, & WAYNE (Rem. of Co.) COS.	16.67	.74	3%+.84		.2%
IRONWORKERS:					
ADAMS (E½), GALLIA, JACKSON (S½), LAWRENCE, PIKE (S½), & SCIOTO COS.					
Up to 10 miles from Union Hall in Ashland, Ky.	15.96	1.00	1.85		.01
10 to 60 miles from Union Hall in Ashland, Ky.	16.27	1.00	1.85		.01
60 Miles & Over from Union Hall in Ashland, Ky.	16.68	1.00	1.85		.01
ADAMS, (W½), BROWN, BUTLER (S½), CLERMONT, CLINTON (S. of a line drawn from Blanchester to Lynchburg), HAMILTON, HIGHLAND (exclu. E 1/5 and portion of Co. inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marsball) & WARREN (S ½) COS.					
Reinforcing	15.58	1.00	1.85		.02
Ornamental; Structural	15.03	1.00	1.85		.03
ALLEN (S½), Auglaize, BUTLER (N ½), CHAMPAIGN (W 2/3), CLARK (W 3/4), CLINTON (excl. S. of a line drawn from Blanchester to Lynchburg), Darke, Greene, Highland (Inside lines drawn from Marshall to Lynchburg & from the N. Co. line through E. Monroe to Marshall), LOGAN (W 2/3),					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (CONT'D)					
MERCER (S½), MIAMI, MONTGOMERY, PREBLE, SHELBY, & WARREN (N½) COS.					
Within 15 miles radius of Local Union Office #290	14.61	1.00	1.85		.06
Outside 15 miles radius of Local Union Office #290	14.76	1.00	1.85		.06
ALLEN (N½), DEFIANCE (except portion S. of a line drawn from where Rt. 66 meets the N. line through Independence to the E. Co. border), Mercer (N½), PAULDING, PUTNAM (except portion E. of a line drawn from the N. border down thru Miller city to where 696 meets the S. border), VAN WERT, & WILLIAMS (except portion E. of a line drawn from Pioneer thru Stryker to the S. border) COS.	14.20	1.00	2.85		.04
ASHLAND, CARROLL, COSHOCTON (exclu. portion w. of a line beginning at NW Co. line going thru Walhonding & Tunnel Hill to the S. Co. line), HOLMES, RICHLAND, STARK, TUSCARAWAS, & WAYNE COS.	15.28	.80	1.20		.05
ASHTABULA (NE ¼) CO.	14.50	1.86	1.51		.15
ASHTABULA (S½), CUYAHOGA, ERIE (Exclu. W 1/3), GEAUGA (except portion E. of a line from Austinburg to Middlefield & South), HURON (Exclu. portion W.					

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
of a line drawn from the N. border through Monroeville & Willard), LAKE, LORAIN, MEDINA, PORTAGE (Exclu. Ravenna Ordnance Depot), & SUMMIT COS.	16.22	1.05	1.45		.08
ASHTABULA (NW ½), COLUMBIANA, GEAUGA (E. of a line from Austinburg to Middlefield & South), MAHONING, PORTAGE (E. of a line from Middlefield to Shalersville to Deerfield), & TRUMBULL COS.	15.26	1.00	1.30		.09
ATHENS, MEIGS, MORGAN, NOBLE & WASHINGTON COS.	13.85	1.00	1.85		.03
BELMONT, GUERNSEY, HARRISON, JEFFERSON, MONROE, & MUSKINGUM (except portion W. of a line starting at Adams Mill going to Adamsville & going from Adamsville through Blue Rock to the S. border) COS.	13.22	1.05	2.55	8%	.05
CHAMPAIGN (E 1/3), CLARK (E½), COSHOCTON (W. of a Line Beginning at NW Co. line going through Walhonding & Tunnel Hill to the S. Co. line), CRAWFORD (S. of Rte 30), FAYETTE, HARDIN (except a line drawn from Roundhead to Maysville), HIGHLAND (E 1/5), HOCKING, JACKSON (N⅓ of Co.), KNOX, LOGAN (E 1/3), MARION, MORROW, MUSKINGUM (W. of a line starting at Adams Mill going to Adamsville and going from Adamsville thru Blue Rock to the S. border), PERRY, PIKE (N⅓), ROSS, VINTON, & WYANDOT (S. of Rte 30) COS.	15.20	1.00	2.60		.05

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CRAWFORD (Area between lines drawn from where hwy 598 & 30 meet thru N. Liberty to the N. border & from said hwy junction point due W. to the border), DEFIANCE (S. of a line drawn from where Rte. 66 meets the N. line thru Independence to the E. Co. border), ERIE (W 1/3), FULTON, HANCOCK, HARDIN (N. of a line drawn from Maysville to a point 4 miles S. of the N. line on the E. line), HENRY, HURON (W. of a line drawn from the N. border thru Monroeville & Willard), LUCAS, OTTAWA, PUTNAM (E. of a line drawn from the N. border down thru Miller City to where 696 meets the S. border), SANDUSKY, SENECA, WILLIAMS (E. of a line drawn from Pioneer thru Stryker to the S. border), WOOD, & WYANDOT (Area N. of Rte. # 30) COS.	16.58	1.06	1.82		.09
DELAWARE, FAIRFIELD, LICKING, MADISON, PICKAWAY, & UNION COUNTIES	15.10	1.00	2.60		.05
FRANKLIN COUNTY	14.95	1.00	2.60		.05
PAINTERS:					
ADAMS, HIGHLAND, JACKSON, PIKE & SCIOTO COUNTIES					
Brush	14.35		1.00		.0[illegible]
Spray	15.35		1.00		.0[illegible]
ALLEN, AUGLAIZE, DEFIANCE, HARDIN, MERCER, PAULDING, PUTNAM, SHELBY, VAN WERT & WILLIAMS COS.					
Brush & Roller	12.05	1.06	.50		.03
Sandblasting; Spray; Steam Cleaning	12.55	1.06	.50		.03
ASHLAND, CRAWFORD, MARION, MORROW & RICHLAND COS.					
Brush	12.25		.80		
Structural Steel	12.75		.80		
Spray	13.00		.80		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA, CUYAHOGA, GEAUGA, & LAKE COS., LORAIN (North East Part) and PORTAGE & SUMMIT COS. (North of the Ohio Turnpike)					
Brush	15.06	.97	1.60		.05
Bridge and Open Steel; Closed Steel Over 55'	15.76	.97	1.60		.05
Closed Steel Below 55'; Spray	15.46	.97	1.60		.05
ATHENS & HOCKING COUNTIES					
Brush	14.60				
Spray	15.25				
BROWN, CLERMONT & HAMILTON COS.					
Brush	15.80		.75		
Spray	16.30		.75		
BUTLER & WARREN COUNTIES					
Brush	13.48				
Spray	14.48				
CARROLL, HOLMES, STARK, TUSCARAWAS & WAYNE COS.					
Brush	13.36	1.08	1.00		.02
Spray	14.09	1.08	1.00		.02
Structural Steel	14.27	1.08	1.00		.02
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY & PREBLE COUNTIES					
Brush; Roller	13.21		1.00		.11
Structural Steel	13.61		1.00		.11
Spray	13.71		1.00		.11
COLUMBIANA, MAHONING, PORTAGE (Ravenna Ordnance Depot), & TRUMBULL COS.					
Brush	14.65	1.00	1.25		
Sandblasting; Spray	15.35	1.00	1.25		
CHAMPAIGN, CLARK, LOGAN, & MADISON COS.:					
Brush	12.75		1.00		
Spray	13.45		1.00		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DELAWARE, FAIRFIELD, FAYETTE, FRANKLIN, PICKAWAY, ROSS, & UNION COUNTIES					
Brush	$ 14.19	.95	1.00		.02
Structural Steel	14.49	.95	1.00		.02
Spray	14.69	.95	1.00		.02
ERIE, HANCOCK, HURON, SANDUSKY, SENECA & WYANDOT COUNTIES					
Brush	13.80	.70	.90		50.00p/yr
Structural Steel	14.25	.70	.90		50.00p/yr
FULTON, HENRY, LUCAS, OTTAWA & WOOD COUNTIES					
Brush	14.70	1.06	2.00		
Spray	15.25	1.06	2.00		
Bridge Railings	14.95	1.06	2.00		
GALLIA, LAWRENCE, MEIGS, & VINTON COUNTIES					
Brush; Roller	12.70			c	
Sandblasting; Spray; Waterblasting	13.70			c	
KNOX, LICKING, MUSKINGUM and PERRY COUNTIES					
Steel; Bridge	12.50				
Spray	13.00				
Spray					
LORAIN COUNTY (Rem. of Co.)					
Brush	11.85	.85	.10	d	
Spray; Sandblasting	12.35	.85	.10	d	
Roller	12.10	.85	.10	d	
MEDINA, PORTAGE (Up to & incl. the Ohio Turnpike), & SUMMIT (Up to & incl. the Ohio Turnpike) COS.:					
Brush; Paperhanger; & Roller	14.65	1.07	.60		
Structural Steel	15.40	1.07	.60		
Spray	15.50	1.07	.60		
MONROE, MORGAN, NOBLE, & WASHINGTON COS.					
Bridges; Guard Rails; & Structural Steel	11.72	.60	.40		.02

FOOTNOTES: c. 6 paid holidays: Decoration Day; July 4th; Thanksgiving Day; Christmas Day; New Year's Day; & Veteran's Day

d. 2 paid holidays: Labor Day and July 4th

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, HIGHLAND, JACKSON, LAWRENCE, PIKE, SCIOTO, & VINTON COS.	$16.34	.95	1.00		
ALLEN, AUGLAIZE, HARDIN, MERCER, SHELBY & VAN WERT COS.	14.75	.60	.90		.05
ASHLAND, CRAWFORD, ERIE, HURON, KNOX, LORAIN, MORROW, RICHLAND & WYANDOT COS.	16.75	1.08	1.10		.10
ASHTABULA, CUYAHOGA, GEAUGA, LAKE, MEDINA (N. of Rt. 18 exclu. city of Medina), PORTAGE (N. of #303), & SUMMIT (N. of Rt. #303, excl. city of Hudson) COS.:					
Plumbers	16.03	1.20	1.40		.02
Pipefitters; & Steamfitters	15.92	1.45	1.35		.10
BELMONT & MONROE (North of Rt. 78) COS.	13.39	.75	9%	10%	.05
BROWN, CLERMONT, & HAMILTON COS.:					
Plumbers; Gas Fitters	14.97	1.25	1.50		.07
Steamfitters; Pipefitters	16.23	1.095	2.20		.08
BUTLER (North Half) & WARREN (N. of Rte. #63 exclu. Lebanon & S. Lebanon) COS.	17.50	.90	1.00		.05
BUTLER (South Half) & WARREN (S. of Rte. #63 including Lebanon and S. Lebanon) COS.	17.33	.90	1.20		.02
CARROLL CO. (Except Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), STARK & WAYNE COS.	14.67	1.35	.70	e	.10
CARROLL (Twps. of Ross, Monroe, Union, Lee, Orange, Perry & London), COSHOCTON, GUERNSEY, HOLMES, MORGAN (South of State Rte. #78 & from McConnelsville West on State Rte #37 to the Perry Co. line), MUSKINGUM, NOBLE, & TUSCARAWAS COS.	17.00	1.00	.70		

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PLUMBERS; STEAMFITTERS; & PIPEFITTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, GREENE (Twps. of Cedarville, Ceasar Creek, New Jasper, Jefferson, & Ross), LOGAN & MADISON (West of Rt. 38 including the city of London) COS.	$15.65	$1.08	$1.10		.04
CLINTON, DARKE, FAYETTE, GREENE (Rem. of Co.), MIAMI, MONTGOMERY, & PREBLE COUNTIES	15.86	1.05	1.20		.03
COLUMBIANA (excluding Washington & Yellow Creek Twps. & Liverpool Twp. secs. 35 & 36 - West of County Rd. #427), MAHONING COS. & TRUMBULL CO. (Hubbard & Liberty Twps. Youngstown Municipal Airport & the Filtration Plant of the Mahoning Valley Sanitary District)	15.79	1.17	.80		.05
COLUMBIANA (Washington & Yellow Creek Twps., & Liverpool Twp. secs 35 & 36 West of County Rd. #427), HARRISON AND JEFFERSON COUNTIES	15.07	1.10	2.50	1.20	.12
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS & WOOD COS.	16.90	1.50	1.20		.12
DELAWARE, FAIRFIELD, FRANKLIN, HOCKING, LICKING, MADISON (Rem. of Co.), MARION, PERRY, PICKAWAY, ROSS & UNION COS.	16.84	1.15	1.05		.07
MEDINA (Rem. of Co.), PORTAGE, & SUMMIT (S. of Rte #303) COS.	15.24	.91	1.60		.05
MEIGS, MONROE (Rem. of Co.), MORGAN (Rem. of Co.), & WASHINGTON COS.	14.76	.78	.75		.06
TRUMBULL CO. (Rem. of Co.)	15.45	1.57	1.15		.03

FOOTNOTE:
e. One paid holiday: Labor Day providing employee has worked 5 consecutive days before and after the holiday

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LABORERS: (Excluding Railroad Construction)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 13.43	$ 12.20	$ 11.77	.95	$ 1.35		.05
GROUP II	13.555	12.325	11.895	.95	1.35		.05
GROUP III	13.63	12.40	11.97	.95	1.35		.05
GROUP IV	13.78	12.55	12.12	.95	1.35		.05
GROUP V	14.08	12.85	12.42	.95	1.35		.05

GROUP I - Asphalt Laborer; Carpenter Tender; Concrete Curing Applicator; Dump Man (Batch Trucks); Flagman; Grade Checker; Guardrail & Fence Installers; Joint Setter; Laborers (Construction); Landscape Laborer; Mesh Handlers & Placers; Plant Laborers or Yardmen; Right-of-way Laborers; Riprap Laborer & Grouter; Scaffold Erector; Seal Coating Surface Treatment or Road Mix Laborer; Sign Installer; Slurry Seal; Utility Man or Handyman; & Waterproofing Laborer

GROUP II - Asphalt Raker; Concrete Puddler; Kettle Man (Pipeline); Machine Driven Tools; Mason Tender; Mortar Mixer; Power Buggy or Power Wheelbarrow; Sheeting & Shoring Man; & Surface Grinder Man

GROUP III - Air Track & Wagon Drill; Bottom Man; Car Pusher (Without Air); Cofferdam (Below 25 feet deep); Concrete Saw Man; Cutting with Burning Torch; Form Setter; Hand Spiker (Railroad); Pipelayer; Tunnel Laborer (Without Air) and Caisson; Undergroundman (Working in Sewer & Waterline, Cleaning, Repairing & Reconditioning); & Welder Tender (Pipeline)

GROUP IV - Blaster; Muckers; Powder Man; Top Lander; Wrencher (Mechanical Joints & Utility Pipeline); & Yarner

GROUP V - Concrete Crew in Tunnels; Curb Setter & Cutter; Gunnite Nozzle Man; Miner Without Air; Utility Pipeline Tapper; & Waterline Caulker

ZONE DEFINITIONS

ZONE 1 - Cuyahoga, Geauga & Lake Cos.
ZONE 2 - Ashtabula, Erie, Huron, Lorain, Lucas, Mahoning, Medina, Ottawa, Portage, Stark, Summit, Trumbull & Wood Cos.
ZONE 3 - Remainder of Counties

LABORERS: (Railroad Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cuyahoga, Geauga, Lake, Lorain, Lucas, Portage, & Summit Coun Counties	$7.25	.80	.80		.10
Remaining Counties	6.75	.80	.80		.10

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POWER EQUIPMENT OPERATORS ZONE 1 - Columbiana, Mahoning & Trumbull Cos.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 15.61	1.05	1.00		.16
CLASS II	14.92	1.05	1.00		.16
CLASS III	14.28	1.05	1.00		.16
CLASS IV	13.87	1.05	1.00		.16
CLASS V	13.77	1.05	1.00		.16
CLASS VI	15.88	1.05	1.00		.16

CLASS I - Asphalt Planer Heater; Austin Western & Similar Type; Backhoe; Batch Plant-Central Mix; Batch Plant-Portable Concrete; Beam Builder-Automatic; Backfiller W/Drag Attachments; Boat Derrick; Boat-Tug; Boring Mach. Attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder & Similar Types; Cable Placer & Layer; Carrier-Straddle; Carryall - Scraper or Scoop; Chicago Boom; Compactor W/Blade attached; Concrete Spreader Finisher Comb., Crane; Crane-Stationary or climbing; Crane-Electric Overhead; Crane-Side Boom; Crane Truck; Crane-Tower; Derrick-Boom; Derrick-Car; Diggers-Wheel (Not Trencher or Road Widener); Double Nine; Drag Line; Dredge; Drill-Kenny or Similar Type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader-Power; Gurry; Gurry-Self-Propelled; High Lift; Hoist-Monorail; Hoist-Stationary & Mobile Tractor; Hoist-2 or 3; Jackall; Jumbo Mach.; Kocal or Kuhlman; Land-Seagoing Vehicle; Loader - Elevating; Loader-Front End; Locomotive; Mechanic as Welder; Metro Clip Harvester w/ Boom; Mucking Mach.; Paver-Asphalt Finishing Mach.; Paver - Road Concrete; Paver-Slipform; Place Crete Mach; Post Driver; Power Driven Hydraulic Pumps & Jacks; Pump Crete Machine; Regulator-Ballast; Rigs-Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller & Loader; Tie Tamper; Tractor-Double Boom; Tractor w/ Attachments; Trucks-Boom; Truck-Tire-Assigned to Job; Trench Macn.; Tunnel Machine (Mark 21 Java or Similar); Whirley

CLASS II - Asphalt Plant; Bending Machine; Boring Mach.; Chip Harvester W/O Boom; Cleaning Mach.- Pipeline Type; Coating Mach-Pipeline Type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Mach.; Grease Truck Op.; Grout Pump; Gunnite Mach.; Huck Bolting Mach.; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Fireman; Power Broom; Refrigeration Plant; Sasgen Derrick; Seeding Mach.; Self-Propelled Mobile Vibrator Compactor or Roller; Hoist-Single Drum; Soil Stabilizer (Pump Type); Spray Cure Mach.-Self Propelled; Straw Blower Mach.; Sub-Grader; Tube Finisher or Broom C.M.I. or Similar Type; Tugger Hoist

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POWER EQUIPMENT OPERATORS
ZONE 1 - Columbiana, Mahoning & Trumbull Counties (Cont'd)

CLASS III - Batch Plant-Job Related; Boiler Op.; Compressor (125 CFM or Over); Curb Builder (Self-Propelled); Generator- Steam; Jack-Hydraulic Driven; Mixer-Concrete; Mulching Mach.; Pin Puller; Pulverizer; Pump; Road Finishing Mach. (Pulltype); Roller; Saw-Concrete-Self-Propelled; Signal Man; Spray Cure Mach. Motor Powered; Spreader (Side Driver Shoulder Attachment); Tractor; Trencher-Form; Water Blaster

CLASS IV - Brake Man; Compressor Under 125 CFM; Conveyor; Conveyor 12 Feet or Under Other Than Servicing Bricklayers; Deck Hand; Drill Wagon; Fireman; Generator Sets; Heaters-Portable Power (2 to 5); Ladavator; Roller (Walk Behind 1 Ton or over); Steam Jenny; Syphons; Tender-Mechanic; Jacks Hydraulic (Railroad); Vibrator-Gasoline; Welding Machines (2) (Fuel Burning)

CLASS V - Oiler

CLASS VI - Rigs-Pile Driving or Caisson Type

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Master Mechanic	$ 16.03	$15.29	$1.26	1.50		.15
CLASS A	15.78	15.04	1.26	1.50		.15
CLASS B	15.68	14.92	1.26	1.50		.15
CLASS C	14.64	13.88	1.26	1.50		.15
CLASS D	14.17	13.45	1.26	1.50		.15
CLASS E	10.98	10.09	1.26	1.50		.15

CLASS A - Air Compressor On Steel Erection; Asphalt Plant Engineer (Cleveland District Only); Boiler Op.; Compressor or Generator When Mounted On Rig; Cableway; Combination Concrete Mixer & Tower; Concrete Plants (Over 4 yds. Cap.); Concrete Pumps; Cranes (All Types Incl. A Frames, Boom Trucks, Cherry Pickers); Derricks; Draglines; Dredge (Dipper Clam or Suction); Elevation Grader or Euclid Loader; Floating Equipment (All Types); Helicopter Crew (Hoist or Winch); Hoes (All Types); Hoisting Engines (Including Shaft & Tunnel Work); Industrial Type Tractor; Jet Engineer Dryer (D8 or D9) Diesel Tractor; Locomotives (Standard Guage); Maintenance Op. Class A; Mixer (Paving Single or Double Drum); Mucking Mach.; Multiple Scraper; Piledriving Mach. (All Types); Power Shovel; Quad 9 (Double Pusher); Refrigerating Mach. (Freezer Operation); Rotary Drill on Caisson Work; Slip Form Paver; Tower Derricks; Tree Shredder; Trench Mach. (Over 24" Wide); Truck Mounted Concrete Pump; Tug Boat; Tunnel Mach. and/or Mining Machine; Wheel Excavator

CLASS B - Asphalt Paver; Automatic Subgrader Mach. Self-Propelled (CMI Type); Boring Mach. Op. (More than 48"); Bulldozers; Endloader; Kolman Loader (Production Type Dirt); Lead Grease Man; Maintenance Op.. Class B (in Zone 2 Portage & Summit Cos. only); Power Grader; Power Scraper; Push Cat; Trench Mach. (24" Wide & Under)

CLASS C - Air Compressor on Tunnel Work (Low Pressure); Asphalt Plant Engineer (in Zone 2 Portage & Summit Cos. Only); Locomotive (Narrow Guage); Concrete Mixers (More than 1 Bag Cap.); Mixers (1 Bag Cap. - Side Loader); Power Boiler over 15 lb. Pressure; Pump Op. Installing & Operating Well Points; Pumps (4" & Over Discharge); Rollers (Asphalt); Utility Op. (Small Equipment); Welding Mach. & Generators.

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POWER EQUIPMENT OPERATORS (CONT'D)

CLASS D - Back Fillers; Bar (Joint & Mesh Installing Mach.); Batch Plant; Boring Mach. Op. (48" or less); Bull Floats; Burlap & Curing Mach.; Compressor (Portable, Sewer, Hvy. & Hwy.); Concrete Plant (4 Yd. & Under Cap.); Concrete Saw (Multiple); Conveyors (Hwy.); Crusher, Deckhand; Drill Highway (W. Integral Power); Farm Type Tractors W/ Attachs. (Hwy.); Finishing Mach.; Fireman (Floating Equipment, All Types); Fork Lift (Hwy.); Form Trenchers; Hydro Hammer; Hydro Seeder; Pavement Breaker; Plant Mixers; Post Driver; Post Hole Digger (Power Auger); Power Brush Burner; Power Form Handling Equip.; Road Widening Trencher; Rollers (Brick, Grade, Macadam); Self-Propelled Power Spreader; Self Propelled Power Subgrader; Steam Fireman; Tractor (Pulling Sheepfoot Roller or Grader); Vibratory Compactor W/Integral Power

CLASS E - Drum Fireman (Asphalt Plant); Inboard-Outboard, Motor Boat-Launch; Oil Heaters (Asphalt Plant); Oilers; Power Driven Beaters; Pumps (Under 4" Discharge); Signalmen; Tenders; Tire Repairmen

ZONE DEFINITIONS

ZONE 2 - Ashtabula, Cuyahoga, Erie, Geauga, Lake, Lorain, Medina, Portage & Summit Counties

ZONE 3 - Remainder of Counties

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TRUCK DRIVERS ZONE 1 - CUYAHOGA, GEAUGA, and LAKE COUNTIES:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 11.95	34.00a	30.00a	b&c	.05
CLASS II	12.10	34.00a	30.00a	b&c	.05
CLASS III	12.45	34.00a	30.00a	b&c	.05

CLASS I - Straight & Dumps (Including Asphalt); Straight Fuel;

CLASS II - Semi Fuel; Semi Pole Drivers (Hauling Steel Pipe); & Semi Tractor Drivers

CLASS III - Ready-Mix (Agitator or non Agitator); Bulk Concrete Drivers; Dry Batch Trucks; Carry-All Driver; Darts; Double Hook-up Tractor Trailers Including Team Track & Railroad Siding; Euclids; Extra Long Trailers & Semi Pole Trailers, Except When Hauling Steel Pipe; Fork Lifts; Hi-Lifts; Low Boys; Semi-Tractor & Tri-Axle Trailer; Tag Along Trailer, Expandable Trailers, Load (Requiring Road Permits); Tandem Tractor, Tandem Trailer & Tri-Axle Trailer; Tank Asphalt Spreaders; & Tournarockers

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivng Day; F-Christmas Day.

FOOTNOTES:

a. Per Week Per Employee

b. One week's paid vacation for one year of service; two weeks for five years; three weeks for ten years & four weeks for seventeen years.

c. Seven paid holidays: A through F Plus National Election Day

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TRUCK DRIVERS ZONE II - Remainder of the State	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 12.47	31.00a	24.00a		.05
CLASS II	12.52	31.00a	24.00a		.05
CLASS III	12.57	31.00a	24.00a		.05
CLASS IV	12.67	31.00a	24.00a		.05
CLASS V	12.77	31.00a	24.00a		.05
CLASS VI	12.94	31.00a	24.00a		.05

CLASS I - Asphalt Distributors; Batch Trucks; 4 Wheel Service Truck; 4 Wheel Dump Trucks; & Oil Distributors
CLASS II Tandems
CLASS III - Fuel Trucks; Pole Trailers; Ready Mix Trucks; & Semi-Tractor Trucks; Asphalt Oil Spraybar Man
CLASS IV - All Trucks Five Axle & Over
CLASS V - Asphalt Oiler Spraybar Man When Operated From Cab
CLASS VI - Euclid Wagons; Euclid End Dumps; Heavy Duty Equipment over 12 cu. yd. cap.; & Low Boys

FOOTNOTE:
a. Per Week Per Employee

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LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADAMS, ATHENS, GALLIA, LAWRENCE, MEIGS, & SCIOTO COS., JACKSON CO. (except Coal, Jackson, Liberty, Milton & Washington Twps.), PIKE CO. (Twps. of Camp Creek, Marion, Newton, Scioto, Sunfish & Union), & VINTON CO. (E. of Clinton, Elk & Swan Twps.):					
Cable Splicers; Linemen Welders	$18.35	.70	3%+.50	1.00	½
Linemen	16.68	.70	3%+.50	1.00	½
Operators: All Mechanized Equipment	13.34	.70	3%+.50	1.00	½
Groundmen	10.84	.70	3%+.50	1.00	½
ALLEN, AUGLAIZE, HARDIN, LOGAN, MERCER, SHELBY, VAN WERT, & WYANDOT (Twps. of Crawford, Jackson, Marseil, Mifflin, Ridgeland, Ridge & Salem) COS.:					
Linemen	15.17	.70	3%		½
Equipment Operators	13.65	.70	3%		½
Groundmen; Truck Drivers	9.97	.70	3%		½
ASHLAND, CRAWFORD, HURON (Twps. of Richmond, New Haven, Ripley & Greenwich), KNOX (Twps. of Liberty, Clinton, Union, Howard, Monroe, Middlesburg, Morris, Wayne, Berlin, Pike, Brown & Jefferson), MARION, MORROW, RICHLAND, & WYANDOT (Twps. of Sycamore, Crane, Eden, Pitt, Antrim & Tymochtee) COS.:					
Equipment Operators; Linemen	16.03	.60	3%+.72		½
Line Truck Driver	9.62	.60	3%+.72		½
Groundmen	10.42	.60	3%+.72		½
ASHTABULA CO., except Twps. of Colebrook, Orville, Wayne, Williamsfield, & Windsor:					
Cable Splicers; Equipment Ops.; Line Truck Drivers; & Linemen	13.05	.90	3%+.85		½
Groundmen	9.80	.90	3%+.85		½

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASHTABULA (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor), COLUMBIANA (Twps. of Butler, Fairfield, Perry, Salem, & Unity), GEAUGA (Twps. of Auburn, Middlefield, Parkman, Burton, & Troy), MAHONING (excl. Smith Twp.), PORTAGE (Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris, Windom Twps.), & TRUMBULL COS.:					
Cable Splicers; Linemen; Operator - Poledigging Equipment	$ 17.08	.70	8%		½%
Groundmen	13.66	.70	8%		½%
BELMONT COUNTY:					
Equipment Operators; Linemen & Technicians	14.66	.50	3%+1.25	1.50	
Cable Splicers; Welders	14.91	.50	3%+1.25	1.50	
Groundmen	11.73	.50	3%+1.25	1.50	
BROWN, CLERMONT, & HAMILTON COS.:					
ZONE I: Up to & incl. 18 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	16.70	.85	3%+1.00		½%
Groundmen	12.53	.85	3%+1.00		½%
ZONE II: Over 18 mi. radius up to & incl. 21 mi. radius from Hamilton Co. Court House, Cincinnati;					
Linemen; Machine Ops.	17.00	.85	3%+1.00		½%
Groundmen	12.75	.85	3%+1.00		½%
ZONE III: Over 21 mi. radius up to & incl. 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.10	.85	3%+1.00		½%
Groundmen	I2.825	.85	3%+1.00		½%
ZONE IV: Over 25 mi. radius from Hamilton Co. Court House, Cincinnati:					
Linemen; Machine Ops.	17.25	.85	3%+1.00		½%
Groundmen	12:94	.85	3%+1.00		½%

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LINE CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUTLER, WARREN (Deerfield, Hamilton, Harlan, Massie, Salem, Turtle Creek, Union & Washington Twps.) COS.:					
Linemen	$ 16.55	1.00	3%+1.00		½%
Cable Splicers	17.05	1.00	3%+1.00		½%
Groundmen	11.59	1.00	3%+1.00		½%
CARROLL (N. ½ incl. Fox, Harrison, Rose & Washington Twps.), COLUMBIANA (Knox Twp.), HOLMES, MAHONING (Smith Twp.), STARK, TUSCARAWAS (N. of Auburn, Clay, Rush, & York Twps.), & WAYNE (S. of Baughman, Chester, Green & Wayne Twps.) COS.:					
Cable Splicers	14.59	1.00	3%+1.00		.3%
Linemen	15.70	1.00	3%+1.00		.3%
Line Equipment Ops.	13.44	1.00	3%+1.00		.3%
Groundmen; Truck Drivers	9.84	1.00	3%+1.00		.3%
CARROLL (S. of Fox, Harrison, Rose & Washington Twps.), HARRISON, & JEFFERSON COS.:					
Linemen; Line Equipment Ops.; Truck Drivers	15.50	8%	17%	10%	½%
Cable Splicers	16.00	8%	17%	10%	½%
Groundmen	10.08	8%	17%	10%	½%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHAMPAIGN, CLARK, CUYAHOGA, GEAUGA (Bainbridge, Russell & Chester Twps.), LORAIN (Columbia Twp.), & MADISON (except Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range, & Pleasant Twps.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	$17.93	.60	3%		½%
Groundmen	11.65	.60	3%		½%
CLINTON, DARKE, GREENE, MIAMI, MONTGOMERY, PREBLE, WARREN (Wayne, Clear Creek, & Franklin Twps.), COS.:					
Cable Splicers; Linemen	14.13	.75	3%+1.00		½%
Operators:					
Hole Digging Equipment, Cranes, Hydraulic Lift or Bucket	14.13	.75	3%+1.00		½%
Line Truck with Winch or Pole & Steel Handling	10.60	.75	3%+1.00		½%
None-Specialized Truck & Misc. Equipment; Groundmen - Truck Driver	8.48	.75	3%+1.00		½%
COLUMBIANA (Center, Elk Run, Franklin, Hanover, Liverpool, Madison, Middleton, St. Clair, Washington, Wayne, West & Yellow Creek Twps.) CO.:					
Linemen; Heavy Equipment Ops.	13.30	15%	7%		½%
Groundmen & Truck Drivers	11.90	15%	7%		½%
COSHOCTON, GUERNSEY, MUSKINGUM, PERRY, & TUSCARAWAS (Rem. of Co.) COS.:					
Cable Splicers; Equipment Ops.; Linemen	15.69	.50	3%		½%
Groundmen	9.39	.50	3%		½%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DEFIANCE, FULTON, HANCOCK, HENRY, LUCAS, OTTAWA, PAULDING, PUTNAM, SANDUSKY, SENECA, WILLIAMS, & WOOD COS.:					
Linemen	$16.08	.70	3%	a	½%
Technicians	15.52	.70	3%	a	½%
Cable Splicers	16.33	.70	3%	a	½%
Operator Class I	12.81	.70	3%	a	½%
Operator Class II	11.29	.70	3%	a	½%
Groundmen	9.68	.70	3%	a	½%
DELAWARE, MADISON, (Darby, Canaan, Monroe, Deer Creek, Jefferson, Fairfield, Oak Run, Range & Pleasant Twps.), PICKAWAY (Twps. of Circleville, Darby, Harrison, Jackson, Madison, Monroe, Muhlenburg, Scioto, Walnut, & Washington), & UNION COS.:					
Cable Splicers; Equipment Ops. & Linemen	16.67	.50	3%		½%
Groundmen	9.39	.50	3%		½%
ERIE, & HURON (Lyme, Ridgefield, Norwalk, Townsend, Wakeman, Sherman, Peru, Bronson, Hartland, Clarksfield, Norwick, Greenfield, Fairfield, Fitchville, & New London Twps.) COS.:					
Cable Splicers; Equipment Ops. and Linemen	16.05	.98			
Truck Driver (winch) Groundman	8.83	.98			
Groundman	10.43	.98			
FAIRFIELD, KNOX (Butler, Clay, College, Harrison, Hilliar, Jackson, Morgan, Milford, Miller, & Pleasant), & LICKING COS.:					
Cable Splicers; Linemen; Operators: All Mechanized Equipment	14.85	.70	3%		½%
Groundmen - Truck Driver	11.78	.70	3%		½%
Groundmen	9.08	.70	3%		½%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FAYETTE, HIGHLAND, HOCKING, JACKSON (Coal, Jackson, Liberty, Milton, & Washington Twps.), PICKAWAY (Deer Creek, Perry, Pickaway, Salt Creek, & Wayne Twps.), PIKE (Excl. Camp Creek, Marion, Newton, Scioto, Sunfish, & Union Twps.), ROSS, VINTON (W ½ of Co., incl. Clinton, Elk & Swan Twps.) COS.:					
Cable Splicers	$15.985	.70	3%		1/2%
Linemen; Equipment Operator	15.80	.70	3%		1/2%
Truck Drivers	9.49	.70	3%		1/2%
Groundmen	9.08	.70	3%		1/2%
GEAUGA (Excl. Bainbridge, Chester, Russell, Auburn, Middlefield, Parkman & Troy Twps.), & LAKE COS.:					
Cable Splicers; Equipment Ops. & Linemen	16.98	.85	3%+.70		½%
Truck Drivers (Winch) Groundman; Groundman	11.04	.85	3%+.70		½%
LORAIN (Exclu. Columbia Twp.), & MEDINA (Litchfield & Liverpool Twps.) COS.:					
Cable Splicers; Equipment Op.; & Linemen	16.75	.75	3%+1.00		½%
Truck Driver (winch) Groundman; Groundman	10.89	.75	3%+1.00		½%
MEDINA (Brunswick, Chatham, Granger, Guilford, Harrisville, Hinckley, Homer, Lafayette, Medina, Montville, Sharon, Spencer, Wadsworth, Westfield, & York Twps.), PORTAGE (Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Rootstown, Shalersville, Streetsboro & Suffield Twps.), SUMMIT, & WAYNE (Northern ½ of Co.) COS.:					
FRANKLIN COUNTY:					
Cable Splicers; Linemen	14.18	.50	3%		1/2%
Equipment Operators	12.43	.50	3%		1/2%
Groundmen	9.39	.50	3%		1/2%

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LINE CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MEDINA CO. (CONT'D)					
Linemen	$16.67	.74	3%+.84		½%
Cable Splicers	17.72	.74	3%+.84		½%
Equipment Operators	12.50	.74	3%+.84		½%
Truck Drivers; Groundman	8.34	.74	3%+.84		½%
MONROE, MORGAN, NOBLE, & WASHINGTON COUNTIES:					
Cable Splicers; Equipment Operators.; Linemen	14.93	.60	3%		½%
Groundmen	8.41	.60	3%		½%

FOOTNOTE: a. 10 paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Day after Thanksgiving Day; Christmas Eve; Christmas Day; New Year's Eve; & Good Friday

POWER EQUIPMENT OPERATORS:					
Statewide, except Columbiana, Mahoning & Trumbull Cos.:					
Well & Pump Work (Incl. Drilling & Repair of all Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type & Shallow Well Pumps on Water wells)					
Well Driller & Pump Installer	8.10	.34	.27	a&b	

DECISION NO. OH81-2064

FOOTNOTES:

a. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
b. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation

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)).

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA81-5163 DATE: Date of Publication
Supersedes Decision No. WA81-5126 dated July 6, 1981, in 46 FR 35029
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:*					
Area 1	$18.99	.85	$1.45		.08
Area 2	19.58	.82	1.49		.14
Area 3	17.84	.81	1.49		.04
BOILERMAKERS	18.01	1.30	1.25	1.00	.04
BRICKLAYERS; MARBLE SETTERS:*					
Area 1	16.68	1.05	2.00		.05
Area 2	16.95	1.05	.40		
Area 3	15.75	1.05	1.00		.07
Area 4	17.42	1.05	1.55		.16
Area 5	17.11	1.10	1.50		.25
Area 6	16.75	.90	.80		
Area 7	16.76	1.25	1.75		.07
Area 8	16.81	1.05	1.80		.23
Area 9	17.43	1.05	1.65		.11
CARPENTERS:*					
Area 1:					
Carpenters; Lathers Piledriver; Saw Filer; Stationary Power Woodworking Tool Operator	15.81	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	15.91	.96	1.20		.10
Piledriver (creosoted material)	16.06	.96	1.20		.10
Millwrights and Machine Erectors	16.16	.96	1.20		.10
Area 2:					
Carpenters and Drywall Applicators	16.22	.90	1.28		.06
Carpenters on creosoted material	16.32	.90	1.28		.06

*See AREA DESCRIPTIONS Page - 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Area 2: (Cont'd)					
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shinglers; Floor Sander and other stationary power woodworking tools	$16.35	.90	$1.28		.06
Millwrights and Machine Erectors	16.72	.90	1.28		.06
Piledrivers; Bridge, Dock and Wharf Builders	16.42	.90	1.28		.06
Acoustical Workers	16.38	.90	1.28		.06
Boommen	16.47	.90	1.28		.06
Area 3:					
Acoustical and Drywall Applicator, Automatic Nailing Machine, Carpenters, Form Strippers, Manhole Builders	15.12	1.00	1.30	.65	.10
Floor Layers and Finishers, Stationary Power Saw Operator	15.27	1.00	1.30	.65	.10
Millwrights and Machine Erectors	15.37	1.00	1.30	.65	.10
Certified Welders	15.52	1.00	1.30	.65	.10
Piledrivermen; Bridge, Dock and Wharf Builders	15.22	1.00	1.30	.65	.10
Boommen	15.32	1.00	1.30	.65	.10
Area 4:					
Carpenters	15.83	.96	1.20		.10
Piledriver; Sawfiler, Stationary power Woodworking tool Operator	15.98	.96	1.20		.10
Boom Men; Carpenters working on burned, charred, creosoted, or similarly treated material	16.08	.96	1.20		.10
Piledriver; Creosoted material	16.19	.96	1.20		.10
Millwrights and Machine Erectors	16.33	.96	1.20		.10

*See AREA DESCRIPTIONS Page - 3

AREA and ZONE DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, and Okanogan Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Remaining Counties

BRICKLAYERS; MARBLE SETTERS:
Area 1: Adams County (except City of Othello); Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, and Stevens Counties; Grand Coulee Dam Area in Okanogan County; and Whitman County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, Kitsap, and Snohomish Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete)
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and ten mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and the portion of Adams County including the City of Othello
Area 7: Kittitas and Yakima Counties; Klickitat County (except a ten mile strip bordering the Columbia River)
Area 8: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); and Whatcom County

CARPENTERS:
Area 1: All Counties and parts of Counties east of the 120th Meridian except DOE Hanford Site in Benton and Franklin Counties
Area 2: All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion), Skamania and Wahkiakum Counties
Area 4: DOE Hanford Site in Benton and Franklin Counties

CEMENT MASONS (AREA 1)

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
Group 1	$14.55	$15.70	$16.15	$16.85	$17.50
Group 2	15.05	16.20	16.65	17.35	18.00
Group 3	15.55	16.70	17.15	17.85	18.50

FRINGE BENEFITS:

Health and Welfare	$ 1.00
Pension	1.75
Apprenticeship Training	.15

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing, setting of Screeds, Screed Forms, Curb and gutter and sidewalk forms, Preparation of all concrete for caulking of the joints and the caulking of expansion joints, Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of Machine Base; Removal of Snap Ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Brushing Hammer, Chipping Gun, Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats, Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Brushing or Chipping of toxic materials or high density concrete; Operating power tools on a Scaffold

*See AREA DESCRIPTIONS - Page - 7

CEMENT MASONS:* (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Area 2:					
Cement Masons Composition, Color, Mastic, Trowel Machine; Grinder, Power Tool, Gunnite Nozzleman	$16.70	.95	$1.50		.10
	16.95	.95	1.50		.10
Area 3:					
Cement Masons Composition, Color, Mastic, Trowel Machine, Grinder, Power Tools, Gunnite Nozzleman	14.63	.85	1.25		.10
	14.88	.85	1.25		.10
Area 4:					
Cement Masons Composition Materials and power machinery	14.42	1.10	1.45	1.00	.20
	14.68	1.10	1.45	1.00	.20
Area 5:					
Group 1	14.68	1.00	1.75		.15
Group 2	15.18	1.00	1.75		.15
Group 3	15.68	1.00	1.75		.15

GROUP DESCRIPTIONS for AREA 5 ONLY

Group 1: Journeyman Cement Mason, includes but not limited to: Rodding, Tamping, Floating, Troweling, Patching, Stoning, Rubbing, Sack Rubbing; All exposed aggregate finishing; Setting of Screeds, Screed Forms, curb and gutter and sidewalk forms; Preparation of all concrete for caulking of the joints and the caulking of expansion joints; Preparation of concrete for the application of hardeners, sealers and curing compounds and their application; Grouting and dry packing of machine base; Removal of snap ties and She-bolts prior to patching of concrete

Group 2: Power Troweling Machine Operator; Troweling of Magnesite, Torganal or material with epoxy base or oxychloride base; All power Grinders, Bushing Hammer, Chipping Gun; Gunnite Nozzleman; All sandblasting for architectural finishes and exposing of aggregate for finish; Concrete sawing and cutting for expansion joints and scoring for decorative patterns; Operating of Clary-type Floats, Longitudinal Floats; Rodding Machines and Belting Machines; Scarifiers

Group 3: Grinding, Bushing or chipping of toxic materials or high density concrete, operating power tools on a Scaffold

*See AREA Descriptions - Page - 7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Area 1:					
Electricians	$17.95	.95	3%+1.30		.02
Cable Splicers	18.35	.95	3%+1.30		.02
Area 2:					
Electricians	18.61	.95	3%+1.30		.10
Cable Splicers	19.54	.95	3%+1.30		.10
Area 3:					
Electricians	18.45	.95	3%+1.85		.05
Cable Splicers	20.29	.95	3%+1.85		.05
Area 4:					
Electricians	19.62	.98	3%+1.80		.10
Cable Splicers	21.58	.98	3%+1.80		.10
Area 5:					
Electricians	19.55	.90	3%+2.00		.10
Cable Splicers	20.30	.90	3%+2.00		.10
Area 6:					
Electricians	18.50	.90	3%+2.00	5%	.02
Cable Splicers	20.35	.90	3%+2.00	5%	.02
Area 7:					
Electricians	17.98	1.00	3%+1.05	8%	.13
Cable Splicers	19.78	1.00	3%+1.05	8%	.13
Area 8:					
Electricians	19.55	.90	3%+1.95		.08
Cable Splicers	21.51	.90	3%+1.95		.08
ELECTRONIC TECHNICIANS:*					
Area 1	10.08	.69	3%		
Area 2	13.66	.95	.60	1.08	
ELEVATOR CONSTRUCTORS:*					
Mechanics:					
Area 1	18.555	1.345	1.085	a	.035
Area 2	19.52	1.345	1.085	a	.035
Area 3	18.06	1.345	.95	a	.035
Elevator Helpers - Areas 1, 2, and 3 - 70% of Journeyman Rate plus the above Fringe Benefits					
Probationary Helpers - Areas 1, 2, and 3 - 50% of Journeyman Rate excluding Fringe Benefits					

*See AREA Descriptions - page - 7

AREA DESCRIPTIONS

CEMENT MASONS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, and Grant Counties; Kittitas County (except western portion lying one mile west of the City of Easton); Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties:

ZONES 1 , 2, 3, and 4
Travel Zone Centers: Moses Lake, Wenatchee, Pasco, Yakima, *Coeur D'Alene, *Walla Walla, Spokane and Lewiston

Area 2: Clallam, Grays Harbor, and Jefferson Counties; King County (southern portion); Kitsap County; Kittitas County (western portion lying one mile west of the City of Easton); Lewis and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 3: Island, San Juan, Skagit, and Snohomish Counties; King County (northern portion); Whatcom county
Area 4: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

ELECTRICIANS:
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, and Yakima Counties
Area 3: Chelan, Douglas, Grant, and Okanogan Counties
Area 4: Clallam, Jefferson, King, and Kitsap Counties
Area 5: Clark, Klickitat, and Skamania Counties
Area 6: Cowlitz and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Counties
Area 8: Island, San Juan, Skagit, Snohomish, and Whatcom Counties

ELECTRONIC TECHNICIANS:
(Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman):
Area 1: Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties
Area 2: Clallam, Jefferson, King, and Kitsap Counties

ELEVATOR CONSTRUCTORS:
Area 1: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:*					
Area 1	$13.70	.64	.70	b	
Area 2	14.05	.84	.65	.88	
Area 3	10.91	.69	1.10	.72	
Area 4	12.74	.84	1.00	b	
Area 5	15.12	.40	1.15	b	.10
Area 6	12.86	.80	.80		
Area 7	14.34	.81	1.00		.03
INSULATION APPLICATORS	13.22	.90	1.28		.06
IRONWORKERS	17.04	1.00	2.15		.15
LATHERS:*					
Area 1	16.75	1.00	1.50		.10
Area 2	14.42	1.05	.75		.06
MASON TENDERS:*					
Area 1:					
Mason Tenders (including Tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters, and Terrazzo Workers; Topping for Cement Finishers and Mortar Mixers)	14.22	1.10	1.40		.10
PAINTERS:*					
Area 1:					
Drywall Tapers	15.23	.84	1.20		.02
Brush	14.98	.84	1.20		.02
Steel; Spray; Steam Cleaning	15.48	.84	1.20		.02
Swing Stage or High Work over 30'	15.68	.84	1.20		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	15.78	.84	1.20		.02
TV, Radio, and Electrical Transmission Towers	16.48	.84	1.20		.02

*See AREA DESCRIPTIONS Page - 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educatio.. and/or Appr. Tr.
PAINTERS:* (Cont'd)					
Area 2:					
Brush	$13.73	$1.05	$1.25	.60	.09
Spray	14.25	1.05	1.25	.60	.09
Bridges, High work over 50' (brush)	14.63	1.05	1.25	.60	.09
Bridges, High work over 50' (spray)	15.18	1.05	1.25	.60	.09
Drywall Finishers	15.48	1.05	1.00		.06
Area 3:					
General Painters	16.17	.99	.80		.04
Drywall Tapers	16.57	.99	.80		.04
Industrial Painter	16.57	.99	.80		.04
Area 4:					
Striper	16.95	.99	.25		
Area 5:					
Journeyman Painters	14.98	.84	1.20		.02
Taper Finishers	15.23	.84	1.20		.02
Spray Painters, Steel Painters, Steam Cleaning, Acid Etching	15.48	.84	1.20		.02
Swing Stage Work or high work over 30 ft.	15.68	.84	1.20		.02
Bitumastic, Sand Blasting, Bridges, Towers, Stacks, Steeples, Tank on Legs	15.78	.84	1.20		.02
TV, Radio, and Electrical Transmission Towers	16.48	.84	1.20		.02
PLASTERERS:*					
Area 1	14.93	1.00	1.75		
Area 2	16.23	1.00	2.00		.06
Area 3	15.07	1.15	2.00		.06
PLASTERERS' TENDERS:*					
Area 1	13.62	1.12	1.39		.10
PLUMBERS:*					
Area 1	18.01	.99	2.18	2.25	.14
Area 2	18.18	1.37	1.95	2.25	.16
Area 3	18.81	1.02	1.75	2.00	.12
Area 4	20.08	1.55	1.85		.20
ROOFERS:*					
Area 1	14.51	.95	1.65		.10
Area 2	15.66	.95	.90		.08

*See AREA DESCRIPTIONS - Pages 10 and 11

AREA DESCRIPTIONS

GLAZIERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern corner); Chelan, Douglas, and Grant Counties; Lincoln County (western half); and Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Clallam, Island, Jefferson, Grays Harbor, King, Kitsap, Lewis, and Mason Counties; Pacific (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 6: Yakima and Kittitas Counties
Area 7: Clark, Cowlitz, and Klickitat Counties, Pacific County (southern portion); Skamania and Wahkiakum Counties

LATHERS:
Area 1: Clallam, Island, Jefferson, King, Kitsap, and Lewis Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, and Whatcom Counties
Area 2: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

MASON TENDERS:
Area 1: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PAINTERS:
Area 1: Adams and Asotin Counties; Benton and Franklin Counties (except DOE Hanford Site); Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
Area 2: Clark, Cowlitz, and Kilititat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 3: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, and Thurston Counties; Pacific County (northern portion); and Whatcom County
Area 4: Statewide except Wahkiakum, Cowlitz, and Skamania Counties
Area 5: DOE Hanford Site in Benton and Franklin Counties

PLASTERERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties

AREA DESCRIPTIONS (Cont'd)

PLASTERERS: Cont'd)
Area 2: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, and Mason Counties; Pacific County (northern portion); Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties
Area 3: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties

PLASTERERS' TENDERS:
Area 1: All Counties and portions of Counties east of the 120th Meridian

PLUMBERS:
Area 1: Chelan, Clallam, and King Counties; Kittitas County (north of 47°15' N. Lat.); Douglas County (west of the 119°30' W. Long.), Jefferson and Okanogan Counties (except the area lying east of the 119°31' W. Long., North to 48°30' N. Lat.

Area 2: Adams County (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, and Yakima Counties; Douglas County (east of 119°30' W. Long.); Ferry County (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas County (south of 47°15' N. Lat.), Lincoln County (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan County (east of 119°30' W. Long. and south of 48°30' N. Lat.)
Area 3: Adams County (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin and Cowlitz Counties; Ferry County (east to a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, and Lewis Counties; Lincoln County (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, Clark, and Skamania Counties (those portions lying north of a east-west line drawn through Woodland eastward to the Klickitat County Line
Area 4: Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line

ROOFERS:
Area 1: Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties
Area 2: Benton, Franklin, Kittitas, Klickitat and Yakima Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS* (Cont'd)					
Area 3:					
Roofers; Waterproofers	$16.94	.95	$1.00		.07
Slate and Tile Roofers	17.19	.95	1.00		.07
Area 4:					
Roofers; Waterproofers	15.13	.95	1.37		.10
Slate and Tile Roofers	15.38	.95	1.37		.10
Area 5:					
Roofers; Waterproofers	14.05	.95	.60		.01
Slate and Tile Roofers	14.55	.95	.60		.01
Area 6:					
Roofers	15.60	.80	1.40		.10
Handling of irritating material (coal, tar or epoxy)	15.85	.80	1.40		.10
Handling of irritating material (coal, tar or epoxy) in confined area	16.10	.80	1.40		.10
SHEET METAL WORKERS:*					
Area 1	17.41	3%+.83	1.70		.20
Area 2	20.12	3%+.79	.94		.14
Area 3	17.95	3%+1.08	1.93	1.00	.12
Area 4	18.14	3%+.83	1.16		.06
Area 5	19.29	3%+.88	1.68		.14
Area 6	18.80	3%+.88	1.68		.14
SOFT FLOOR LAYERS:*					
Area 1	13.34	.84	.60		
Area 2	13.32	.68	1.10	1.21	
Area 3	14.00	.84	.90	.60	
Area 4	11.75	.69	1.10		
Area 5	14.63	.83	1.50		.15
Area 6	12.795	.80	1.05	c	.13
Area 7	13.26	.83	1.50		.13
Area 8	14.60	.84	.75		
SPRINKLER FITTERS:*					
Area 1	19.16	.95	3.43		.11
Area 2	16.44	.95	1.40		.08

*See AREA DESCRIPTIONS
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AREA DESCRIPTIONS

ROOFERS: (Cont'd)
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum Counties
Area 5: Island, San Juan, Skagit, and Whatcom Counties
Area 6: Clark and Skamania Counties

SHEET METAL WORKERS:
Area 1: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Clark and Skamania Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston, and Wahkiakum counties
Area 5: King, Kittitas, Island, and Snohomish Counties
Area 6: Whatcom, Skagit, and San Juan Counties

SOFT FLOOR LAYERS:
Area 1: Adams County (northeastern portion); Ferry County; Lincoln County (eastern half); Pend Oreille, Spokane, and Stevens Counties
Area 2: Adams County (southeastern portion); Benton, Columbia, Franklin, and Walla Walla Counties
Area 3: Adams County (southwestern portion); Chelan, Douglas, and Grant Counties, Lincoln County (western half); Okanogan County
Area 4: Asotin, Garfield, and Whitman Counties
Area 5: Island, King, Kitsap, Skagit, and Snohomish Counties
Area 6: Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 7: Grays Harbor, Lewis, and Mason Counties; Pacific County (northern portion); Pierce and Thurston Counties
Area 8: Yakima and Kittitas County

SPRINKLER FIITTERS:
Area 1: Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS; TILE SETTERS:*					
Area 1	$15.10	$1.05	$2.00		
Area 2	16.28	1.05	.40		
Area 3	15.75	1.05	1.00		.07
Area 4	15.52	1.05	1.55		.16
Area 5	16.38	1.00	1.45		.35
Area 6	16.75	.90	.80		
Area 7	16.76	1.25	1.75		.07
Area 8	15.28	1.05	1.80		.16
Area 9	13.84	.80	1.25		.06
TILE, MARBLE and TERRAZZO FINISHERS:*					
Area 1	13.48	.80	.75		
Area 2	14.80	1.00	.55		
Area 3	11.10	1.05	2.00		
IRRIGATION and LANDSCAPE CONSTRUCTION: (STATEWIDE):					
Laborers	8.66	1.10	1.40		
Plumbers	10.62	.90	.30	1.00	.11
Power Equipment Operators	10.96	1.20	1.75		
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

*See AREA Descriptions - Page 15

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific County (northern portion) - North of Wahkiakum County northern boundary extended due west to the Pacific Ocean

Pacific County (southern portion) - South of Wahkiakum County northern boundary extended due west to the Pacific Ocean

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.

b. Two weeks' vacation with pay after 1 year employment. Also seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day.

c. 4% of all gross wages to be placed to the credit of the employee with less than one(1) year's service - 6% of all gross wages to be placed to the credit of the employee with more than one(1) year of service.

AREA DESCRIPTIONS

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Adams County (except that portion which include the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County
Area 2: Benton, Franklin, and Walla Walla Counties
Area 3: Chelan and Douglas Counties; Okanogan County (except area of Grand Coulee Dam)
Area 4: Clallam, Island, Jefferson, King, and Kitsap Counties; Skagit County (south of the Cities of Burlington, Sedro-Woolley and Concrete); Snohomish County
Area 5: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 6: Grant County and that portion of Adams County which includes the City of Othello
Area 7: Kittitas, Klickitat (except 10 mile strip bordering the Columbia River), and Yakima Counties
Area 8: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties
Area 9: San Juan County; Skagit County (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof); Whatcom County

TILE, MARBLE and TERRAZZO FINISHERS:
Area 1: All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties
Area 2: Clark and Cowlitz Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties, and a ten-mile strip bordering the Columbia River in Klickitat County
Area 3: Adams County (except that portion which includes the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam area in Okanogan County

LINE CONSTRUCTION

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer Leadman Pole Sprayer	$17.71	$19.46	$20.21	$20.96	$22.21
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	16.00	17.75	18.50	19.25	20.50
Group 3: Tree Trimmer	14.44	--	--	--	--
Group 4: Line Equipment Man	13.78	15.53	16.28	17.03	18.28
Group 5: Head Groundman, Powderman, Jackhammer Man	12.05	13.80	14.55	15.30	16.55
Group 6: Head Groundman (Chipper)	12.05	--	--	--	--
Group 7: Groundman	11.32	13.07	13.82	14.57	15.82

FRINGE BENEFITS PAYEMENTS:	GROUPS 1 to 3	GROUPS 4 to 7
Health and Welfare	.45	.45
Pension	3%+1.70	3%+1.10
Vacation	.10	.10
Apprenticeship Training	1/2%	1/2%

ZONE DESCRIPTIONS

BASE ZONE* 0 to 3 miles radius from the geographical center of the Cities listed below

ZONE 1: 3 to 20 miles radius
ZONE 2: 20 to 35 miles radius
ZONE 3: 35 to 50 miles radius
ZONE 4: Over 50 miles radius

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D'Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Seattle	Lakeview	The Dalles
Klamath Falls	Bellingham	Umatilla	Sand Point	

*BASE ZONE rate is paid when working out of employer's permanent shop.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (AREA 1) BUILDING CONSTRUCTION					
All Counties and portions of Counties East of the 120th Meridian (except DOE Hanford Site in Benton and Franklin Counties):					
Group 1	$13.07	$1.12	$1.30		.10
Group 2	13.32	1.12	1.30		.10
Group 3	13.57	1.12	1.30		.10
Group 4	13.82	1.12	1.30		.10

LABORERS (AREA 1)*

All Counties and portions of Counties East of the 120th Meridian (Except DOE Hanford site in Benton and Franklin Counties)

HEAVY and HIGHWAY CONSTRUCTION

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$13.07	$14.22	$14.67	$15.37	$16.02
2	13.32	14.47	14.92	15.62	16.27
3	13.57	14.72	15.17	15.87	16.52
4	13.82	14.97	15.42	16.12	16.77

FRINGE BENEFITS:	
Helath and Welfare	$ 1.12
Pension	1.30
Apprenticeship Training	.10

*Underground Work - 10% additional

*See ZONE DESCRIPTIONS for AREA 1 (Heavy and Highway) - following TRUCK DRIVERS' Classifications

LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

BUILDING, HEAVY, and HIGHWAY CONSTRUCTION

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and Reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Hippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation,-preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper; Track Laborer; Railroad Equipment, power driven;Dual Mobile Power Spiker or Puller

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power driven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Powderman; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts; Powderman receives $0.25 an hour additional

LABORERS (Area 2) All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4 and the Northern portion of Pacific County:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1-A	$9.27	$1.10	$1.40		.08
Group 1-B	14.30	1.10	1.40		.08
Group 2	14.64	1.10	1.40		.08
Group 3	14.78	1.10	1.40		.08
Group 4	14.88	1.10	1.40		.08

GROUP 1-A: Window Washer

GROUP 1-B: General Laborer; Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners; Car & Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete & Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: Wrecking & Moving (Including Charred Material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller & Bucker: Hand; Fence Laborer; Fine Grader; Form Setter; Grout Machine Header Tender; Header Laborer & Guard-Rail Erector; House Wrecker; Material Yard Man (Including Electrical); Nipper-Swamper; Pilot; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signal-Man; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (At Job Site); Track Laborer; Truck Spotter; Vinyl Seaming

GROUP 2: Air, Gas, or Electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chipper; Choker Splicer; Chuck Tender; Clary Power Spreader and Others; Concrete Saw; Epoxy Technician; Gabian Basket Builder; Grinder; Groutman (Pressure) including Post Tension Beams; Jackhammer; Multiple Tamper; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper Powderman's Tender; Power Jack; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, Head; Rip Rap Man, Head; Rodder; Sloper (Over 20°); Stake Hopper; Tamper (Multiple and Self-Propelled); Tamper and Similar Electric & Air Operated Tools: Topman-Tailman; Wagon Driller & Air Track Tender; Well Point Laborer

GROUP 3: Bit Grinder & Drill Doctor; Cement Dumper - Paving; Cement Finisher Tender; Faller & Bucker Chain Saw; Grade Checker & Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman & Hodcarrier; Nozzleman (Concrete Pump, Green Cutter when using combination of High Pressure Air & Water on Concrete & Rock, Sandblast, Gunnite, Shotcrete) Water Blaster; Pipe Layer & Caulker; Powderman; Raker-Asphalt; Spreader (Carries Grade with Rodder); Timberman - Sewer (Lagger, Shorer, & Cribber; Tugger Operator; Vibrator; Wagon Driller & Air Track Operator

GROUP 4: Caisson Worker; Laser Beam Operator (Tunnel); Miner; Spader, Tunnel; Powderman; Re-Timberman Pipe reliner (Not Insert type)

LABORERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties, and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$12.72	$13.32	$13.77	$14.27	$15.22	$15.97
2	13.07	13.67	14.12	14.62	15.57	16.32
3	13.37	13.97	14.42	14.92	15.87	16.62
4	13.62	14.22	14.67	15.17	16.12	16.87

FRINGE BENEFITS

Health and Welfare	$ 1.10
Pension	1.40
Vacation	.65
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers' Tenders; Dumpers, road oil crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman - Crusher (aggregate whenused); Railroad Track Laborers

LABORERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 2: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, power spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Post Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Ribbon Setter, head; Rip Rap Man, head, hand placed; Sand Blasting (wet); Stake Setter; Tunnel-Muckers; Brakemen; Concrete Crew; Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators; Air Tracks; Cat Drills; Wagon Drills; Rubber - mounted Drills and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers; Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying); Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer (Pipe Layers); Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, multiple Tampers, power Jacks; Tugger Operator; Tunnel Chuck Tenders; Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4) Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties lying West of the 120th Meridian:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1-A	$9.27	.95	$1.30		.08
Group 1-B	14.30	.95	1.30		.08
Group 2	14.64	.95	1.30		.08
Group 3	14.78	.95	1.30		.08
Group 4	14.88	.95	1.30		.08

GROUP 1-A: Window Washer

GROUP 1-B: General Laborer; Asphalt Laborer; Batch Weighman; Broomers; Brush Cutter; Brush Hog Feeder; Burners: Car & Truck Loader; Carpenter Tender; Cement Handler; Changehouse or Dry Shack; Choker Setter; Clean Up Laborer; Concrete Form Stripper; Concrete & Monolithic Laborer; Crusher Feeder; Curing Laborer; Demolition: Wrecking & Moving (Including Charred Material); Ditch Digger; Drierman; Dumpman; Elevator Feeders; Faller & Bucker: Hand; Fence Laborer; Fine Grader; Form Setter; Grout Machine Header Tender; Header Laborer & Guard-Rail Erector; House Wrecker; Material Yard Man (Including Electrical); Nipper-Swamper; Pilot; Pilot Car; Pitman; Pot Tender; Rip Rap Man; Scaleman; Signal-Man; Skipman; Sloper Sprayman; Stockpiler; Toolroom Man (At Job Site); Track Laborer; Truck Spotter; Vinyl Seaming

GROUP 2: Air, Gas, or Electric Vibrating Screed; Anchor Machine; Ballast Regulator Machine; Chipper; Choker Splicer; Chuck Tender; Clary Power Spreader and Others; Concrete Saw; Epoxy Technician; Gabion Basket Builder; Grinder; Groutman (Pressure) including Post Tension Beams; Jackhammer; Multiple Tamper; Pavement Breaker; Pipe Pot Tender; Pipe Wrapper Powderman's Tender; Power Jack; Power Wheelbarrow or Buggy; Railroad Spike Puller; Ribbon Setter, Head; Rip Rap Man, Head; Rodder; Sloper (Over 20'); Stake Hopper; Tamper (Multiple and Self-Propelled); Tamper and Similar Electric & Air Operated Tools: Topman-Tailman; Wagon Driller & Air Track Tender; Well Point Laborer

GROUP 3: Bit Grinder & Drill Doctor; Cement Dumper - Paving; Cement Finisher Tender; Faller & Bucker Chain Saw; Grade Checker & Transit Man; High Scaler; Laser Beam Operator; Manhole Builder; Mortarman & Hodcarrier; Nozzleman (Concrete Pump, Green Cutter when using combination of High Pressure Air & Water on Concrete & Rock, Sandblast, Gunnite, Shotcrete) Water Blaster; Pipe Layer & Caulker; Powderman; Raker-Asphalt; Spreader (Carries Grade with Rodder); Timberman - Sewer (Lagger, Shorer, & Cribber; Tugger Operator; Vibrator; Wagon Driller & Air Track Operator

GROUP 4: Caisson Worker; Laser Beam Operator (Tunnel); Miner; Speder, Tunnel; Powderman; Re-Timberman Pipe reliner (Not Insert type)

LABORERS (Area 5) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.20	1.12	$1.30		.10
Group 2	13.45	1.12	1.30		.10
Group 3	13.70	1.12	1.30		.10
Group 4	13.95	1.12	1.30		.10
Group 5	14.20	1.12	1.30		.10

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include: Stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, Pumpcrete Machine, Signaling, handling the nozzle of Squeezecrete or similar machine - 6 in. and smaller); Crusher Feeder; Demolition (to include: clean-up, burning, loading, wrecking and salvage of all material); Dumpman; Fence Erector (to include: Guard Rail, Guide and reference Post, Sign Posts, and Right-of-way Markers); General Laborer; Grout Machine Header Tender; Nippers; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover (to include: separating foundation, preparation, cribbing, shoring, jacking and unloading of structures); Tailhoseman (water nozzle); Timber Bucker and Faller (by hand); Truck Loader; Well-point Man; Window Cleaner; Miner Class "A" - Bull Gang, Pump Crete Crewman including Distribution Pipe, Assembling and Dismantle and Nipper

LABORERS (Area 5) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: Asphalt Raker; Asphalt Roller, walking; Cement Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Driller Tender (when required to move and position machine); Form Cleaning Machine Feeder; Stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (to include: Squeeze and Flow-crete Nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal culvert; Pipelayer, multi-section; Pot Tender; Powderman Tender; Power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Rodder and Spreader; Sandblast Tailhoseman; Tamper (to include: operation of Barco, Essex and similar Tampers, and Pavement Breakers); Trencher, Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water Pipe Liner; Wheelbarrow, power dirven; Miner Class "B" - Brakeman, Finisher, Vibrator and Form Setter

Group 3: Air Track Drill; Brush Machine (to include: Horizontal Construction Joint Clean-up Brush Machine, power propelled); Caisson Worker, free air, Chain Saw Operator and Faller; Concrete Stack (to include: Laborers when 40 ft. high); Gunnite (to include: operation of machine and nozzle); High Scaler; Hod Carrier; Laser Beam Operator (to include: Grade Checkers and Elevation control); Monitor Operator (track or similar mounting); Mortar Mixer; Nozzleman (to include: Jet Blasting Nozzleman, over 1,200 lbs., Jet Blast Machine, power propelled, Sandblast Nozzle); Pipelayer (to include: working Topman, Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer, Valve or meter Installer); Pipewrapper; Vibrator, 4 inches and over; Miner Class "C" - Miner and Nozzleman for concrete and Laser Beam Operator in Tunnels

Group 4: Drills with dual masts; Miner Class "D" - Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

Group 5: Powderman

POWER EQUIPMENT OPERATORS (Area 1)*
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$13.10	$14.25	$14.70	$15.40	$16.05
2	13.40	14.55	15.00	15.70	16.35
3	13.95	15.10	15.55	16.25	16.90
4	14.10	15.25	15.70	16.40	17.05
5	14.25	15.40	15.85	16.55	17.20
6	14.50	15.65	16.10	16.80	17.45
7	14.75	15.90	16.35	17.05	17.70
8	15.75	16.90	17.35	18.05	18.70

FRINGE BENEFITS:	
Health and Welfare	$ 1.30
Pension	2.00
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Bit Grinders; Bolt Threading Machine; Compressor, under 2,000 cu. ft. per minute, gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Tender; Fireman and Heater Tender; Grade Checker; Tender (Mechanic, H.D.); Oiler, Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or Compacting or Vibrator) except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine; Hydro-seeder

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more, gas, diesel or electric power); Concrete Saw multiple cut); Distributor Leverman; Elevator hoisting materials; Dope Pots (power agitated); Fork lift or Lumber Stacker; Hydralift and similar; Gin Trucks (Pipeline); Hoist, single drum; Loader (Bucker, Elevator and Conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker; Hydra Hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Batch Plant and Wet Mix Operator, single unit (concrete); Bending Machine; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Mucking Machines; Soil Stabilizer (P & H or similar); Spreader Machine; Pump; Tractor to D-6 or equivalent and Traxcavator; Transverse Finish Machine, Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pump (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders Overhead and Front-end, under 4 yards R/T); Pave or Curb Extruders (asphalt or concrete); Refrigeration Plant Engineers (under 1,000 tons); Rubber-tired Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill, under 5" bit)

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 5: Backhoe (under 1 yard); Crane (25 tons and under); Derrick and Stiffleg (under 65 tons); Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Boe Ram; Piledriving Engineers; Paving (dual drum); Refrigeration Plant Engineer (1,000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

Group 6: Asphalt Plant Operator; Automatic Subgrader (Ditches and Trimmers (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (1 yard to 3 yards); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Blade (finish and bluetop) (Automatic, CMI, ABC, and similar when used as automatic); Boat Operator; Boom Cats (side); Cableway Controller (Dispatcher); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes (over 25 tons including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yards); Drill Doctor; H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards including 8 yards); Multiple Dozer Units with single blade; Quad-track or similar equipment; Rollerman (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yards); Rubber-tired Scrapers, Multi-engine power with one scraper (Euclid, TS 24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Rubber-tired Scraper, multiple engines with two scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over); Trenching Machines (7 feet depth and over)

Group 7: Backhoe (3 yards and over); Cableway Operators; Clamshell Operator (3 yards and over); Cranes (over 45 tons to 85 tons); Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards to 10 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 8: Cranes (85 tons and over, and all climbing, rail and tower); Loaders (Overhead and Front-end, 10 yards and over); Helicopter Pilot

POWER EQUIPMENT OPERATORS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$18.12	$1.20	$1.75		.16
Group 2	17.62	1.20	1.75		.16
Group 3	17.18	1.20	1.75		.16
Group 4	16.82	1.20	1.75		.16
Group 5	16.52	1.20	1.75		.16
Group 6	14.72	1.20	1.75		.16

Group 1: Cranes, 100 tons and over or 200' of boom including jib and over; Loaders, 8 yards and over; Shovels and attachments, 6 yards and over

Group 2: Cableways; Cranes, over 45 tons up to 100 tons or over 150' including jib; Rollagon; Tower Crane; Helicopter, Winch; Remote Control Operator; Loader, Overhead, 6 yards up to 8 yds.; Shovels, Backhoes, over 3 yards to 6 yards; Slipform Pavers; Scrapers, self-propelled, 45 yards and over; Quad 9, HD 41, D-10

Group 3: Concrete Batch Plant Operator; Bump Cutter; Cranes, 20 tons through 45 tons; Hydralifts; Chipper; Crushers; Derrick; Drilling Machine; Finishing Machine; Loaders, Overhead, under 6 yards; Mechanics; Mixers, Asphalt Plant; Motor Patrol Graders, finishing; Pump Truck mounted Concrete Pump with boom attachment; Piledriver Operator; Screed Man; Shovels, Backhoes, 3 yards and under; Subgrader, Trimmer; Tractors, Backhoe, over 60 HP; Scrapers, Self-propelled, under 45 yards

Group 4: Brooms; Dozers, D-9 and under; Paydozers; A-Frame Crane; Cranes up to 20 tons; Conveyors; Hoists, Air Tugger; Loaders, elevating type; Fork Lifts; Motor Patrol Grader, non-finishing; Mucking Machine; Concrete Pumps; Roller, Plant Mix or Multi-lift materials; Saws, Concrete; Scrapers, Carryall; Spreaders, Blaw Knox; Trenching Machines; Equipment Service Engineer; Oiler Driver on Truck Cranes over 45 tons; Tractor, Backhoe, 60 HP and under

Group 5: Oiler Driver on Truck Cranes, 45 tons and under; Oil Distributors, blower; Assistant Engineer (formerly Oiler classification); Pavement Breaker; Posthole Digger, mechanical; Power Plant; Wheel Tractors, Farmall type; Compressor; Pumps, water; Rollers, other than plant mix;

Group 6: Gradechecker and Stakeman

POWER EQUIPMENT OPERATORS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Groups	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$14.15	$14.75	$15.20	$15.70	$16.65	$17.40
2	14.32	14.92	15.37	15.87	16.82	17.57
3	14.46	15.06	15.51	16.01	16.96	17.71
4	14.65	15.25	15.70	16.20	17.15	17.90
5	14.68	15.28	15.73	16.23	17.18	17.93
6	14.78	15.38	15.83	16.33	17.28	18.03
7	14.85	15.45	15.90	16.40	17.35	18.10
8	14.97	15.57	16.02	16.52	17.47	18.22
9	15.05	15.65	16.10	16.60	17.55	18.30
10	15.13	15.73	16.18	16.68	17.63	18.38
11	15.15	15.75	16.20	16.70	17.65	18.40
12	15.23	15.83	16.28	16.78	17.73	18.48
13	15.33	15.93	16.38	16.88	17.83	18.58
14	15.52	16.12	16.57	17.07	18.02	18.77
15	15.72	16.32	16.77	17.27	18.22	18.97
16	15.95	16.55	17.00	17.50	18.45	19.20
17	16.13	16.73	17.18	17.68	18.63	19.38
18	16.35	16.95	17.40	17.90	18.85	19.60
19	16.52	17.12	17.57	18.07	19.02	19.77

FRINGE BENEFITS:

Health and Welfare	$1.30
Pension	1.47
Vacation	1.00
Apprenticeship Training	.10

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications.

POWER EQUIPMENT OPERATORS (AREA 3)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler - driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Serivce Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum
Counties; and the Southern portion of Pacific County

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. Flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu .yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer, Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Pile-driver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Bound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and including 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in connection with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUPMENT OPERATORS (DREDGING - AREA 1) All Counties and portions of Counties East of the 120th Meridian:					
Group 1	$15.12	$1.20	$1.55		.08
Group 2	15.22	1.20	1.55		.08
Group 3	15.56	1.20	1.55		.08
Group 4	15.61	1.20	1.55		.08
Group 5	15.66	1.20	1.55		.08
Group 6	16.98	1.20	1.55		.08
Group 7:					
(a)	16.37	1.20	1.55		.08
(b)	16.92	1.20	1.55		.08
(DREDGING - AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and the Northern portion of Pacific County:					
Group 1	15.02	.95	1.50		.16
Group 2	15.12	.95	1.50		.16
Group 3	15.46	.95	1.50		.16
Group 4	15.51	.95	1.50		.16
Group 5	15.56	.95	1.50		.16
Group 6	15.88	.95	1.50		.16
Group 7:					
(a)	16.27	.95	1.50		.16
(b)	16.82	.95	1.50		.16
(DREDGING - AREA 3) Clark, Cowlitz, and Klickitat Counties; Pacific County (southern portion); Skamania and Wahkiakum Counties:					
Group 1	16.00	1.30	1.47	1.00	.10
Group 1A	16.67	1.30	1.47	1.00	.10
Group 2	15.50	1.30	1.47	1.00	.10
Group 3	15.11	1.30	1.47	1.00	.10
Group 4	14.78	1.30	1.47	1.00	.10

POWER EQUIPMENT OPERATORS
DREDGING - AREAS 1 and 2

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam or booster pump); Mates and Boatman

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (electric generator Operator for Primary Pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS
DREDGING - AREA 3

Group 1: Leverman, Dipper

Group 1A: Leverman, Hydraulic

Group 2: Assistant Engineer (including Watch Engineer, Mebcanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, attending Dredging Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

POWER EQUIPMENT OPERATORS (AREA 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.48	$1.30	$2.00		.10
Group 2	13.78	1.30	2.00		.10
Group 3	14.33	1.30	2.00		.10
Group 4	14.48	1.30	2.00		.10
Group 5	14.63	1.30	2.00		.10
Group 6	14.88	1.30	2.00		.10
Group 7	15.13	1.30	2.00		.10
Group 8	16.13	1.30	2.00		.10
Group 9	17.88	1.30	2.00		.10

Group 1: Bit Grinders; Bolt Threading Machine; Compressors (under 2000 CFM, gas, diesel or electric power); Crusher Feeder (mechanical); Deck Hand; Driller Tender; Fireman and Heater Tender; Grade Checker; Mechanic or Welder, H.D.; Hydro-seeder, Mulcher, Nozzleman; Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar, or Compacting Vibrator), except when pulled by Dozer with operable blade; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 2: A-Frame Truck (single drum); Assistant Refrigeration Plant (under 1000 ton); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Baglcy or Stationary Scraper; Belt Finishing Machine; Blower Operator (cement); Cement Hog; Compressor (2000 CFM or over, 2 or more, gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Ditch Witch or similar; Elevator, hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loaders (bucket, elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra-hammer and similar; Power Broom; Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job only); Tractor (Farm type R/T with attachments, except Backhoe); Tugger Operator

Group 3: A-Frame Truck (2 or more drums); Assistant Regrigeration Plant and Chiller Cperator (over 1000 ton); Backfillers (Cleveland and similar); Batch Plant and Wet Mix Operator, single unit (concrete); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Bend Machine; Bob Cat; Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginau or similar); Canal Lining Machine (concrete); Cleaning and Doping Machine (pipeline); Deck Engineer; Elevating Belt-type Loader (Euclid, Barber Green and similar); Elevating Grader-type Loader (Dumor, Adams or similar); Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Mixermobile; Posthole Auger or Punch; Pump (Grout or Jet); Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (to D-6 or equivalent) and Traxcavator; Traverse Finish Machine; Turnhead Operator

Group 4: Blade Operator (Motor Patrol and attachments); Concrete Pumps (Squeeze-crete, Flow-crete, Pump-crete, Whitman and similar); Curb Extruder (asphalt or concrete); Drills (Churn, Core, Calyx, or Diamond); Equipment Serviceman, Greaser and Oiler; Hoist (2 or more drums or Tower Hoist); Loaders (Overhead and Front-end, under 4 yds. R/T); Refrigeration Plant Engineers (under 1000 ton); Rubber-tire Skidders (R/T with or without attachments); Screed Operator; Surface Heater and Planer Machine; Trenching Machines (under 7 ft. depth capacity); Turnhead (with re-screening); Vacuum Drill (Reverse Circulation Drill under 8" bit)

Group 5: Drilling Equipment (8" bit and over) (Robbins, Reverse Circulation and similar); Hoe Ram; Paving (dual drum); Refrigeration Plant Engineer (1000 tons and over); Signalman (Whirleys, Highline, Hammerheads or similar)

POWER EQUIPMENT OPERATORS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 6: Automatic Subgrader (Ditches and Trimmers)(Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoe (under 1 yd.); Batch Plant (over 4 units); Batch and Wet Mix Operator (multiple units, 2 and including 4); Boat Operator; Cableway Controller (Dispatcher); Cranes (25 tons and under); Derricks and Stiffleqs (under 65 tons); Drill Doctor; Multiple Dozer Units with single blade; Paving Machine (asphalt and concrete); Piledriving Engineers; Quad-track or similar equipment; Rollerman (finishing pavement); Trenching Machines (7 ft. depth and over)

Group 7: Asphalt Plant Operator (Backhoes (1 yd. to 3 yds.); Blade (finish and Bluetop) Automatic, CMI, ABC and similar when used as automatic; Boom Cats (side); Cableway Operators; Clamshell Operators (under 3 yds.); Concrete Slip Form Paver; Cranes (over 25 tons, including 45 tons); Crusher, Grizzle and Screening Plant Operator; Draglines (under 3 yds.); Elevating Belt (Holland type); H.D. Mechanic; H.D. Welder; Loader Operator (Front-end and Overhead, 4 yards, including 8 yards); Mucking Machine; Quad-track or similar equipment; Rubber-tired Scrapers; Shovels (under 3 yards); Tractors (D-6 and equivalent and over)

Group 8: Backhoes (3 yards and over); Cranes (over 45 tons, to 85 tons); Cranes (85 tons and over, and all climbing, rails and tower); Clamshell Operator (3 yards and over); Derricks and Stiffleqs (65 tons and over); Draglines (3 yards and over); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (Overhead and Front-end, over 8 yards); Helicopter Pilot; Shovels (3 yards and over); Whirleys and Hammerheads, all

Group 9: Transi-lift

TRUCK DRIVERS (AREA 1)*
All Counties and portion of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
1	$14.52	$15.67	$16.12	$16.82	$17.47
2	14.56	15.71	16.16	16.87	17.51
3	14.62	15.77	16.22	16.92	17.57
4	14.71	15.86	16.31	17.01	17.66
5	14.92	16.07	16.52	17.22	17.87
6	14.96	16.11	16.56	17.26	17.91
7	15.02	16.17	16.62	17.32	17.97
8	15.06	16.21	16.66	17.36	18.01
9	15.17	16.32	16.77	17.47	18.12
10	15.21	16.36	16.81	17.51	18.16
11	15.52	16.67	17.12	17.77	18.47
12	15.66	16.81	17.26	17.96	18.61
13	15.82	16.97	17.42	18.12	18.77
14	15.96	17.11	17.56	18.26	18.91

FRINGE BENEFITS:

Health and Welfare	$ 1.34
Pension	1.47
Apprenticeship Training	.09

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling mateiral; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material); tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck, 1,801 - 4,000 gallons

TRUCK DRIVERS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian
(Except DOE Hanford Site in Benton and Franklin Counties)

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (Road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer 50 tons and under; Lowboy

Group 8: Low Boy (over 50 tons); Water Tank Trucks, 8,001 to 10,000 gallons; Tractor with Steer Trailer; Truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Flow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 to 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end, and bottom dump (over 40 yards to 50 yards)

Group 13: Trucks, side, end, and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2) All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$15.18	$1.06	$1.33		.14
Group 2	15.23	1.06	1.33		.14
Group 3	15.28	1.06	1.33		.14
Group 4	15.39	1.06	1.33		.14
Group 5	15.45	1.06	1.33		.14
Group 6	15.49	1.06	1.33		.14
Group 7	15.50	1.06	1.33		.14
Group 8	15.56	1.06	1.33		.14
Group 9	15.61	1.06	1.33		.14
Group 10	15.63	1.06	1.33		.14
Group 11	15.66	1.06	1.33		.14
Group 12	15.76	1.06	1.33		.14
Group 13	15.78	1.06	1.33		.14
Group 14	15.82	1.06	1.33		.14
Group 15	15.94	1.06	1.33		.14
Group 16	15.98	1.06	1.33		.14
Group 17	16.10	1.06	1.33		.14
Group 18	16.15	1.06	1.33		.14
Group 19	16.31	1.06	1.33		.14
Group 20	16.47	1.06	1.33		.14
Group 21	16.63	1.06	1.33		.14

TRUCK DRIVERS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Pickup Trucks, Escort or Pilot Car; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tourrawagon. Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,6000 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

TRUCK DRIVERS (AREA 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (AREA 3)*
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties; and the Southern portion of Pacific County

GROUPS	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$13.80	$14.40	$14.85	$15.35	$16.30	$17.05
2	13.85	14.45	14.90	15.40	16.35	17.10
3	13.90	14.50	14.95	15.45	16.40	17.15
4	13.95	14.55	15.00	15.50	16.45	17.20
5	14.00	14.60	15.05	15.55	16.50	17.25
6	14.10	14.70	15.15	15.65	16.60	17.35
7	14.20	14.80	15.25	15.75	16.70	17.45
8	14.30	14.90	15.35	15.85	16.80	17.55
9	14.40	15.00	15.45	15.95	16.90	17.65
10	14.57	15.17	15.62	16.12	17.07	17.82
11	14.67	15.27	15.72	16.22	17.17	17.92
12	14.77	15.37	15.82	16.32	17.27	18.02
13	14.87	15.47	15.92	16.42	17.37	18.12
14	14.97	15.57	16.02	16.52	17.47	18.

FRINGE BENEFITS:	
Health and Welfare	$1.18
Pension	1.26
Vacation	1.00
Apprenticeship Training	0.08

*See ZONE DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Water Wagons (Rated Capacity) - up to 1600 Gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

TRUCK DRIVERS (AREA 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties and the Southern portion of Pacific County

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 13 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

TRUCK DRIVERS: (Area 4) DOE Hanford Site in Benton and Franklin Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$14.52	1.34	$1.47		.09
Group 2	14.56	1.34	1.47		.09
Group 3	14.62	1.34	1.47		.09
Group 4	14.71	1.34	1.47		.09
Group 5	14.92	1.34	1.47		.09
Group 6	14.96	1.34	1.47		.09
Group 7	15.02	1.34	1.47		.09
Group 8	15.06	1.34	1.47		.09
Group 9	15.17	1.34	1.47		.09
Group 10	15.21	1.34	1.47		.09
Group 11	15.52	1.34	1.47		.09
Group 12	15.66	1.34	1.47		.09
Group 13	15.82	1.34	1.47		.09
Group 14	15.96	1.34	1.47		.09

Group 1: Flat Bed Truck, single rear axle; Fork Lift, 3,000 lbs. and under; Tender and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired Pulling trailer or similar equipment); Water Tank Truck, 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yds. and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck, 1,801 - 4,000 gallons

Group 4: Auto Crane, 2,000 lbs. capacity; Bulk Cement Spreader; Dumptor (6 yds. and under); Flat Bed Truck (with hydraulic system); Fork Lift (3,001 - 16,000 lbs.); Rubber-tired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks, 4,001 to 6,000 gallons; Wrecker and Tow Trucks; Fuel Truck Driver; Steam Cleaner and Washer; Flaherty Spreader

TRUCK DRIVERS (AREA 4) (Cont'd)
DOE Hanford Site in Benton and Franklin Counties

Group 5: Service Greaser; Tireperson No. 2; Truck, side, end, and bottom Dump (over 6 yards to 12 yards); Oil Distributor Driver (road, Boot Person, Lever Person, Tender)

Group 6: A-Frame; Water Tank Truck, 6,001 to 8,000 gallons

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards); Semi Truck and Trailer; Lowboy 50 tons and under

Group 8: Low Boy (over 50 ton); Water Tank Trucks, 8,001 to 10,00 gallons; Tractor with Steer Trailer; truck mounted Crane with load bearing surface, either mounted or pulled

Group 9: Transit Mixer and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end, and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 to 12,000 gallons); Fork Lift, over 16,000 lbs.; Flaherty Spreader Box Driver; Plow Boys; Semi-end Dumps

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, whichever is greater; Transit Mixers and Trucks hauling concrete (15 yds. to 20 yds.); Trucks, side, end, and bottom dump (over 30 yards to 40 yards); Water Tank Truck, 12,001 to 14,000 gallons

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yds.); Trucks, side, end, and bottom dump (over 40 yds. to 50 yds.)

Group 13: Trucks, side, end, and bottom dumps (over 50 yds. to 100 yds.)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

Drivers and Tenders (hauling sacked cement - add $.15 per hour)

Winch Truck - takes clarsification of Truck on which Winch is mounted.

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)).

[FR Doc. 81-34838 Filed 12-3-81; 8:45 am]
BILLING CODE 4510-27-C

ZONE DESCRIPTIONS (AREA 1)

LABORERS
(Heavy and Highway)
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

Travel Zone Centers:
Moses Lake Pasco Spokane Lewiston
*Coeur d'Alene *Walla Walla
*15 mile free Zone

ZONE 1 - within a 15 mile radius from the center of the above named Cities
ZONE 2 - 15-30 miles radius from the center of the above named Cities
ZONE 3 - 30-45 miles radius from the center of the above named Cities
ZONE 4 - 45-90 miles radius from the center of the above named Cities
ZONE 5 - over 90 miles radius from the center of the above named Cities

ZONE DESCRIPTIONS (AREA 3) ONLY

LABORERS
Goldendale, Longview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, The Dalles and Vancouver

ZONE 1 - all jobs or projects located within 10 miles of the respective City Hall
ZONE 2 - more than 10 miles but less than 25 miles from the respective City Hall
ZONE 3 - more than 25 miles but less than 35 miles from the respective City Hall
ZONE 4 - more than 35 miles but less than 45 miles from the respective City Hall
ZONE 5 - more than 45 miles but less than 75 miles from the respective City Hall
ZONE 6 - more than 75 miles from the respective City Hall

federal register

Friday
December 4, 1981

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Submission of State Programs, Procedures and Criteria for Approval or Disapproval of Program Submissions, Maintenance of State Programs, Procedures for Substituting Federal Enforcement of State Programs, and for Establishing a Federal Program in a State

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731, 732, 733 and 736

Submission of State Programs, Procedures and Criteria for Approval or Disapproval of Program Submissions, Maintenance of State Programs, Procedures for Substituting Federal Enforcement of State Programs, and for Establishing a Federal Program in a State

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rules.

SUMMARY: The Office of Surface Mining is proposing to amend 30 CFR Parts 730, 731, 732, 733 and 736, which set forth the procedures for the submission, review, approval or disapproval, and maintenance of State programs, for substituting Federal enforcement of State programs and for establishing a Federal program in a State.

OSM has drafted these revisions in response to both the Secretary's goal of removing burdensome or counter-productive regulations and comments from the States and the general public.

DATES: Comments must be received by January 18, 1982, not later than 5:00 p.m., at the address listed below. A public hearing on the proposed amendments will be held on January 5, 1982 at 9:30 a.m. Representatives of OSM will be available to meet with interested persons upon request until January 18, 1982. Persons wishing to testify at the hearing should contact the person listed below under "FOR FURTHER INFORMATION CONTACT."

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record (SPA–03), Office of Surface Mining, U.S. Department of the Interior, Room 153, South Interior Building, 1951 Constitution Avenue N.W., Washington, D.C. 20240.

The public hearing will be held in the main auditorium, Department of the Interior, 18th and C Streets N.W., Washington, D.C. 20240. A transcript of the public hearing, all written comments received, summaries of meetings with representatives of OSM, and other documents constituting the administrative record on the proposed amendments will be made available for public review during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343–4225.

SUPPLEMENTARY INFORMATION:

I. Public Hearing

A public hearing on these proposed amendments will be held at 9:30 a.m. on January 5, 1982 in the main auditorium, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful to the panel and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials by providing them an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. Persons wishing to testify or submit statements in advance should contact Mr. Carl C. Close at the address or phone number indicated above.

The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

II. Background

The Secretary of the Interior has decided to review all regulations promulgated by the Department under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act). The Secretary believes that fundamental changes in these regulations may be necessary. He intends to administer the Act in a manner that does not unnecessarily restrict coal development or improperly intrude on the role of the States. This approach will reflect the potentially competing mandates of the Act which require the Secretary (1) to establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining (section 102(a)); (2) to recognize that the primary governmental responsibility for developing, authorizing, issuing and enforcing regulations for surface coal mining and reclamation operations should rest with the States (section 101(f)); and (3) to assure that coal supplies are adequate to meet the Nation's requirements (section 102(f)).

One area of the Secretary's concern is the process of approving State regulatory programs under section 503 of the Act and implementing Federal regulatory programs under section 504 for those States not wishing to assume jurisdiction or whose programs have not been approved.

To implement the provisions of sections 503 and 504 and to insure a balance among the competing mandates of the Act, the Secretary promulgated Parts 730–736 in the permanent regulatory program (44 FR 15323–15332, March 13, 1979). Under the current regulations a State must submit its proposed permanent program to OSM under procedures contained in 30 CFR Part 731 to assume primary jurisdiction under the Act for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders. OSM reviews the proposal and recommends approval or disapproval to the Secretary of the Interior of each State program according to procedures contained in 30 CFR Part 732. Part 733 establishes requirements for the maintenance of approved State programs and procedures for substituting Federal enforcement of State programs and withdrawing approval of State programs. Part 736 establishes standards and procedures for the promulgation, implementation, and administration of a Federal program for a State.

III. Proposed Changes

The proposed amendments to Parts 730–736 are designed to streamline the regulations, remove burdensome or counter-productive requirements, and provide greater editorial clarity. One change made throughout these proposed regulations would substitute the words "Director" or "Office" for "Regional Director" or "Regional Office" wherever appropriate to reflect the restructuring of the OSM organization ordered by the Secretary on May 20, 1981. In addition, the Secretary proposes to revise the following rules in the ways discussed below.

Part 730—General Requirements

1. *Section 730.2 Objectives.*

Section 730.2 is proposed to be deleted in its entirety for editorial clarity. This section contains no substantive requirements and is merely explanatory of requirements which follow. In an effort to streamline the

Chapter, this section and other similar ones are proposed to be deleted.

2. *Section 730.4 Responsibilities.*

Section 730.4 is proposed to be deleted in its entirely for editorial clarity. The rationale for this proposed change is the same as that provided in the preceding discussion of § 730.2.

3. *Section 730.5 Definitions.*

Section 730.5(b) has been amended in a separate rulemaking action. 46 FR 53376–53384 (October 28, 1981). The amendment makes clear that the States are not required to parallel all applicable provisions of the Secretary's regulations. Under the amendment, the State laws and regulations included in a State program have to be as effective as the Secretary's regulations in meeting the requirements of the Act.

4. *Section 730.11 Inconsistent and more stringent State laws and regulations.*

Three amendments are proposed to § 730.11(a), which requires the Director to publish in the **Federal Register** any State law or regulation determined to be inconsistent with the Act or the provisions of 30 CFR Chapter VII. The first proposed amendment is necessary to make § 730.11(a) consistent with the change to § 730.5(b) (See discussion above at § 730.5). The proposed change to § 730.11(a) would have the effect of paralleling § 730.5(a) and 730.5(b). Sections 730.5(a) and (b) define the terms "consistent with" and "in accordance with" such that with regard to the Act, the State laws and regulations must be no less stringent than, meet the requirements of and include all applicable provisions of the Act. As recently amended, § 730.5(b) provides that with regard to the Secretary's regulations, the State laws and regulations must be no less effective than the Secretary's regulations in meeting the requirements of the Act. Thus, the term "no less stringent" is no longer the standard for the Secretary's regulations and would be replaced in § 730.11(a) with the term "inconsistent with," which applies the "no less effective than" standard. The proposed amendment would incorporate in the regulation the term used in section 505(a) of the Act, "inconsistent with." Under proposed § 730.11(a), no State law or regulation would be superseded by any provision of the Act or the Secretary's regulations, except to the extent that the State law or regulation is inconsistent with the requirements of the Act or Chapter VII of 30 CFR.

The second proposed amendment to § 730.11(a) would require the Director to provide an opportunity for comments by interested parties prior to a final determination to set aside as inconsistent any State law or regulation. This would provide early notice to the State and afford the State an opportunity to respond before any final decision by the Director that the State law or regulation must be set aside as inconsistent. A further change would delete the requirement that the Director make his determination with the concurrence of the Solicitor. The Solicitor will provide legal advice on any such action.

Under the third proposed amendment to § 730.11(a), the Director could publish either the complete text or a summary of the State law or regulation, rather than the complete text as presently required. This change is being proposed in order to provide a less costly alternative for the Director to use when notifying the public of an inconsistent State law or regulation. When the material to be printed is brief, the Director intends to include the complete text in the **Federal Register** notice. In cases where the material is voluminous, the Director would publish a summary of the State law or regulation in the **Federal Register** and indicate where copies of the complete text will be available for inspection and how copies of it may be obtained free of charge.

This proposed amendment would provide a more efficient alternative for handling voluminous materials. This proposed amendment would ensure that the Director will provide adequate public notice in the most cost effective manner available.

Part 731—Submission of State Programs

5. *Section 31.11 Eligibility.*

Section 731.11 is proposed to be deleted in its entirety for editorial clarity. The rationale for this proposed change is the same as that provided under the preceding discussion of § 730.2.

6. *Section 731.12 Submission of State programs.*

Section 731.12 is proposed to be amended to eliminate any reference to dates by which a State shall submit a State program. These dates are largely of historical interest as all those States wishing to regulate surface coal mining have already submitted programs or are preparing to do so. All of the requirements of §731.12 would be consolidated into a single paragraph.

Section 731.12(b) was recently amended in a separate rulemaking action [46 FR 50018–50019, October 8, 1981] to provide that a State which has not received approval of its State program by a final decision of the Secretary may submit a State program at any time, if (1) the State program is finally disapproved, or (2) a Federal program has been implemented, or (3) there have been no surface mining operations, but exploration or mining is anticipated, or (4) the State program has been enjoined.

Section 731.12(b) is proposed to be amended further to make it clear that a State may submit a proposed program at any time. As discussed in the preamble to the October 8 final rules, § 732.14 is based in part on the express language of section 504(e) of the Act, which provides that a "State which has failed to obtain approval of a State program prior to implementation of a Federal program may submit a State program at any time *after such implementation*" (emphasis added). As the preamble to the October 8 final rule concluded, however, the Secretary interprets the language in section 504(e) to be permissive in that it states that a State *may* submit a new program after the Federal program is implemented. The legislative history reveals that this provision was simply intended to ensure that a State would not be precluded from submitting a program because a Federal program had been implemented. *See* H. Rep. No. 94–896, 94th Cong., 2d Sess. 35 (1976); H. Rep. No. 94–1445, 94th Cong., 2d Sess. 39, 112 (1976); H. Rep. No. 94–45, 94th Cong., 1st Sess. 80 (1975).

The purpose of allowing a State to resubmit at any time is to address a situation in which, although a State program has been disapproved, much of the original program submission was approved or is approvable and could be resubmitted in less time than would be needed to develop and implement a Federal program for that State. The Secretary believes that Section 504(e) was intended to provide that the permanent program be implemented in a timely manner and that the October 8 amendments can ensure, in some cases, earlier implementation of the permanent program in a given State. Allowing a State to resubmit its program before a Federal program is implemented, particularly if much of the State program was approved earlier, could result in a shortened rulemaking period and an earlier implementation of the permanent regulatory program in that State. A Federal program, by contrast, involves publishing both proposed and final rules and could take considerably longer to implement.

The Secretary did not intend by those October 8 amendments to delay implementation of the permanent regulatory program. There are eight States, Alabama, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Tennessee and Virginia, which were or are enjoined from resubmitting their

programs under section 503(d) of the Act. Section 503(d) provides for a single maximum period of one year during which a Federal program may not be imposed in a State enjoined from taking any action the purpose of which is to prepare, submit or enforce a State program. At the end of one year or when the injunction terminates, whichever is earlier, either a State or a Federal program must be implemented. As announced in the Secretary's general policy statements of August 26, 1981 (46 FR 43041–43043) and November 2, 1981 (46 FR 54495), those States enjoined from resubmitting have 60 days after the date the injunction is lifted, or 60 days after the one-year anniversary of the date the injunction was initially issued, whichever is earlier, in which to resubmit. Two of the eight States, Indiana and Virginia, have resubmitted their programs within the required time period. If a State fails to resubmit its program, § 732.13(g) requires the Secretary to render a final decision disapproving the initial program submission in its entirety.

The States, industry, and the public should clearly understand the consequences if a State chooses not to resubmit, if the resubmitted program is disapproved pursuant to § 732.13(f), or if an injunction extends beyond the period stipulated in section 503(d) of the Act. First, under section 502(f) of the Act and § 771.13(a) of the permanent program regulations, the interim program continues in effect until a Federal program is implemented and during this period no new permits shall be issued by the State whose program has been disapproved. Any permits issued by such a State would not be in compliance with the Act.

Second, the Secretary will take immediate action to develop and implement a Federal program for that State. The Secretary is committed to the timely implementation of the permanent regulatory program and intends to use all available means to ensure that the intent of Congress is carried out.

7. *Section 731.13 Standards and procedures for approval of alternatives to provisions of the regulations of this Chapter*

Section 731.13 was deleted under a separate rulemaking action (46 FR 53376–53384, October 28, 1981). See preceding discussion under § 730.5.

8. *Section 731.14 Content requirements for program submissions.*

30 CFR 731.14 establishes content requirements for program submissions. Existing § 731.14(c) requires a legal opinion form the State Attorney General that the State has the legal authority to administer the State program and regulate surface coal mining operations, including a section-by-section comparison of the State's laws and regulations with the Act and the Secretary's regulations. An amendment is proposed to separate this requirement into two subsections so that the Attorney General's opinion would not have to include the section-by-section comparison. The section-by-section comparison is essential to a thorough understanding of the State's program, but it is a time-consuming task that need not be prepared by the Attorney General in order to be useful. Under this proposed rule, the comparison could be prepared by the State regulatory authority staff or other entity with greater resources and a comprehensive knowledge of the program.

A further amendment to 30 CFR 731.14 is proposed to consolidate all the content requirements concerning the structure and staffing of the State regulatory authority. The amendment would combine the requirements of § 731.14 (e), (i), (j), and (k) into a new § 731.14(e). No substantive requirements would be affected. The amendment would eliminate duplication by reducing the number of Subsections where similar information is requested. Existing § 731.14 (i), (j), and (k) would be deleted.

Subsection (g) requires narrative descriptions, flow charts or other appropriate documents indexed according to Sections and Subsections of the Act and sections and subsections of 30 CFR Chapter VII. An amendment is proposed to eliminate the requirement to have the narrative descriptions indexed according to Sections and Subsections of the Act and the Chapter. This requirement did not prove helpful during the initial program submissions and may be an unduly burdensome editorial requirement on the States.

A change is proposed to 30 CFR 731.14 (g)(16) to make it consistent with the format for (g) (1) through (15) of the required State program systems by eliminating the specific language requiring that the small operator assistance program be consistent with 30 CFR Part 795. This change would be editorial, not substantive, in nature, as the requirement is stated in § 732.15(b)(13).

A change is proposed to 30 CFR 731.14(h) which requires statistical information concerning coal exploration and surface coal mining operations in the State. The proposed amendment would eliminate subsections (h)(1)–(h)(8), which list types of statistical information which may be included in a State's submission. These items are suggestions only and do not add anything substantive to the basic requirement of statistical information.

An amendment is proposed to combine § 731.14(l) and 631.14(m) into a new § 741.14(i). Subsections (l) and (m) concern budgetary and equipment requirements, which can be consolidated into a single subsection. No substantive requirements would be changed. Existing § 731.14 (l) and (m) would thus be deleted.

An amendment is proposed to § 731.14 to eliminate Subsections (n), (o), and (p). These Subsections require, respectively, information concerning special environmental performance standards, a brief description of other programs administered by the regulatory authority, and such other information as the Director may require. Each of these information requirements duplicates information which is already or can be made available to the Office under other provisions of this Chapter, including proposed § 731.14 (a), (e) and (g).

Part 732—Procedures and Criteria for Approval or Disapproval of State Program Submissions

9. *Section 732.4 Responsibility.*

Section 732.4 is proposed to be deleted in its entirety for editorial clarity. The rationale for this proposed change is the same as that provided in the preceding discussion of § 730.2.

10. *Section 732.11 Review by the Regional Director. Section 732.12 Notice and public hearing requirements.*

Existing § 732.11 Establishes detailed procedures for receipt and review of State program submissions by the Office. Existing § 732.12 establishes requirements for notice and public hearings regarding the review of State programs. These procedures have proven to be very detailed and possibly not necessary for achieving the requirement of section 503(b)(3) of the Act to provide appropriate procedures for public participation in the development of State programs.

The existing arrangement calls for two separate review efforts conducted in series, the first to include a public meeting (Section 732.11(a)(4), the second a public hearing (Section 732.12(b)). The first review is limited to a determination of completeness and the second is directed at substantive matters. In practice, the first review has probably not been worthwhile and in most cases was in fact expanded to include substantive matters. The arrangement was confusing to OSM, the States and the public. Under the regulations being proposed today, the separate completeness review and first public meeting would not be required. Instead,

there would be just one review period for both completeness and substantive matters. There would also be just one required public hearing.

The existing arrangement provides in § 732.12(b)(2) that if enacted laws and regulations are not submitted as part of the program submission on or before the 104th day from the date of submission, the public hearing will still be held, but the program shall be disapproved pursuant to the procedures for the Secretary's initial decision in 30 CFR 732.13.

The purpose of this requirement was to force States to enact laws and regulations prior to the Secretary's decision on the program submission in an effort to allow the public time to review and comment on fully enacted provisions. The arrangement has proved to be perhaps unnecessarily inflexible at times. Enactments of law by State legislatures and promulgation of rules by State administrators are variable and sometimes inflexible processes. The rule being proposed today would provide the flexibility for States to adopt necessary provisions within established State time frames without the need to call special legislative sessions so long as an opportunity can be provided to the public to assure meaningful input.

Under the proposed arrangement, when the program is submitted, draft State laws and regulations must be submitted in the form in which they are expected to become final. Should it be necessary to revise the State laws and regulations during the public comment period or before the Secretary's decision, OSM would give notice and provide an adequate opportunity for review and comment on the revisions. The length of time provided would vary depending on the extent and complexity of the changes. State laws and regulations would be enacted prior to or simultaneously with program approval.

Existing §§ 732.11 and 732.12 are therefore proposed to be combined into a revised § 732.11 which would be retitled "Review by the Director."

11. *Section 732.13 Decision by the Secretary.*

The Office published in the **Federal Register** on October 1, 1980 (45 FR 64961), a proposed amendment to Section 732.13(f), which contains procedures for the submission of a revised program to the Secretary within 60 days following an initial disapproval. Existing § 732.13(f) requires, by reference to the procedures of § 732.12, that a resubmitted State program must be disapproved if the State fails to submit all necessary laws and regulations within 60 days of an initial decision disapproving its original program submission.

Experience has shown that such a requirement with respect to program resubmissions may be unnecessarily inflexible in that its limits a State's ability to make the changes in its laws and regulations identified as necessary during Departmental and public review of its program. The Secretary believes that it may be appropriate and beneficial to make it clear that States may make changes in their laws and regulations after resubmission as long as there is an adequate opportunity for public comment.

Accordingly, the Secretary is proposing to amend § 732.13(f), by reference to § 732.11, to establish the same requirements for enactment of laws and regulations in program resubmissions as are proposed today for program submissions. (See discussion above under §§ 731.11 and 732.12.) State laws and regulations therefore must be enacted by the date of program approval.

By proposing this approach, the Secretary is rejecting an approach proposed earlier. On October 1, 1980, § 732.13 was proposed to be amended by adding provisions to allow enactment of laws and regulations up until the date established for the Secretary to make the final decision on a State's revised program, provided that the law or regulation is submitted to the Office at least fifteen (15) days prior to that date in the exact form in which it has been or will be enacted (45 FR 64961). This proposed amendment is not being reproposed.

A further change to § 732.13 for the purpose of greater clarity was proposed on October 1, 1980 (45 FR 64961), to redesignate as a separate Section the last two sentences of § 732.13(f) relating to announcement and effects of the Secretary's final decision on a State's program submission. This proposed amendment is being reproposed with these two sentences becoming new proposed § 732.13(g). Existing subsection (g) would be redesignated as subsection (h).

A change is proposed to existing § 732.13(h) (to be redesignated § 732.13(i)) which provides that an approved State program becomes effective on the date of publication of the Secretary's decision in the **Federal Register**. The proposed change would allow the Secretary to specify a different effective date. Experience has demonstrated that a given State may request, for administrative or other reasons, that the effective date not necessarily coincide with publication of the Secretary's decision. The proposed change would allow the Secretary to accommodate a State's request.

Existing § 732.13(i) would be redesignated as subsection (j) and would be amended to provide that there are a number of actions available should a State fail to correct the deficiencies in its conditionally approved State program by the date set forth in the Secretary's decision. The existing rule, § 732.13(i)(4), provides that the conditionally approved program terminates if the deficiencies have not been corrected. The proposed amendment would provide that the Director is required to notify the Secretary and take specific action if the deficiencies are not corrected. The Director's options would include: (1) Immediate withdrawal of approval of all or part of the State program, (2) immediate direct Federal enforcement of those portions of the State program the State has failed to implement, (3) initiation of procedures under Parts 733 and 736 to withdraw State program approval and implement a Federal program, or (4) any combination of these actions. The Director's decision on what particular action or set of actions is required would be made based upon the seriousness of the deficiencies which remain uncorrected, the State's attitude and demonstrated intent to remedy the problems, and an evaluation of the risks to the environment and public health and safety.

12. *Section 732.14 Resubmission of State programs.*

Section 732.14 was recently amended in a separate rulemaking action (46 FR 50018–50019, October 8, 1981) as discussed in the preamble to § 731.12(b). As with § 731.12(b), the Secretary now proposes to amend § 732.14 to make it clear that there are no limitations on when a program may be submitted. The rationale for this amendment and related proposed rule changes is provided in the preceding discussion of § 731.12.

13. *Section 732.15 Criteria for approval of State programs.*

Section 732.15(b)(7) requires that a State provide for civil and criminal sanctions for violations of the State law or regulations in accordance with section 518 of the Act and consistent with 30 CFR Part 845, including the same or similar procedural requirements. The Secretary does not believe that any change in the wording of the regulations is necessary, but would like to reiterate his policy, which reflects the decision of the U.S. District Court for the District of Columbia. This policy was stated in each **Federal Register** notice announcing the Secretary's decision on a State

program decision (See, for example, 45 FR 79430–79451, December 1, 1980), and is reprinted here for the convenience of the reader.

On February 26, 1980, the U.S. District Court for the District of Columbia issued its first round decision in the litigation on the permanent program regulations (*In re: Permanent Surface Mining Regulation Litigation*, Civil Action No. 79–1144). In that decision, the court held that the Secretary could not require a point system for assessing civil penalties. On May 16, 1980, in its second round decision, the court answered the Secretary's request for clarification regarding the round one decision remanding the penalty point system. The court stated that the Secretary may not require the States to develop a system to assess penalties at least as stringent as those imposed under the penalty point system set forth in the Federal regulations. The Secretary has interpreted the court's decision concerning penalty systems in such a way that that State need only develop a penalty system incorporating: (1) Four criteria similar to those in Section 518(a) of the Act, (2) procedural requirements similar to those in 30 CFR 845.17 through 845.20, (3) a requirement similar to that in 30 CFR 845.12 that a civil penalty must be assessed for each cessation order, and (4) a requirement similar to that in 30 CFR 845.15(b) that a minimum of $750.00 per day be assessed for all cessation orders issued for failure to abate a violation.

Section 732.15(b)(10) requires that State programs contain provisions for public participation "consistent with the public participation requirements of the Act and this chapter." The existing preamble to this provision states that OSM interprets the regulation to provide for citizens' suits in State courts. 44 FR 14965 (March 13, 1979); *see* 44 FR 15297 (March 13, 1979). The United States District Court for the District of Columbia upheld this as a reasonable interpretation of the Act. *In re Permanent Surface Mining Regulation Litigation*, Civ. No. 79–1144 (D.D.C. Feb. 26, 1980), slip op. at 11–13. The District Court's ruling is now on appeal. Examination of this issue in the course of litigation has led OSM to question the validity of its existing interpretation of the Act's public participation requirements. OSM proposes to alter its interpretation of § 732.15(b)(10) so that State programs need not provide for citizens' suits in State courts, and hereby solicits comment on this proposed change.

Additionally, the preamble to § 723.15(b)(10) explains that the regulation is intended to require that citizens have the right to accompanying State inspectors onto the mine site when the inspection is a result of a citizen's request. 44 FR 14965 (March 13, 1979); *see* 44 FR 15297 (March 13, 1979). The United States District Court for the District of Columbia has upheld this interpretation as a reasonable construction of the Act. *In re Permanent Surface Mining Regulation Litigation, supra*, slip op. at 13–14. This ruling is now on appeal. Examination of this issue in the course of litigation has led OSM to question the validity of its existing interpretation of this issue. Accordingly, OSM proposes to delete the requirement that State programs contain this requirement, and hereby solicits comment on this proposed change.

On November 4, 1981, OSM published a notice in the **Federal Register** (46 FR 54761–54762) postponing consideration of a petition by the State of Colorado to amend 30 CFR 840.15 by deleting the requirement that each State program provide for public participation consistent with 43 CFR 4.1294(b). The regulations at 43 CFR Part 4 describe the procedures applicable to surface coal mining hearings and appeals. Specifically, 43 CFR 4.1294(b) permits the award of appropriate costs and expenses, including attorneys' fees, from OSM to any person other than a permittee or his or her representative, if the person initiates or participates in any proceeding under the Act, upon a finding that the person made a substantial contribution to a full and fair determination of the issues. 30 CFR 840.15 operates to make this provision a requirement of each State program.

In the November 4, 1981 **Federal Register** notice, OSM determined that it would make sense to consider this petition as part of the overall rule changes to 30 CFR Subchapter L, and to solicit public comments at that time. Proposed amendments to Subchapter L were published in the **Federal Register** on December 1, 1981. A more comprehensive discussion of the petition and related proposed rule changes is contained in that **Federal Register** notice.

Section 732.15(b)(14) requires that a State provide protection for employees of the State "* * * regulatory authority in accordance with the protection afforded Federal employees under section 704 of the Act." The preamble to the permanent program rules (44 FR 14964, March 13, 1979) noted the objections of several commenters that this requirement was neither justified under the Act nor specifically required. Those suggestions were not accepted at that time on the basis that section 503(a) of the Act specifically requires that the State program demonstrate that the State has the capability of carrying out the provisions of the Act and the Act requires certain protections.

Section 704 on its face addresses only Federal employees. Most of the other provisions of the Act, for example, sections 509, 514, and 522(a), address either the regulatory authority (which includes State regulatory authorities) or both the Federal and State governments. Further, section 704 does not fall into any of the categories listed in section 503(a) (2)-(6) as requirements for State programs. For these reasons, the Secretary believes that section 704 may be a requirement which Congress intended to impose only on the Federal government and not on the States. Accordingly, this requirement is proposed to be deleted.

Section 732.15(b)(15) is proposed to be amended by moving the requirement that State programs provide for administrative review of State program actions to § 732.15(b)(14). Present § 732.15(b)(15) would be further amended to provide that judicial review of State program actions be in accordance with State law, as provided in section 526(e) of the Act. After careful review, it appears that section 526 may apply to decisions of the Secretary, acting as a Federal officer. By contrast, section 526(e) specifically provides that "Action of the State regulatory authority pursuant to an approved State program shall be subject to judicial review by a court of competent jurisdiction *in accordance with State law** * *" (emphasis added). The proposed change would clarify that the Act specifies that judicial review within approved State programs is to be in accordance with State, not Federal, law.

However, section 521(d) of the Act requires as a condition of approval of any State program that its "enforcement provisions * * * incorporate sanctions no less stringent than those set forth in this Section, and shall contain the same or similar procedural requirements relating thereto." The standards for judicial review of any Secretarial decision, including enforcement actions, contain several provisions which may not be included in some State laws. For instance, temporary relief is required under section 526(c) of the Act. Section 526(c) differs from many State laws on the subject of temporary relief in that section 526(c) does not allow temporary relief in any case where such relief would adversely affect public health or safety or cause significant imminent

environmental harm to land, air, or water resources. Many State laws regarding temporary relief provide that public health and safety is only one factor to be considered. Consequently, there may be circumstances where, under State law, the granting of temporary relief would be allowable even though it would adversely affect public health and safety or harm the environment. Such a result may appear to be inconsistent with the requirement of section 521(d) of the Act that State programs incorporate enforcement sanctions no less stringent than those of the Act. Accordingly, comments are invited on the legality of the proposed amendment and alternatives the Secretary may consider in promulgating a final rule.

14. *Section 732.17 State program amendments.*

Section 732.17 establishes procedures for amending approved State programs whether the process for amendment is initiated by the State regulatory authority or by the Director. This Section was recently revised to streamline, shorten and simplify the State program amendment process, partly in response to a petition from Governor Ed Herschler of Wyoming. The rationale for those revisions, as explained in the preamble to the final rule, is incorporated herein by reference to the extent that it is consistent with the changes being proposed today. *See* 46 FR 7906–7909, January 23, 1981. Further changes proposed for this Section are discussed below.

Section 732.17(f) requires the State regulatory authority to submit a written amendment within 60 days after notification by the Director that an amendment is required. This requirement imposes a difficult administrative burden on the States because it does not take into account the varied legislative and regulatory procedures which individual States must follow, nor the complexities of drafting amendments of broad scope. The proposed change to § 732.17(f) would allow the State to submit either a proposed written amendment or, in the case of a complex or lengthy amendment, a description of the amendment to be proposed, together with a timetable for enactment that is consistent with established administrative or legislative procedures in the State. The Director would not make decisions on amendments based on descriptions alone; there would be an opportunity under § 732.17(f)(2) for public comment on the actual language of any amendment.

Section 732.17(g) provides that whenever the State wishes to initiate changes to the approved State program, the State shall submit the proposed changes to the Director for approval as an amendment. Several States have suggested that this Section be amended to provide for some form of automatic approval if the proposed amendments involve only minor changes to State programs or are in response to changes in the corresponding Federal regulations. A proposed change to this Section would provide that proposed amendments shall be considered approved by the Director unless the Director notifies the State in writing within 60 days of receipt of the amendment that the amendment should be subject to the usual procedures for approving State program amendments. If a program amendment was approved under this proposed change, the State would notify the Director of the date that the proposed amendment is finally enacted or promulgated under State administrative or legislative procedures. The date of notification would then be the effective date for the inclusion of the program amendment in the State program. Comments are specifically invited on the legality of this proposed change, its impact upon public participation, and the criteria to be used by the Director in determining whether proposed State program amendments are minor or should be subject to the normal amendment process of 30 CFR 732.17(h).

Part 733—Maintenance of State Programs and Procedures for Substituting Federal Enforcement of State Programs and Withdrawing Approval of State Programs

15. *Section 733.4 Responsibilities.*

Section 733.4 is proposed to be deleted in its entirety for editorial clarity. The rationale for this proposed rule change is the same as that provided in the preceding discussion of § 730.2.

16. *Section 733.12 Procedures for substituting Federal enforcement of State programs or withdrawing approval of State programs.*

In § 733.12(b)(3) the word "any" is proposed to be inserted before the phrase "necessary remedial actions" to make it clear that remedial action may not always be necessary. This change would also be made to illustrate that the State has an opportunity to address the Director's assertions under the informal conference procedure set forth in § 733.12(c).

Section 733.12(c) would be amended to clarify that the informal conference may be used to discuss both the facts supporting the Director's assertions and the time period provided by the Director for the State to take any necessary remedial actions. In § 733.12(d), the last line would be amended by adding the phrase "or as modified as the informal conference held under paragraph (c) of this section." This proposed phrase is intended to keep paragraph (d) consistent with the proposed amendment to paragraph (c) allowing for possible modification of the time period for the State to complete remedial actions.

An additional change to § 733.12(c) is proposed to provide that the informal conference must be requested within 15 days after the expiration of the time period specified for the State to accomplish any necessary remedial actions. The purpose of the proposed change is to clarify that the conference may be requested at any time, but not later than 15 days after the expiration of the time period.

Section 733.12(e) would be rewritten by making editorial changes to the language. While no substantive change is intended, the new language would help avoid any misinterpretation of when Federal enforcement of a State program or the withdrawal of approval of a State program becomes necessary.

Section 733.12(f) specifies the Director's responsibilities when substituting Federal enforcement of a State program. The term "enforcement" is interpreted to include administration and implementation of all or part of a State program by the Office under section 521(b) of the Act. (For further discussion, see the preamble to the proposed permanent regulatory program at 43 FR 41678, September 18, 1978.)

Several changes to § 733.12(f)(2) are proposed to help define the broad use of the term "enforcement" as it applies to this section. A phrase would be added to the first sentence to clarify that the Director may substitute enforcement of all or part of the State program. A similar phrase would be inserted in the beginning of the third sentence. No substantive changes to these sentences would be made by these added phrases.

The present language of § 733.12(f)(2)(ii) requires that the Director issue any new or revised permit required by any new regulation promulgated during the time of substituted Federal enforcement. This language may be confusing because it does not specify whether the State regulatory authority or the Office will be the regulatory authority for the purpose of issuing new or revised permits should the Director promulgate a new regulation.

The Secretary has considered alternative ways of resolving the ambiguity and believes that it would probably best serve the industry and public to consolidate all permitting responsibilities with the Office in situtations where the Director has issued new rules. Confining the Office to reviewing only those aspects of permit decisions that relate to new rules promulgated by the Director, while allowing the other permitting responsibilities to remain with the State, would create a dual permit authority. The Secretary believes such a dual authority might confuse the public and the industry on whether the State or the Office was enforcing the State program. The proposed language in § 733.12(f)(2)(ii) would specify that the Office would become the regulatory authority for purposes of administering and implementing the permit requirements of the State program in the event the Director issues new regulations affecting existing or new permit.

17. *Section 733.13 Criteria for substituting Federal enforcement for State programs or withdrawing approval of State programs.*

The title of § 733.13 would be changed to describe more accurately the subject matter of this Section. The proposed title, "Factors to be considered in deciding whether to substitute Federal enforcement for State programs or to withdraw approval of State programs" avoids the use of the word "criteria." This Section sets forth the kind of facts and documents to be considered by the Director or the Secretary in decisions concerning substitution of direct Federal enforcement of a State program or the withdrawal of approval of part or all of a State program. The present title may be confusing in that some persons may misinterpret "criteria" to mean far more specific guidelines for these decisions that can realistically be established in the Federal rules.

Part 736—Federal Program for a State

18. *Section 736.2 Objectives.*
Section 736.3 Responsibility.
Section 736.4 Authority.

Sections 736.2, 736.3 and 736.4 are proposed to be deleted in their entirety for editorial clarity. The rationale for these proposed changes is the same as that provided in the preceding discussion of § 730.2.

19. *Section 736.11 General procedural requirements.*

The reference to June 3, 1980, in § 736.11(a)(1) is proposed to be deleted for the reasons discussed in the preamble to proposed § 731.12.

20. *Section 736.12 Public notice requirements.*
Section 736.13 Public comment.

Part 763 establishes standards and procedures for the promulgation, implementation, maintenance, administration, revision and termination of a Federal program for a State for coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within that State. Section 736.12 establishes public notice requirements for promulgation of a Federal program, including the requirement at § 736.12(a) (5) that prior to the revision of a Federal program the Director shall hold a public hearing. The proposed change would insert the words "if applicable" at the beginning of § 736.12(a)(5) to make the hearing requirement discretionary in certain situations, as discussed below.

The Office realizes that Federal programs will be revised regularly to reflect changes in the Act or the permanent program regulations. Some revisions may not be of sufficient magnitude to justify automatically holding a public hearing. Section 736.13(c) is therefore proposed to be amended so that for each revision to a Federal program, holding a public hearing would be discretionary. Under the amendment the Office would base a decision to hold a hearing on the anticipated public response to and interest in the revision. The opportunity to request a public hearing would be provided and if such a request were made, a public hearing would be held.

21. *Section 736.22 Contents of a Federal program.*

Section 736.22(b) establishes the minimum content requirements for Federal programs. They include, but are not limited to, 30 CFR Parts 700, 701, 707, 760, 761, 762, 765, Subchapter G, Subchapter J, Subchapter K, 30 CFR 842, 843 and Subchapter M. A proposed change would add two sections to this list of minimum provisions, 30 CFR 764 and 845. Section 764 contains procedures for processing petitions to designate areas unsuitable for surface coal mining operations. Section 845 contains procedues for the assessment of civil penalties under section 518 of the Act.

There is currently active coal exploration, but no mining, in at least four States. With mining not anticipated in the near future, the Office has found it advantageous to limit Federal programs in these States only to the provisions which are necessary for coal exploration activities. Should mining be anticipated at a later date, the program would be revised. A further proposed change to § 736.22(b) would allow Federal programs covering only coal exploration activities to be limited to those necessary provisions including 30 CFR Parts 700, 701, 761, 762, 764, 770, 776, 787, 815, 842, 843 and 845. It would not be necessary to include all of Subchapters G and J and Part 816 of Subchapter K dealing with permitting, bonding and underground mining performance standards.

22. *Section 736.23 Federal program effect on State law or regulations.*

The existing regulation provides that State statutes or regulations shall be preempted and superseded by the Federal program insofar as they are "inconsistent, less stringent or preclude compliance with the purposes and requirements of the Act and the Federal program." This provision, which is based on section 504(g) of the Act, is proposed to be amended to be consistent with the proposed amendments to §§ 730.5 and 730.11, as discussed above under those Sections. The proposed amendment would reflect the requirement of section 504(g) that State statutes or regulations shall be superseded "insofar as they interfere with the achievement of the purposes and the requirements of the Act and the Federal program." Section 504(g) must be read in light of section 505(a) of the Act which further requires that no State law or regulation be superseded except insofar as the State law or regulation is *inconsistent with* the provisions of the Act (emphasis added). As noted above under § 730.11, § 730.5 defines the term "inconsistent with" with regard to both the Act and the Secretary's regulations. The proposed change to § 736.23 is thus intended to make it clear that the definition of "consistent with" applies under a Federal program as well as under a State program for purposes of superseding a State law or regulation.

IV. Additional Information

A draft of the rules being proposed today was made available to State regulatory authorities and groups representing industry and citizens. Comments were invited on the draft rules and several meetings were held. All written comments and minutes of meetings are on file in the Administrative Record at the address listed above. Oral and written comments were used as general background information in refining the proposed rules being published today. All comments, including those received in response to this announcement, will be addressed in the preamble to the final rule.

The information collection requirements in existing 30 CFR Subchapter C were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned clearance numbers 1029–0022, 1029–0023, 1029–0024 and 1029–0025. Those approvals were identified in "notes" and the introductions to 30 CFR Parts 730, 731, 732 and 733. OSM will delete those "notes" and codify the OMB approvals under a new section 10 in each of those Parts that contains information collection requirements. OSM is requesting OMB reapproval of the information collection requirements.

The information required by 30 CFR Part 730 is needed by OMB to assure that surface coal mining operations in States with injunctions will be regulated by the State in accordance with the interim regulatory program in section 502 of Pub. L. 95–87.

The information required by 30 CFR Part 731 is needed to determine whether a State which wishes to assume exclusive jurisdiction over the regulation of surface coal mining within its borders has demonstrated its capability to carry out the provisions of Pub. L. 95–87.

The information required by 30 CFR Part 732 is needed to afford a State the opportunity to resubmit, modify or amend its State program and will be used by OSM to determine whether the program meets the provisions of the Act.

The information required by 30 CFR Part 733 is needed by OSM to verify the allegations in a citizen request to evaluate a State program and to determine whether an evaluation should be undertaken.

The information required by 30 CFR Part 730, 731, 732 and 733 is mandatory.

OSM has prepared a draft environmental assessment (EA) on this rule that reaches an interim conclusion that this rule should not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Records Office at the address listed in the "Addresses" section of the preamble. A final EA will be completed before issuance of the final rule. OSM may determine at a later date that this rulemaking and related rulemakings under Pub. L. 95–87 have cumulative effects on the environment. At that time, OSM will prepare any further environmental analysis required by the National Environmental Policy Act.

I have determined that these rules are not major rules under Executive Order 12291. I have further certified, in accordance with the Regulatory Flexibility Act, that the proposed rules will not have a significant effect on a substantial number of small entities.

Primary authors of this document are Valerie Bael, Richard Bryson, Mary Crouter, James Fulton, George Stone, and Mary Tisdale, State Program Assistance, Office of Surface Mining.

Dated: November 17, 1981.

Daniel N. Miller,

Assistant Secretary, Energy and Minerals.

For the reasons set forth in the preamble, Parts 730, 731, 732, 733 and 736 of Chapter VII, Title 30 of the Code of Federal Regulations are proposed to be amended as set forth below.

PART 730—GENERAL REQUIREMENTS

1. The authority for Part 730 is:

Authority: Sec. 501(b), 503, 504, 505, and 521 of Pub. L. 95–87 (30 U.S.C. 1251(b), 1253, 1254, 1255, and 1271).

§ 730.2 [Removed]

2. Part 730 is amended by removing § 730.2.

§ 730.4 [Removed]

3. Part 730 is amended by removing § 730.4.

4. 30 CFR 730.11 is amended by revising paragraph (a) to read as follows:

§ 730.11 Inconsistent and more stringent State laws and regulations.

(a) No State law or regulation shall be superseded by any provision of the Act or the regulations of this Chapter, except to the extent that the State law or regulation is inconsistent with, or precludes implementation of, requirements of the Act or this Chapter. The Director shall publish in the **Federal Register** the text or a summary of any State law or regulation determined by him to be inconsistent with the Act or this Chapter. Prior to a final determination by the Director concerning inconsistent laws or regulations, an opportunity for comment by interested parties will be provided.

* * * * *

PART 731—SUBMISSION OF STATE PROGRAMS

5. The authority for Part 731 is:

Authority: Sec. 501(b) and 503, of Pub. L. 95–87 (30 U.S.C. 1251(b) and 1253).

§ 731.11 [Removed]

6. Part 731 is amended by removing § 731.11.

7. 30 CFR 731.12 is revised to read as follows:

§ 731.12 Submission of State programs.

Each State that wishes to regulate coal exploration and surface coal mining and reclamation operations or non-Federal and non-Indian lands within its boundaries shall submit three copies of a proposed program to the Director. A State may submit a proposed program at any time. The State shall retain sufficient copies of the program for public inspection under 30 CFR 732.11(a).

8. 30 CFR 371.14 is amended by revising paragraphs (c), (e), (g)(16), (h), and (i) amending (g) introductory text and removing paragraphs (j)–(p) to read as follows:

§ 731.14 Content requirements for program submissions.

* * * * *

(c)(1) A legal opinion from the Attorney General of the State or the chief legal officer of the State regulatory authority stating that the State has the legal authority under existing laws and regulations, or will have authority under amendments to laws and regulations which are in the process of enactment, to implement, administer and enforce the program and to regulate coal exploration and surface coal mining and reclamation operations in accordance with the Act and consistent with this Chapter.

(2) A section-by-section comparison of the State's laws and regulations and amendments which are in the process of enactment with the Act and this Chapter, explaining any differences and their legal effect;

* * * * *

(e)(1) A description, including appropriate charts, of the existing and proposed structural organization of the agency designated as the regulatory authority and of other agencies or applicable divisions or departments of those agencies which will have duties in the State program. The description must indicate the coordination system between these agencies and lines of authority and the staffing functions within each agency and between agencies.

(2) A summary table of the existing and proposed State program staff, showing job functions, titles and required job experience and training, and a description of how the staffing proposed for the State program will be adequate to carry out the functions, including permitting, inspection and legal actions for the projected workload to ensure that coal exploration and surface coal mining and reclamation operations will be regulated in accordance with the requirements of the Act and this Chapter;

* * * * *

(g) Narrative descriptions, flow charts or other appropriate documents of the proposed systems for * * *

(16) Providing a small operator assistance program.

(h) Statistical information describing coal exploration and surface coal mining and reclamation operations in the State, adequate to demonstrate that the provisions of the State program and the resources available to it are sufficient when compared to the current and projected coal mining activities in the State:

(i) A description of the actual capital and operating budget, including source of funds, used or proposed to be used to administer the State program for the prior and current fiscal years, and the projected annual budget for each of the next two fiscal years, assuming supplemental funding pursuant to an approved State program and grants under 30 CFR Part 735; and a description of the existing and proposed physical resources for use in the program.

PART 732—PROCEDURES AND CRITERIA FOR APPROVAL OR DISAPPROVAL OF STATE PROGRAM SUBMISSIONS

9. The authority for Part 732 is:

Authority: Secs. 501(b), 503, 504, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, and 522 (30 U.S.C. 1251(b), 1253, 1254, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1271, and 1272).

§ 732.4 [Removed]

10. Part 732 is amended by removing § 732.4.

11. 30 CFR 732.11 is amended by revising the section heading to read:

§ 732.11 Review by the Director.

* * * * *

12. 30 CFR 732.11 (a) is amended by revising (1), (2), and (3) and removing (4), and revising (b), (c), and (d) as follows:

§ 732.11 Review by the Director.

(a) * * *

(1) The notice shall include the date of the submission of the program and a summary of the program's contents. It shall also indicate that the full test of the program submission is available for review and shall identify the location of each OSM office and State office where copies are available for public inspection.

(2) The notice shall afford interested persons an opportunity to submit written comments. The comment period shall end on a date following the public hearing scheduled to be held under paragraph (b) of this section and that date shall be specified in the notice.

(3) The notice shall identify the time and location within the State at which the Office will hold the public hearing under paragraph (b) of this section.

(b) A public hearing shall be held by the Director no sooner than 25 days following the publication of the notice required by paragraph (a) of this section. The hearing shall be informal and follow legislative procedures.

(1) The format and the rules of procedure for each hearing shall be determined by the Director and published in the **Federal Register** notice required by paragraph (a).

(2) When the program is submitted, State laws and regulations must be submitted in their final form or in the form in which they are expected to become final. Should revisions to any of the laws or regulations be necessary during the public comment period or before the Secretary's decision, OSM will give notice and provide an opportunity for review and comment. State laws and regulations must be enacted by the date of program approval.

(c) Copies of written comments shall be available for public inspection and copying at appropriate OSM offices.

(d) The Director shall consider all relevant information, including information obtained from public hearings and comments, and shall recommend to the Secretary that the program be approved or disapproved, in whole or in part. The recommended decision shall specify the reasons for the recommendation.

§ 732.12 [Removed]

13. Part 732 is amended by removing § 732.12.

14. 30 CFR 732.13 is amended by revising (f), (g), (h), (i) and (j) to read as follows:

§ 732.13 Decision by the Secretary.

* * * * *

(f) If the Secretary disapproves a program, in whole or in part, the State shall have 60 days from the date of publication of the **Federal Register** notice to submit a revised program to the Director for reconsideration. The procedures of § 732.11 will then apply to the revised State program, except that the time allowed between publication of notice and the public hearing for public review and comment may be shortened to not less than 15 days.

(g) The Secretary shall either approve or disapprove the revised program within 60 days from the date of submission of the revised program and publish that decision and reasons for the decision in the **Federal Register**. A decision disapproving the revised program constitutes that final decision by the Department disapproving that program in its entirety.

(h) If a revised State program is not submitted by a State within sixty days of an initial disapproval under § 732.13(a), the Secretary shall disapprove the initial program submission in its entirety. This decision shall constitute the final decision by the Secretary. This decision and the basis for it shall be published in the **Federal Register.**

(i) A decision by the Secretary approving a program submission establishes a State program for the State which submitted it and constitutes the final decision by the Department. The State program becomes effective on the date of publication of the decision in the **Federal Register** unless otherwise specified by the Secretary. The Secretary shall not give his approval unless the program submission can be approved in whole, except as provided in subsection (j).

(j) The Secretary may conditionally approve a State program where the program is found to have minor deficiencies, provided:

(1) The deficiencies are of such a size and nature so as to render no part of a proposed State program incomplete;

(2) The State has initiated and is actively proceeding with steps to correct the deficiencies;

(3) The State agrees in writing to correct such deficiencies within a time established by the Secretary and stated in the conditional approval; and

(4) If the deficiencies have not been corrected by the date set forth in the Secretary's decision under paragraph (j)(3) of this section, the Director shall notify the Secretary that the deficiencies have not been corrected and shall—

(i) Withdraw approval of the State program in whole or in part, and specify the extent to which approval of the State program is being withdrawn;

(ii) Substitute direct Federal enforcement of those portions of the permanent regulatory program that the State has failed to implement;

(iii) Initiate procedures in accordance with Parts 733 and 736 to withdraw State program approval and implement a Federal program for the State, including specifying necessary remedial actions to correct continued deficiencies; or

(iv) Take any combination of actions under (i) through (iii) above.

15. 30 CFR 732.14 is revised to read as follows:

§ 732.14 Resubmission of State programs.

If, by a final decision, the program is disapproved, the State may submit

another proposed State program to the Director at any time. Resubmitted State programs must meet the requirements of 30 CFR 731.14 and will be acted upon pursuant to 30 CFR 732.11–732.16.

16. 30 CFR 732.15 is amended by revising paragraphs (b)(10), (b)(14), and (b)(15) to read:

§ 732.15 Criteria for approval or disapproval of State programs.

* * * * *

(b) * * *

(10) Provide for public participation in the development, revision and enforcement of State regulations and the State program, consistent with public participation requirements of the Act and this Chapter, except that State programs are not required to: Provide citizens with the right to participate in inspections which result from citizens' requests; or authorize legal actions by citizens in State courts similar to the citizens' legal actions which section 520 of the Act authorizes in the Federal courts;

* * * * *

(14) Provide for administrative review of State program actions, in accordance with section 525 of the Act and Subchapter L of this Chapter;

(15) Provide for judicial review of State program actions in accordance with State law, as provided in section 526(e) of the Act;

* * * * *

17. 30 CFR 732.17 is amended by revising paragraphs (f), (g), (h)(5) and (h)(6) to read as follows:

§ 732.17 State program amendments.

* * * * *

(f)(1) If the Director determines that a State program amendment is required, the State regulatory authority shall, within 60 days after notification of that decision, submit to the Director either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of the Act and this Chapter, and a timetable for enactment which is consistent with established administrative or legislative procedures in the State.

(2) If the State regulatory authority does not submit the proposed amendment or description and the timetable for enactment within 60 days from the receipt of the notice, or does not subsequently comply with the submitted timetable, or if the amendment is not approved under this Section, the Director shall begin proceedings under 30 CFR part 733, to either enforce that part of the State program affected or withdraw approval, in whole or in part, of the State program and implement a Federal program.

(g) Whenever changes to laws or regulations that make up the approved State program are proposed by the State, the State shall immediately submit the proposed changes to the Director as an amendment. Such changes to laws and regulations shall be considered approved by the Director unless the Director notifies the State in writing within 60 days that the proposed amendment is not minor and thus will be subject to the procedures of 30 CFR 732.17(h). If the Director so notifies the State, the change to the State's laws or regulations shall not take effect for purposes of the State program until approved as an amendment. If a proposed amendment is approved under this Subsection, the State shall promptly notify the Director of the date when the proposed amendment is enacted or promulgated and the date of notification shall be the effective date for the amendment of the State program.

(h) * * *

(5) Upon the close of the public comment period, the transcript, written presentations, exhibits and copies of all comments shall be transmitted to the Director.

(6) The Director shall consider all relevant information, including any information obtained from public hearings and comments, and shall approve or disapprove the amendment request within 30 days after the close of the public comment period established in accordance with § 732.17(h)(3).

* * * * *

PART 733—MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

18. The authority for Part 733 is:

Authority: Secs. 501(b), 503, 504, 517, and 521 of Pub. L. 95–87 (30 U.S.C. 1251(b), 1253, 1254, 1267, and 1271).

§ 733.4 [Removed]

19. Part 733 is amended by removing § 733.4.

20. 30 CFR 733.12 is amended by revising (b)(3), (c), (d), (e) introductory text, and (f)(2) to read as follows:

§ 733.12 Procedures for substituting Federal enforcement of State programs or withdrawing approval of State programs.

* * * * *

(b) * * *

(3) Specify the time period for the State regulatory authority to accomplish any necessary remedial actions.

(c) The Director shall provide the State regulatory authority an opportunity for an informal conference if the State requests an informal conference within 15 days after the expiration of the time period specified in paragraph (b)(3) of this Section. The informal conference may pertain to the facts or the time period for accomplishing remedial actions as specified by the Director's notification.

(d) If an informal conference is not held under paragraph (c) of this section, or if, following such a conference, the Director still has reason to believe that the State is failing to adequately implement, administer, maintain or enforce a part or all of a State program, the Director shall give notice to the State and to the public, specifying the basis for that belief and shall hold a public hearing in the State within 30 days of the expiration of the time period specified in paragraph (b)(3) of this section or as modified at the informal conference held under paragraph (c) of this Section.

(e) The State will continue to enforce its approved program unless upon completion of the hearing under paragraph (d) of this Section and based upon the review of all available information, including the hearing transcipt, written presentations and written comments, the Director finds that the State has failed to implement, administer, maintain or enforce effectively all or part of its approved State program. If the Director finds further that the State is unable or does not intend to administer the State program, the Director shall either—

* * * * *

(f) * * *

(2) During the period beginning with the public notice and ending when the State satisfies the Director that it will enforce the State program effectively, the Director shall enforce those portions of the State program not being enforced by the State, or the entire State program if necessary, and any additional regulations that the Office has adopted as necessary to enable the Director to perform his or her duties. To the extent the Director has assumed direct Federal enforcement in order to administer and implement all or part of the State program, the Director shall—

(i) Enforce any permit condition required under the Act;

(ii) Issue any new or revised permit pursuant to any additional regulation that the Director may promulgate at the time enforcement is assumed, in which case the Office will become the regulatory authority for issuing all new permits and approving revisions,

modifications, or renewals for existing permits; and

(iii) Conduct inspections and issue notices, orders and assessments of penalties as may be necessary for compliance with those permit conditions, the Act and the State program in accordance with Subchapter L.

21. 30 CFR 733.13 is amended by revising the Section heading to read:

§ 733.13 Factors to be considered in deciding whether to substitute Federal enforcement for State programs or to withdraw approval of State programs.

* * * * *

PART 736—FEDERAL PROGRAM FOR A STATE

22. The authority for Part 736 is:

Authority: Secs. 501, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 522, 525, and 705 of Pub. L. 95–87 (30 U.S.C. 1251, 1253–1269, 1271, 1272, 1275, and 1295).

23. Part 736 is amended by removing § 736.2

§ 736.3 [Removed]

24. Part 736 is amended by removing § 736.3

§ 736.4 [Removed]

25. Part 736 is amended by removing § 736.4

26. 30 CFR 736.11 is amended by revising paragraph (a)(1)(i) to read:

§ 736.11 General procedural requirements.

(a) *Promulgation.* (1) The Director shall promulgate and, subject to the provisions of this Part, implement a Federal program for a State if the Director reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands within the State at any time before June 1985, and the State fails to—

(i) Submit a State program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within that State to the Director as provided in 30 CFR 731.12; or

* * * * *

27. 30 CFR 736.12 is amended by revising paragraphs (a)(4) and (a)(5) to read:

§ 736.12 Public notice requirements.

* * * * *

(a) * * *

(4) The location of the OSM office and public office in the capital city of the State where the text of the proposed program or revision and any supporting information may be reviewed or copied;

(5) If applicable, the date, time, and location in the State where the Office will hold at least one public hearing under the supervision of the Director;

* * * * *

28. 30 CFR 736.13 is amended by revising paragraphs (c), (e), and (f) to read:

§ 736.13 Public comment.

* * * * *

(c) Before promulgation of a Federal program for a State, the Director shall hold at least one public hearing within the State for the purpose of affording interested persons an opportunity to submit data and comments on the proposed Federal program. In the case of a revised Federal program for a State, the opportunity to request a hearing will be provided and if sufficient interest is demonstrated, a public hearing will be held. The hearings shall follow legislative procedures and include a presentation of the proposed program or revision by the Director and the compilation of an open record of the hearing.

* * * * *

(e) Upon completion of the hearings, the hearing transcripts, exhibits submitted, written presentations, and copies of all public comments shall be transmitted to the Director.

(f) Copies of all written comments received and the transcripts of the public hearing shall be made available for public inspection and copying at the appropriate OSM office and at a public office in the capital city of the State.

29. 30 CFR 736.22 is amended by revising paragraph (b) to read as follows:

§ 736.22 Contents of a Federal program.

* * * * *

(b) (1) Any Federal program for a State, including appropriate portions of a partial Federal program which is promulgated or revised by the Director, shall provide for Federal regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands within the State in accordance with the requirements of the Act and this Chapter, including, at a minimum, the following provisions: 30 CFR Parts 700, 701, 707, 760, 761, 762, 764, 765, Subchapter G, Subchapter J, Subchapter K, 30 CFR 842, 843, 845, and Subchapter M.

(2) An exception to these requirements may be made where there is exploration but no mining in the State. In such a case, the Federal program which is promulgated must regulate coal exploration, but not mining, and shall include, at a minimum, the applicable sections of the following provisions: 30 CFR Parts 700, 701, 761, 762, 764, 770, 776, 787, 815, 842, 843 and 845.

30. 30 CFR 736.23 is amended by revising paragraph (a) to read:

§ 736.23 Federal program effect on State law or regulations.

(a) Whenever a Federal program is promulgated or revised for a State, any statutes or regulations of the State regulating coal exploration or surface coal mining and reclamation operations subject to the Act shall be preempted and superseded by the Federal program insofar as they interfere with the achievement of the purposes and the requirements of the Act and the Federal program. In promulgating or revising a Federal program for a State, the Director shall set forth in the **Federal Register** any State statute or regulation which is preempted and superseded by the Federal program.

* * * * *

31. In addition to the amendments set forth above, 30 CFR Parts 732 and 736 are amended by removing the words "Regional Director" and inserting, in their place, the word "Director" in the following places:

§ 732.11, 732.13, 732.17, 736.12, and 736.13 [Amended]

(a) 30 CFR 732.11(a);

(b) 30 CFR 732.13(d);

(c) 30 CFR 732.17(h)(1), (h)(2), and (h)(4);

(d) 30 CFR 732.12 (a) introductory text, (a)(1), (a)(3), and (b);

(e) 30 CFR 736.13(b) and (d).

[FR Doc. 81-34760 Filed 12-3-81; 8:45 am]

BILLING CODE 4310-05-M

federal register

Friday
December 4, 1981

Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

General Prototype Housing Costs for One- to Four-Family Dwelling Units

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-81-1103]

General Prototype Housing Costs for One- to Four-Family Dwelling Units

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: On August 14, 1980, the Department published, "General Prototype Housing Costs for One- to Four-Family Dwelling Units." The Department is revising for all areas the prototype costs, based on cost data and other current information received from HUD Field Offices and the public.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-6720 (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 904 of the Housing and Community Development Act of 1977 requires HUD to publish prototype housing costs for a broad variety of one- to four-family housing in each market area. These prototype figures serve merely as an aid to the general public and *are not* applicable to prototype determinations required for public housing under the United States Housing Act of 1937. The costs for land and site improvements are included in the Section 904 prototype cost figures.

In order to cover various economic situations, prototype costs are divided into three cost ranges: low, medium and high. The information source for developing the figures include data from HUD Field Offices, the public, and the basic Section 203(b) mortgage insurance program. The prototype costs are generally representative of the sales prices.

Due to the lack of information on two-, three-, and four-family dwelling units, generally costs shown are for one-family dwellings. The market areas, as designated, are the base and Key Localities and cover both the urban and rural areas of each market area. Every HUD Field Office has maps of these designated areas. The typical low-range, one-family dwelling will contain three bedrooms and one full bath. The medium range one-family dwelling will contain three or four bedrooms and two full baths. The high range one-family dwelling will contain three to five bedrooms and two or three full baths.

The figures shown below the cost range designations are the typical square-foot areas of a one-family dwelling in the captioned market area.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d); sec. 904, Housing and Community Development Act of 1977 (42 U.S.C. 3540))

Issued at Washington, D.C., November 27, 1981.

Philip D. Winn,

Assistant Secretary for Housing-Federal Housing Commissioner.

SCHEDULE OF PROTOTYPE HOUSING COSTS: ONE- TO 4-FAMILY DWELLINGS

Market area	Low range $1,000	Medium range $1,250	High range $1,760
Field Office: Boston, Mass.			
Boston:			
1-family dwelling	$52,200	$81,200	$112,300
2-family dwelling	79,300		
3-family dwelling			
4-family dwelling			
Pittsfield:			
1-family dwelling	49,900	79,000	103,400
2-family dwelling	73,100		
3-family dwelling			
4-family dwelling			
Worcester:			
1-family dwelling	49,900	79,000	103,400
2-family dwelling	73,100		
3-family dwelling			
4-family dwelling			
Springfield:			
1-family dwelling	49,800	79,100	104,200
2-family dwelling	72,000		
3-family dwelling			
4-family dwelling			
Cape Cod:			
1-family dwelling	52,200	81,200	105,000
2-family dwelling	74,100		
3-family dwelling			
4-family dwelling			

Market area	Low range $880	Medium range $1,000	High range $1,120
Field Office: Hartford, Conn.			
Hartford:			
1-family dwelling	$58,400	$68,400	$71,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Haven-Milford:			
1-family dwelling	59,000	70,000	73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $880	Medium range $1,000	High range $1,120
Bridgeport-Fairfield:			
1-family dwelling	63,000	73,100	78,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,690	High range $1,980
Field Office: Manchester, N.H.			
Portland, Maine:			
1-family dwelling	$57,100	$83,100	$108,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bangor, Maine:			
1-family dwelling	51,100	82,800	108,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta, Maine:			
1-family dwelling	51,000	83,100	109,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Manchester:			
1-family dwelling	49,500	83,700	113,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Keene:			
1-family dwelling	46,700	80,100	109,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portsmouth:			
1-family dwelling	52,900	85,700	114,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Burlington, Vt.			
1-family dwelling	49,900	80,300	102,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,250	High range $1,540
Field Office: Providence, R.I.			
Providence:			
1-family dwelling	$54,100	$68,300	$81,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $940	Medium range $1,090	High range $1,970
Field Office: Albany, N.Y.			
Albany-Troy:			
1-family dwelling	$43,700	$54,900	$84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Auburn:			
1-family dwelling	44,300	54,200	81,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Binghamton:			
1-family dwelling	43,300	54,500	87,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ithaca:			
1-family dwelling	43,300	55,500	91,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $940	Medium range $1,090	High range $1,970
Pittsburgh:			
1-family dwelling	43,300	54,500	86,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Schenectady:			
1-family dwelling	43,700	54,900	86,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Syracuse:			
1-family dwelling	45,000	56,600	89,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Utica-Rome:			
1-family dwelling	43,700	54,900	86,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	43,000	52,500	85,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,040	High range $1,140
Field Office: Buffalo, NY			
Buffalo:			
1-family dwelling	$51,000	$63,500	$75,400
2-family dwelling	76,100	93,300	110,600
3-family dwelling			
4-family dwelling			
Rochester:			
1-family dwelling	51,500	64,200	76,200
2-family dwelling	77,100	94,200	111,500
3-family dwelling			
4-family dwelling			
Elmira:			
1-family dwelling	46,900	58,600	69,500
2-family dwelling	70,300	86,300	102,400
3-family dwelling			
4-family dwelling			
Jamestown:			
1-family dwelling	46,400	58,000	68,700
2-family dwelling	69,700	85,600	101,700
3-family dwelling			
4-family dwelling			

Market area	Low range $1,160	Medium range $1,320	High range $1,480
Field Office: Camden, N.J.			
Camden, Gloucester, and Burlington:			
1-family dwelling	$47,300	$66,100	$71,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Atlantic (Shore):			
1-family dwelling	51,200	65,900	64,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ocean County:			
1-family dwelling	49,200	64,300	70,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
B.S.S.C.:			
1-family dwelling	46,700	59,900	63,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mercer County:			
1-family dwelling	53,500	67,200	71,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,000	Medium range $1,475	High range $1,820
Field Office: Newark, N.J.			
Plainfield:			
1-family dwelling	$51,000	$64,500	$69,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Morristown:			
1-family dwelling	69,000	82,500	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Brunswick:			
1-family dwelling	58,400	71,900	76,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asbury Park:			
1-family dwelling	58,800	72,100	76,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Somerville:			
1-family dwelling	61,600	75,100	79,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,490	High range $2,440
Field Office: New York, N.Y.			
Nassau/Suffolk:			
1-family dwelling	$40,800	$72,500	$132,500
2-family dwelling	65,500	98,400	147,200
3-family dwelling	102,100	122,600	199,800
4-family dwelling	136,300	193,500	272,200
New York City:			
1-family dwelling	44,700	81,200	119,700
2-family dwelling	71,000	104,400	151,400
3-family dwelling	114,500	134,000	248,900
4-family dwelling	123,500	180,000	311,200
Rockland:			
1-family dwelling	48,100	73,600	120,800
2-family dwelling	65,200	100,800	143,000
3-family dwelling	99,900	121,100	194,200
4-family dwelling	119,600	188,100	275,100
Orange:			
1-family dwelling	41,600	70,600	122,500
2-family dwelling	64,300	100,100	147,400
3-family dwelling	105,200	112,300	188,700
4-family dwelling	121,400	177,500	257,000
Dutchess-Ulster-Sullivan:			
1-family dwelling	39,800	67,300	111,800
2-family dwelling	65,200	96,600	137,700
3-family dwelling	99,900	108,400	175,100
4-family dwelling	117,700	175,400	245,500

Market area	Low range $850	Medium range $1,030	High range $1,440
Field Office: San Juan, P.R.			
San Juan:			
1-family dwelling	$45,600	$55,000	$69,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ponce:			
1-family dwelling	41,700	54,500	65,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mayaguez:			
1-family dwelling	43,000	54,900	70,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,090	Medium range $1,660	High range $1,950
Field Office: Baltimore, Md.			
Baltimore:			
1-family dwelling	$70,600	$85,900	$96,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hagerstown:			
1-family dwelling		57,800	90,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Salisbury:			
1-family dwelling	55,200	62,800	75,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waldorf:			
1-family dwelling	56,700	83,600	104,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $980	Medium range $1,150	High range $2,600
Field Office: Charleston, W. Va.			
Charleston:			
1 family dwelling	$54,500	$93,300	$145,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Beckley, Princeton, Bluefield:			
1-family dwelling	51,900	88,500	137,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Martinsburg:			
1-family dwelling	53,300	91,200	141,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wheeling:			
1-family dwelling	56,000	96,100	149,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntington:			
1-family dwelling	51,000	86,700	134,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Parkersburg:			
1-family dwelling	50,100	85,500	133,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Upper Monongahela:			
1-family dwelling	50,700	86,300	134,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,220	Medium range $1,790	High range $2,200
Field Office: Philadelphia, Pa.			
Philadelphia:			
1-family dwelling	$41,500	$70,600	$130,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pottstown-Reading:			
1-family dwelling	53,200	62,400	77,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Allentown-Bethlehem-Easton:			
1-family dwelling	66,200	78,200	107,500
2-family dwelling			

Market area	Low range $1,220	Medium range $1,790	High range $2,200
3-family dwelling			
4-family dwelling			
Lancaster-York:			
1-family dwelling	54,300	61,500	83,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Harrisburg:			
1-family dwelling	66,200	78,200	95,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilkes-Barre-Scranton:			
1-family dwelling	53,800	65,700	77,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bellefonte:			
1-family dwelling	53,800	65,700	83,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tioga:			
1-family dwelling	53,200	59,600	81,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington—State of Delaware:			
1-family dwelling	57,600	72,200	89,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,440	High range $2,210
Field Office: Pittsburgh, Pa.			
Pittsburgh:			
1-family dwelling	$55,600	$82,700	$103,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Erie:			
1-family dwelling	54,700	81,800	102,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Altoona:			
1-family dwelling	52,800	78,400	99,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Johnstown:			
1-family dwelling	53,700	80,000	100,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,090	Medium range $2,110	High range $2,240
Field office: Richmond, Va.			
Richmond			
1-family dwelling	$57,500	$72,400	$106,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Petersburg:			
1-family dwelling	51,300	67,400	100,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lynchburg:			
1-family dwelling	45,300	60,000	90,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Roanoke:			
1-family dwelling	45,100	67,200	94,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Danville:			
1-family dwelling	44,600	57,900	88,400

Market area	Low range $1,090	Medium range $2,110	High range $2,240
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fredericksburg:			
1-family dwelling	52,900	68,100	101,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlottesville:			
1-family dwelling	53,000	66,300	102,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Newport News-Hampton:			
1-family dwelling	56,800	71,500	103,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfork-Virginia Beach:			
1-family dwelling	67,200	81,100	116,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portmouth-Chesapeake:			
1-family dwelling	60,300	76,000	108,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Winchester:			
1-family dwelling	54,300	69,600	101,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,370	High range $2,480
Field Office: Washington, D.C.			
Washington Metropolitan Area:			
1-family dwelling	$112,300	$151,100	$205,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $980	Medium range $1,420	High range $2,130
Field Office: Atlanta, Ga.			
Atlanta:			
1-family dwelling	$43,200	$68,100	$97,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Athens:			
1-family dwelling	38,900	59,600	83,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Albany:			
1-family dwelling	39,200	61,100	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta:			
1-family dwelling	38,700	59,600	84,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Columbus:			
1-family dwelling	40,200	61,100	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rome:			
1-family dwelling	39,900	62,000	90,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Savannah:			
1-family dwelling	41,900	65,300	92,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,420	High range $2,130
Macon:			
1-family dwelling	39,200	61,100	87,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,620	High range $2,420
Field Office: Birmingham, Al.			
Birmingham:			
1-family dwelling	$49,800	$75,100	$96,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Florence:			
1-family dwelling	47,500	68,400	86,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntsville:			
1-family dwelling	48,500	70,500	91,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gansden:			
1-family dwelling	45,400	69,400	88,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Anniston:			
1-family dwelling	45,400	68,700	86,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tuscaloosa:			
1-family dwelling	46,900	67,700	84,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Montgomery:			
1-family dwelling	48,300	67,500	89,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dothan:			
1-family dwelling	42,900	65,700	89,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mobile:			
1-family dwelling	49,100	71,000	92,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,070	Medium range $1,360	High range $1,510
Field Office: Columbia, S.C.			
Rock Hill-Aiken:			
1-family dwelling	$44,500	$54,700	$80,800
2-family dwelling	63,100	80,500	
3-family dwelling			
4-family dwelling			
Columbia-Orangeburg-Florence:			
1-family dwelling	44,400	55,500	83,900
2-family dwelling	62,700	81,000	
3-family dwelling			
4-family dwelling			
Charleston-Myrtle Beach:			
1-family dwelling	47,300	59,400	68,000
2-family dwelling	66,500	86,100	
3-family dwelling			
4-family dwelling			
Greenville:			
1-family dwelling	45,400	57,000	64,500
2-family dwelling	64,200	83,100	
3-family dwelling			
4-family dwelling			

Market area	Low range $950	Medium range $1,250	High range $1,970
Field Office: Coral Gables, Fla.			
Miami:			
1-family dwelling	$62,900	$74,700	$117,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ft. Lauderdale:			
1-family dwelling	56,300	71,800	107,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
West Palm Beach:			
1-family dwelling	49,900	72,100	105,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lee:			
1-family dwelling	46,100	61,700	95,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Monroe:			
1-family dwelling	46,600	69,200	107,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,000	Medium range $1,300	High range $1,880
Field Office: Greensboro, N.C.			
Greensboro:			
1-family dwelling	$42,400	$54,700	$73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asheville:			
1-family dwelling	46,500	57,400	76,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlotte:			
1-family dwelling	44,200	56,300	75,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Elizabeth City:			
1-family dwelling	39,700	47,600	58,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greensville:			
1-family dwelling	40,000	51,000	63,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Raleigh:			
1-family dwelling	44,400	54,700	74,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington:			
1-family dwelling	42,400	54,700	73,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,170	Medium range $1,860	High range $2,560
Field Office: Jackson, Miss.			
Biloxi-Gulfport:			
1-family dwelling	$44,900	$71,400	$101,600
2-family dwelling	70,100		
3-family dwelling			
4-family dwelling	113,350		
Columbus:			
1-family dwelling	44,900	72,700	103,600
2-family dwelling	71,900		
3-family dwelling			
4-family dwelling	115,800		
Greenville:			
1-family dwelling	42,000	70,200	109,000
2-family dwelling	68,400		
3-family dwelling			
4-family dwelling	110,200		
Hattiesburg:			
1-family dwelling	44,900	71,600	102,500
2-family dwelling	71,400		
3-family dwelling			
4-family dwelling	116,300		
Jackson:			
1-family dwelling	45,400	72,500	107,000
2-family dwelling	76,300		
3-family dwelling			
4-family dwelling	115,500		
Laurel:			
1-family dwelling	44,500	73,700	100,100
2-family dwelling	72,900		
3-family dwelling			
4-family dwelling	115,300		
Meridian:			
1-family dwelling	42,700	70,100	96,900
2-family dwelling	69,300		
3-family dwelling			
4-family dwelling	111,600		
Natchez:			
1-family dwelling	41,400	69,400	96,800
2-family dwelling	67,600		
3-family dwelling			
4-family dwelling	109,500		
Vicksburg:			
1-family dwelling	43,700	72,400	98,200
2-family dwelling	71,100		
3-family dwelling			
4-family dwelling	114,500		
Southhaven:			
1-family dwelling	47,200	75,700	106,600
2-family dwelling	74,900		
3-family dwelling			
4-family dwelling	120,900		

Market area	Low range $1,090	Medium range $1,350	High range $1,820
Field Office: Jacksonville, Fla.			
Jacksonville:			
1-family dwelling	$43,200	$54,400	$67,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gainesville:			
1-family dwelling	42,000	49,300	62,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tallahassee:			
1-family dwelling	42,000	51,000	60,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Panama City:			
1-family dwelling	42,200	49,100	63,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pensacola:			
1-family dwelling	43,500	47,200	62,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $980	Medium range $1,030	High range $1,300
Field Office: Knoxville, Tenn.			
Knoxville:			
1-family dwelling	$43,000	$50,000	$59,500
2-family dwelling		60,500	76,000
3-family dwelling			
4-family dwelling	120,000	128,500	
Chattanooga:			
1-family dwelling	42,000	49,000	58,500
2-family dwelling		59,500	75,000
3-family dwelling			
4-family dwelling	117,500	125,000	
Kingsport:			
1-family dwelling	42,000	48,500	57,500
2-family dwelling		58,500	74,000
3-family dwelling			
4-family dwelling	115,000	123,500	
Johnson City:			
1-family dwelling	42,500	49,000	58,000
2-family dwelling		59,000	74,500
3-family dwelling			
4-family dwelling	116,000	124,500	

Market area	Low range $930	Medium range $1,630	High range $1,930
Field Office: Louisville, Ky.			
Louisville:			
1-family dwelling	$47,400	$61,600	$73,000
2-family dwelling	49,000	124,900	
3-family dwelling			
4-family dwelling	128,600	163,500	
Owensboro:			
1-family dwelling	46,000	60,100	70,800
2-family dwelling	57,100	118,300	
3-family dwelling			
4-family dwelling	126,300	159,500	
Ashland:			
1-family dwelling	48,100	62,000	74,200
2-family dwelling	124,000	61,000	
3-family dwelling			
4-family dwelling	130,700	165,800	
Covington:			
1-family dwelling	48,400	63,000	74,800
2-family dwelling	61,500	125,600	
3-family dwelling			
4-family dwelling	131,800	167,200	
Paducah:			
1-family dwelling	45,200	58,500	69,600
2-family dwelling	57,600	123,300	
3-family dwelling			
4-family dwelling	124,700	157,500	

Market area	Low range $1,020	Medium range $2,020	High range $3,050
Field Office: Memphis, Tenn.			
Memphis:			
1-family dwelling	$45,200	$72,200	$93,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	45,000	71,900	92,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,300	High range $1,800
Field Office: Nashville, Tenn.			
Nashville:			
1-family dwelling	$41,000	$66,500	$78,900
2-family dwelling	53,000	76,800	
3-family dwelling			
4-family dwelling			

Market area	Low range $1,050	Medium range $1,200	High range $1,760
Field Office: Orlando, Fla.			
Orange-Seminole/Osceola:			
1-family dwelling	$42,400	$52,000	$73,500
2-family dwelling		71,700	
3-family dwelling			
4-family dwelling			
Brevard:			
1-family dwelling	42,700	51,700	74,100
2-family dwelling		71,200	
3-family dwelling			

Market area	Low range $1,050	Medium range $1,200	High range $1,760
4-family dwelling			
Volusia:			
1-family dwelling	43,500	51,000	72,500
2-family dwelling		70,100	
3-family dwelling			
4-family dwelling			

Market area	Low range $1,010	Medium range $1,320	High range $1,690
Field Office: Tampa, Fla.			
Tampa:			
1-family dwelling	$40,900	$61,500	$92,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lakeland:			
1-family dwelling	35,100	54,300	95,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bradenton-Sarasota:			
1-family dwelling	41,700	57,700	89,300
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,130	Medium range $1,500	High range $2,000
Field Office: Chicago, Ill.			
Chicago:			
1-family dwelling	$49,600	$98,800	$137,400
2-family dwelling	92,400	116,600	143,000
3-family dwelling			
4-family dwelling			
Rockford:			
1-family dwelling	46,600	85,600	119,300
2-family dwelling	81,300	101,400	124,300
3-family dwelling			
4-family dwelling			
Rock Island:			
1-family dwelling	47,800	87,800	122,300
2-family dwelling	85,000	103,800	127,300
3-family dwelling			
4-family dwelling			
Sterling:			
1-family dwelling	45,800	85,100	118,800
2-family dwelling	81,300	100,300	123,000
3-family dwelling			
4-family dwelling			

Market area	Low range $1,120	Medium range $1,220	High range $2,020
Field Office: Cincinnati, Ohio			
Cincinnati:			
1-family dwelling	$53,300	$64,800	$96,100
2-family dwelling	96,200		
3-family dwelling			
4-family dwelling	150,500	175,800	
Dayton:			
1-family dwelling	50,400	62,100	94,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,320	High range $1,790
Field Office: Cleveland Ohio			
Cleveland:			
1-family dwelling	$60,100	$90,500	$140,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,320	High range $1,790
Akron:			
1-family dwelling	57,400	97,100	133,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Toledo:			
1-family dwelling	59,100	89,300	139,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Youngstown:			
1-family dwelling	56,100	84,900	132,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Findlay:			
1-family dwelling	55,600	78,100	139,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $940	Medium range $1,680	High range $2,210
Field Office: Columbus, Ohio			
Columbus			
1-family dwelling	$46,800	$72,800	$110,400
2-family dwelling	83,200	105,200	
3-family dwelling			
4-family dwelling			175,200
Athens:			
1-family dwelling	41,100	73,900	107,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lima:			
1-family dwelling	46,200	82,600	106,100
2-family dwelling		600D112,000	
3-family dwelling			
4-family dwelling			
Zanesville:			
1-family dwelling	45,400	65,200	98,400
2-family dwelling			
3-family dwelling		117,700	
4-family dwelling			
Newark:			
1-family dwelling	50,700	71,900	94,600
2-family dwelling	76,100	96,300	
3-family dwelling		123,200	
4-family dwelling			141,500
Springfield:			
1-family dwelling	46,500	76,000	106,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Troy:			
1-family dwelling	40,800	76,100	105,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,600	High range $2,300
Field Office: Detroit, Mich.			
Detroit:			
1-family dwelling	52,700	66,900	96,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,000	Medium range $1,220	High range $1,530
Field Office: Flint, Mich.			
Flint:			
1-family dwelling	$38,000	$58,000	$90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,000	Medium range $1,220	High range $1,530
Saginaw:			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bay City:			
1-family dwelling	43,000	55,000	80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland:			
1-family dwelling	50,000	68,000	90,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,200	High range $1,720
Field Office: Grand Rapids, Mich.			
Grand Rapids:			
1-family dwelling	$51,500	$79,700	$136,100
2-family dwelling	97,800	146,100	182,800
3-family dwelling			
4-family dwelling			
Benton Harbor:			
1-family dwelling	49,800	79,000	142,900
2-family dwelling	108,700	154,000	193,000
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	53,400	83,600	142,100
2-family dwelling	102,200	152,600	192,600
3-family dwelling			
4-family dwelling			
Lansing:			
1-family dwelling	55,800	81,300	142,700
2-family dwelling	104,300	153,800	191,800
3-family dwelling			
4-family dwelling			
Battle Creek:			
1-family dwelling	55,200	88,000	140,800
2-family dwelling	101,800	152,500	191,400
3-family dwelling			
4-family dwelling			
Muskegon:			
1-family dwelling	51,300	76,900	133,200
2-family dwelling	96,900	143,400	180,800
3-family dwelling			
4-family dwelling			
Traverse City:			
1-family dwelling	50,300	76,200	131,500
2-family dwelling	95,000	146,600	177,600
3-family dwelling			
4-family dwelling			
Mt. Pleasant:			
1-family dwelling	54,700	82,000	138,700
2-family dwelling	102,000	150,700	189,300
3-family dwelling			
4-family dwelling			
Marquette:			
1-family dwelling	51,200	77,500	133,800
2-family dwelling	94,600	142,000	179,800
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,120	High range $2,100
Field Office: Indianapolis, Ind.			
Indianapolis:			
1-family dwelling	$46,600	$62,500	$91,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Wayne:			
1-family dwelling	46,600	62,500	91,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Terre Haute:			
1-family dwelling	49,700	67,700	98,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,050	Medium range $1,120	High range $2,100
Gary:			
1-family dwelling	61,500	66,600	99,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,200	Medium range $1,650	High range $2,030
Field Office: Milwaukee, Wis.			
Milwaukee:			
1-family dwelling	$69,900	$108,100	$165,400
2-family dwelling	118,400	151,800	216,800
3-family dwelling	174,700	225,600	320,600
4-family dwelling	233,300	304,000	432,400
Madison:			
1-family dwelling	64,400	99,900	153,800
2-family dwelling	108,800	140,700	201,700
3-family dwelling	159,700	206,300	297,100
4-family dwelling	214,100	278,700	399,300
Green Bay:			
1-family dwelling	55,800	91,300	143,800
2-family dwelling	98,900	129,900	189,700
3-family dwelling	150,500	196,700	283,000
4-family dwelling	201,600	263,300	378,400
Eau Claire:			
1-family dwelling	52,700	87,000	136,300
2-family dwelling	95,600	126,100	185,300
3-family dwelling	143,400	189,200	274,900
4-family dwelling	192,100	255,400	272,700
Superior:			
1-family dwelling	53,500	89,800	142,500
2-family dwelling	99,500	131,900	194,600
3-family dwelling	149,400	198,000	288,600
4-family dwelling	199,600	265,600	388,700

Market area	Low range $1,090	Medium range $1,260	High range $2,010
Field Office: Minneapolis, Minn.			
Duluth:			
1-family dwelling	$60,900	$81,500	$111,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hibbing:			
1-family dwelling	60,500	80,900	110,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mankato-Worthington:			
1-family dwelling	60,000	80,300	109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Minneapolis-St. Paul:			
1-family dwelling	63,200	84,300	114,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Moorhead:			
1-family dwelling	58,400	78,600	107,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rochester-Austin:			
1-family dwelling	60,000	80,300	109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Cloud:			
1-family dwelling	60,000	80,300	109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,130	Medium range $1,350	High range $2,020
Field Office: Springfield, Ill.			
Springfield-Peoria-Pekin:			
1-family dwelling	$60,200	$71,600	$82,800
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700
Bloomington-Normal:			
1-family dwelling	60,200	71,600	82,600
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700
Champaign-Urbana:			
1-family dwelling	60,200	71,600	82,600
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700
Belleville-Alton:			
1-family dwelling	60,200	71,600	82,600
2-family dwelling	69,000	72,900	83,200
3-family dwelling	95,500	102,800	116,600
4-family dwelling	109,700	133,800	141,700

Market area	Low range $1,160	Medium range $1,680	High range $2,000
Field Office: Albuquerque, N. Mex.			
Albuquerque:			
1-family dwelling	$55,900	$79,900	$109,900
2-family dwelling			
3-family dwelling		109,200	
4-family dwelling		130,200	
Santa Fe:			
1-family dwelling	57,500	83,500	114,600
2-family dwelling			
3-family dwelling		116,400	
4-family dwelling		137,800	
Clovis:			
1-family dwelling	42,500	61,300	81,000
2-family dwelling			
3-family dwelling		90,100	
4-family dwelling		106,200	
Hobbs:			
1-family dwelling	46,600	67,100	87,900
2-family dwelling			
3-family dwelling		102,300	
4-family dwelling		120,100	
Las Cruces:			
1-family dwelling	49,200	69,900	92,500
2-family dwelling			
3-family dwelling		102,800	
4-family dwelling		121,100	

Market area	Low range $1,090	Medium range $1,600	High range $2,390
Field Office: Dallas, Tex.			
Dallas:			
1-family dwelling	$48,000	$78,000	$138,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waco:			
1-family dwelling	44,000	67,000	130,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tyler:			
1-family dwelling	43,000	62,600	127,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,400	Medium range $1,600	High range $2,200
Field Office: Fort Worth, Tex.			
Fort Worth:			
1-family dwelling	$62,300	$69,700	$89,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita Falls:			
1-family dwelling	60,400	68,900	87,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Abilene:			
1-family dwelling	49,500	67,400	86,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Brownwood:			
1-family dwelling	46,400	56,800	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Angelo:			
1-family dwelling	46,400	64,300	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,100	Medium range $1,620	High range $2,150
Field Office: Houston, Tex.			
Houston:			
1-family dwelling	$55,600	$75,200	$96,400
2-family dwelling	94,400	113,000	122,300
3-family dwelling			
4-family dwelling			
Beaumont-Port Arthur:			
1-family dwelling	53,600	73,100	94,100
2-family dwelling	91,500	130,400	119,000
3-family dwelling			
4-family dwelling			
Texas City-Galveston:			
1-family dwelling	55,100	74,900	96,300
2-family dwelling	93,800	106,400	122,000
3-family dwelling			
4-family dwelling			

Market area	Low range $1,200	Medium range $1,260	High range $2,420
Field Office: Little Rock, Ark.			
Little Rock:			
1-family dwelling	$41,600	$49,900	$86,600
2-family dwelling		65,100	94,200
3-family dwelling			
4-family dwelling	107,000	117,900	138,800
Texarkana:			
1-family dwelling	42,300	49,200	82,300
2-family dwelling		83,900	91,600
3-family dwelling			
4-family dwelling	106,800	118,300	138,000
Jonesboro:			
1-family dwelling	40,200	48,500	82,300
2-family dwelling		60,800	90,300
3-family dwelling			
4-family dwelling	103,000	113,300	134,500
Fort Smith:			
1-family dwelling	41,300	49,700	86,500
2-family dwelling		83,400	94,700
3-family dwelling			
4-family dwelling	106,200	118,300	138,000
Fayetteville:			
1-family dwelling	41,300	49,700	86,500
2-family dwelling		82,400	93,100
3-family dwelling			
4-family dwelling	105,700	116,700	138,000

Market area	Low range $1,040	Medium range $1,390	High range $1,700
Field Office: Lubbock, Tex.			
Amarillo:			
1-family dwelling	$40,600	$62,800	$85,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,040	Medium range $1,390	High range $1,700
4-family dwelling			
El Paso:			
1-family dwelling	40,500	62,000	83,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lubbock:			
1-family dwelling	39,500	60,500	83,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland-Odessa:			
1-family dwelling	39,500	61,300	84,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $980	Medium range $1,470	High range $2,260
Field Office: New Orleans, La.			
New Orleans:			
1-family dwelling	$46,500	$68,900	$115,900
2-family dwelling	81,200	114,200	
3-family dwelling	124,000	152,100	
4-family dwelling	142,600	185,300	
Baton Rouge:			
1-family dwelling	38,900	71,000	120,500
2-family dwelling	65,000	102,400	
3-family dwelling	101,700	135,200	
4-family dwelling	121,100	170,300	
Houma:			
1-family dwelling	42,400	63,800	106,500
2-family dwelling	70,000	102,300	
3-family dwelling	106,700	134,300	
4-family dwelling	126,600	161,700	
Lafayette:			
1-family dwelling	42,800	68,200	118,900
2-family dwelling	61,800	96,300	
3-family dwelling	102,700	133,800	
4-family dwelling	126,900	163,500	
Lake Charles:			
1-family dwelling	39,500	59,700	104,800
2-family dwelling	58,800	95,000	
3-family dwelling	100,500	128,400	
4-family dwelling	120,500	157,200	

Market area	Low range $1,080	Medium range $1,420	High range $1,730
Field Office: Oklahoma City, Okla.			
Oklahoma City:			
1-family dwelling	$49,500	$65,100	$72,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Enid:			
1-family dwelling	47,400	63,000	69,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lawton:			
1-family dwelling	46,800	60,500	67,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Woodward:			
1-family dwelling	48,200	63,000	69,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ardmore:			
1-family dwelling	47,000	61,100	68,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,310	High range $1,900
Field Office: San Antonio, Tex.			
San Antonio:			
1-family dwelling	$39,500	$57,000	$78,000
2-family dwelling	59,000	65,000	84,000
3-family dwelling			
4-family dwelling			
Austin:			
1-family dwelling	40,000	57,800	78,500
2-family dwelling	60,000	65,900	86,500
3-family dwelling			
4-family dwelling			
Corpus Christi:			
1-family dwelling	41,000	58,000	79,500
2-family dwelling	59,000	65,000	84,900
3-family dwelling			
4-family dwelling			
Rio Grande Valley:			
1-family dwelling	37,500	55,600	74,500
2-family dwelling	57,000	63,000	80,000
3-family dwelling			
4-family dwelling			

Market area	Low range $1,090	Medium range $1,650	High range $2,280
Field Office: Shreveport, La.			
Shreveport:			
1-family dwelling	$53,700	$79,400	$105,400
2-family dwelling			113,600
3-family dwelling			
4-family dwelling			139,100
Monroe:			
1-family dwelling	49,000	73,300	94,900
2-family dwelling			103,000
3-family dwelling			
4-family dwelling			126,400
Alexandria:			
1-family dwelling	51,400	75,900	99,800
2-family dwelling			108,000
3-family dwelling			
4-family dwelling			131,100
Marshall, Tex.:			
1-family dwelling	46,600	73,400	99,600
2-family dwelling			108,200
3-family dwelling			
4-family dwelling			134,200

Market area	Low range $1,220	Medium range $1,530	High range $1,920
Field Office: Tulsa, Okla.			
Tulsa:			
1-family dwelling	$58,700	$75,200	$94,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bartlesville:			
1-family dwelling	55,400	73,600	92,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
McAlester:			
1-family dwelling	51,700	69,000	86,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Muskogee:			
1-family dwelling	52,900	68,800	85,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $860	Medium range $960	High range 1,400
Field Office: Des Moines, Iowa			
Cedar Rapids:			
1-family dwelling	$44,700	$65,700	$108,200
2-family dwelling	77,300	117,500	
3-family dwelling			
4-family dwelling	100,200	142,400	
Council Bluffs:			
1-family dwelling	44,000	64,900	106,700
2-family dwelling	76,200	115,800	
3-family dwelling			
4-family dwelling	107,900	143,600	
Davenport:			
1-family dwelling	45,900	67,400	111,100
2-family dwelling	79,400	120,800	
3-family dwelling			
4-family dwelling	111,200	148,100	
Des Moines:			
1-family dwelling	44,000	64,900	106,700
2-family dwelling	76,200	115,800	
3-family dwelling			
4-family dwelling	105,500	140,100	
Sioux City:			
1-family dwelling	43,700	64,400	106,000
2-family dwelling	75,700	115,000	
3-family dwelling			
4-family dwelling	106,300	141,300	

Market area	Low range $1,060	Medium range $1,700	High range $2,150
Field Office: Kansas City, Mo.			
Kansas City:			
1-family dwelling	$56,700	$98,700	$140,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Joplin:			
1-family dwelling	57,500	75,400	124,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sedalia:			
1-family dwelling	49,400	75,700	127,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Springfield:			
1-family dwelling	57,000	75,500	115,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Joseph:			
1-family dwelling	56,100	69,200	140,100
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $800	Medium range $1,050	High range $1,150
Field Office: Omaha, Nebr.			
Omaha:			
1-family dwelling	$48,000	$54,900	$58,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lincoln:			
1-family dwelling	47,200	53,700	57,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk:			
1-family dwelling	45,800	52,300	55,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Island:			
1-family dwelling	45,800	52,300	55,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
North Platte-Scottsbluff:			
1-family dwelling	45,400	51,900	55,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,050	Medium range $1,800	High range $2,360
Field Office: St. Louis, Mo.			
St Louis:			
1-family dwelling	$47,200	$61,500	$101,400
2-family dwelling		77,800	111,000
3-family dwelling			
4-family dwelling			
Kirksville:			
1-family dwelling	42,900	57,300	95,200
2-family dwelling		73,500	102,500
3-family dwelling			
4-family dwelling			
Columbia:			
1-family dwelling	44,000	57,300	97,200
2-family dwelling		74,600	106,000
3-family dwelling			
4-family dwelling			
Rolla:			
1-family dwelling	44,200	57,800	95,900
2-family dwelling		73,800	104,500
3-family dwelling			
4-family dwelling			
Cape Girardeau:			
1-family dwelling	43,400	57,800	95,500
2-family dwelling		73,300	104,300
3-family dwelling			
4-family dwelling			

Market area	Low range $1,060	Medium range $1,700	High range $2,150
Field Office: Topeka, Kans.			
Topeka:			
1-family dwelling	$56,600	$92,600	$122,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pittsburg:			
1-family dwelling	57,400	90,500	119,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita:			
1-family dwelling	56,400	90,500	118,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Garden City:			
1-family dwelling	55,900	89,500	118,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,930	High range $1,700
Field Office: Casper, Wyo.			
Casper:			
1-family dwelling	$53,400	$83,600	$114,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cheyenne:			
1-family dwelling	48,100	77,300	104,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cody-Powell:			
1-family dwelling	49,900	77,800	98,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	64,700	105,500	140,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Laramie:			
1-family dwelling	48,200	75,400	104,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gillette:			
1-family dwelling	55,300	78,700	107,800

Market area	Low range $900	Medium range $1,990	High range $1,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Riverton:			
1-family dwelling	53,400	81,200	108,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rock Springs:			
1-family dwelling	55,200	86,300	115,500
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $1,610	High range $2,110
Field Office: Denver, Colo.			
Denver:			
1-family dwelling	$42,000	$84,900	$129,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Colorado Springs:			
1-family dwelling	38,400	77,900	119,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pueblo:			
1-family dwelling	35,900	74,400	115,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Durango-Cortez:			
1-family dwelling	42,700	86,300	137,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Junction:			
1-family dwelling	41,400	83,000	131,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greeley:			
1-family dwelling	40,600	85,600	129,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Collins:			
1-family dwelling	46,000	85,600	129,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Aspen-Carbondale:			
1-family dwelling	57,000	105,100	153,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rangely:			
1-family dwelling	40,900	81,000	122,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Colorado City:			
1-family dwelling	36,400	74,600	115,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Leadville:			
1-family dwelling	37,300	79,900	127,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Georgetown:			
1-family dwelling	53,600	96,700	141,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $960	Medium range $970	High range $1,330
Field Office: Fargo, N.D.			
Fargo:			
1-family dwelling	$61,200	$81,800	$109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bismarck:			
1-family dwelling	$60,700	$82,300	109,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dickinson:			
1-family dwelling	$62,400	$82,700	$106,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Forks:			
1-family dwelling	$60,900	$82,000	$105,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Minot:			
1-family dwelling	$59,500	$79,300	$104,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $860	Medium range $1,330	High range $1,600
Field Office: Helena, Mont.			
Missoula:			
1-family dwelling	$49,600	$79,500	$113,000
2-family dwelling			
3-family dwelling			
4-family dwelling	89,500	119,700	
Billings:			
1-family dwelling	49,700	79,300	112,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lewiston:			
1-family dwelling	49,800	79,100	107,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Helena:			
1-family dwelling	50,900	81,200	112,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Great Falls:			
1-family dwelling	51,900	81,200	112,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Butte:			
1-family dwelling	49,800	80,100	111,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bozeman:			
1-family dwelling	51,300	83,800	118,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $890	Medium range $1,110	High range $1,640
Field Office: Salt Lake City, Utah			
Salt Lake City:			
1-family dwelling	$52,000	$61,800	$108,500
2-family dwelling			
3-family dwelling			
4-family dwelling		142,700	
Cedar City:			
1-family dwelling	47,100	59,700	100,000
2-family dwelling			
3-family dwelling			
4-family dwelling		126,200	
Provo-Orem:			
1-family dwelling	51,800	60,100	108,300
2-family dwelling			
3-family dwelling			
4-family dwelling		143,300	

Market area	Low range $900	Medium range $1,450	High range $1,700
Field Office: Sioux Falls, S. Dak.			
Sioux Falls:			
1-family dwelling	$47,000	$76,000	$114,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Aberdeen:			
1-family dwelling	45,500	70,900	111,700
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rapid City:			
1-family dwelling	47,500	77,100	116,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mitchell:			
1-family dwelling	44,700	72,300	110,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pierre:			
1-family dwelling	47,100	77,100	116,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown:			
1-family dwelling	45,200	73,000	111,400
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,150	Medium range $1,580	High range $2,000
Field Office: Fresno, Calif.			
Fresno:			
1-family dwelling	$54,750	$79,750	$138,000
2-family dwelling	82,500	123,750	190,500
3-family dwelling			
4-family dwelling			
Modesto:			
1-family dwelling	51,250	77,750	134,500
2-family dwelling	81,000	121,250	186,750
3-family dwelling			
4-family dwelling			
Visalia:			
1-family dwelling	50,500	74,500	129,000
2-family dwelling	79,000	119,250	181,750
3-family dwelling			
4-family dwelling			
Bakersfield:			
1-family dwelling	53,500	78,500	135,500
2-family dwelling	82,250	124,000	189,000
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,400	High range $1,800
Field Office: Honolulu, Hawaii			
Honolulu:			
1-family dwelling	$100,000	$170,000	$240,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Maui:			
1-family dwelling	99,000	150,000	200,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hawaii:			
1-family dwelling	82,000	116,000	150,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Kauai:			
1-family dwelling	87,000	116,000	150,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Guam:			
1-family dwelling	57,000	100,000	125,000

Market area	Low range $900	Medium range $1,400	High range $1,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $900	Medium range $1,390	High range $2,200
Field Office: Las Vegas, Nev.			
Las Vegas:			
1-family dwelling	$51,400	$79,800	$105,900
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,280	Medium range $1,230	High range $2,760
Field Office: Los Angeles, Calif.			
Los Angeles:			
1-family dwelling	$64,800	$104,300	$193,600
2-family dwelling	100,600		
3-family dwelling			
4-family dwelling	170,600	210,000	
Lancaster-Palmdale:			
1-family dwelling	65,700	95,400	164,500
2-family dwelling	101,700		
3-family dwelling			
4-family dwelling	170,000	208,500	
Ventura-Oxnard:			
1-family dwelling	70,500	97,100	169,400
2-family dwelling	111,600		
3-family dwelling			
4-family dwelling	185,100	225,600	
Santa Barbara-Ojai-Piru:			
1-family dwelling	99,000	142,300	223,400
2-family dwelling	162,600		
3-family dwelling			
4-family dwelling	235,000	277,600	
San Luis Obispo-Santa Maria-Paso Robles:			
1-family dwelling	61,800	89,100	173,700
2-family dwelling	114,300		
3-family dwelling			
4-family dwelling	184,900	226,700	

Market area	Low range $840	Medium range $1,240	High range $2,370
Field Office: Phoenix, Ariz.			
Phoenix:			
1-family dwelling	$35,800	$68,300	$134,600
2-family dwelling	64,300	96,400	122,700
3-family dwelling	89,300	112,800	
4-family dwelling	106,700	141,700	184,000
Flagstaff:			
1-family dwelling	37,500	68,600	136,300
2-family dwelling	62,700	97,900	126,800
3-family dwelling	87,700	112,200	
4-family dwelling	106,800	141,100	187,000
Prescott:			
1-family dwelling	37,500	66,100	130,300
2-family dwelling	65,200	97,700	121,800
3-family dwelling	88,400	115,000	
4-family dwelling	114,700	148,200	193,500
Yuma:			
1-family dwelling	33,800	62,200	121,100
2-family dwelling	60,300	91,100	111,100
3-family dwelling	82,700	105,100	
4-family dwelling	101,600	133,200	174,500

Market area	Low range $1,160	Medium range $1,360	High range $2,190
Field Office: Reno, Nev.			
Reno-Sparks:			
1-family dwelling	$66,500	$94,500	$131,000

Market area	Low range $840	Medium range $1,190	High range $1,810
Field Office: Sacramento, Calif.			
Sacramento:			
1-family dwelling	$52,700	$71,400	$103,200
2-family dwelling		91,700	109,100
3-family dwelling			
4-family dwelling		182,700	
Placerville:			
1-family dwelling	59,100	67,500	106,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Chico:			
1-family dwelling	48,600	59,800	108,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Yreka:			
1-family dwelling	52,000	68,000	
2-family dwelling	89,100		
3-family dwelling			
4-family dwelling			

Market area	Low range $940	Medium range $1,640	High range $2,640
Field Office: San Diego, Calif.			
San Diego:			
1-family dwelling	$66,700	$100,700	$135,900

Market area	Low range $1,260	Medium range $1,470	High range $2,090
Field Office: San Francisco, Calif.			
San Francisco:			
1-family dwelling	$101,300	$143,600	$236,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Jose:			
1-family dwelling	92,800	125,800	206,100
2-family dwelling		185,500	
3-family dwelling			
4-family dwelling			
San Rafael:			
1-family dwelling	117,200	143,700	221,800
2-family dwelling		220,200	
3-family dwelling			
4-family dwelling			
Salinas:			
1-family dwelling	78,800	97,200	164,700
2-family dwelling		143,700	
3-family dwelling			
4-family dwelling			

Market area	Low range $1,120	Medium range $1,710	High range $2,100
Field Office: Santa Ana, Calif.			
Santa Ana:			
1-family dwelling	$66,300	$116,500	$174,800
2-family dwelling		175,500	
3-family dwelling			
4-family dwelling			
Victorville:			
1-family dwelling	58,300	110,800	
2-family dwelling		142,500	
3-family dwelling			
4-family dwelling			
Indio:			
1-family dwelling	60,800	113,800	
2-family dwelling		145,800	
3-family dwelling			
4-family dwelling			
Blythe:			
1-family dwelling	57,300	109,500	
2-family dwelling		139,800	
3-family dwelling			
4-family dwelling			

Market area	Low range $1,120	Medium range $1,710	High range $2,190
Big Bear:			
1-family dwelling	64,300	120,500	
2-family dwelling		144,500	
3-family dwelling			
4-family dwelling			
Bishop:			
1-family dwelling	60,000	114,000	
2-family dwelling		145,000	
3-family dwelling			
4-family dwelling			

Market area	Low range $910	Medium range $1,280	High range $2,000
Field Office: Tucson, Ariz.			
Tucson:			
1-family dwelling	$42,500	$66,900	$101,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sierra Vista:			
1-family dwelling	41,200	60,800	85,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Nogales-Safford:			
1-family dwelling	40,200	59,700	82,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Douglas:			
1-family dwelling	39,700	58,100	81,300
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range $1,020	Medium range $1,450	High range $1,800
Field Office: Anchorage, Alaska			
Anchorage:			
1-family dwelling	$98,600	$132,300	$186,400
2-family dwelling	158,700	201,300	261,000
3-family dwelling	211,500	267,600	360,300
4-family dwelling	265,200	364,000	444,900
Fairbanks:			
1-family dwelling	$89,300	$125,600	$169,700
2-family dwelling	139,500	179,200	238,600
3-family dwelling	194,600	267,600	341,300
4-family dwelling	242,700	334,900	421,400
Juneau:			
1-family dwelling	$89,800	$124,000	$173,900
2-family dwelling	148,300	189,200	244,900
3-family dwelling	199,800	277,400	346,500
4-family dwelling	259,300	349,300	433,100

Market area	Low range $910	Medium range $1,220	High range $2,340
Field Office: Boise, Idaho			
Boise:			
1-family dwelling	$51,400	$61,600	$94,900
2-family dwelling	69,800		
3-family dwelling			
4-family dwelling		168,400	
Idaho Falls:			
1-family dwelling	49,500	57,500	91,200
2-family dwelling	66,600		
3-family dwelling			
4-family dwelling		160,600	
McCall:			
1-family dwelling	50,700		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pocatello:			
1-family dwelling	50,500	58,800	92,500
2-family dwelling	67,900		
3-family dwelling			
4-family dwelling		165,700	
Twin Falls:			
1-family dwelling	51,700	62,200	95,100
2-family dwelling	71,000		
3-family dwelling			
4-family dwelling		168,900	
Lewiston:			
1-family dwelling	50,100		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Coeur D'Alene:			
1-family dwelling	55,100	64,100	100,700
2-family dwelling	74,400		
3-family dwelling			
4-family dwelling		179,300	

Market area	Low range $1,160	Medium range $1,700	High range $2,180
Field Office: Portland, Oreg.			
Portland:			
1-family dwelling	$53,300	$62,300	$75,600
2-family dwelling	82,300	90,700	104,000
3-family dwelling	124,900	136,500	156,300
4-family dwelling	150,800	165,500	189,900
Bend-Cods Bay-Eugene:			
1-family dwelling	51,500	61,000	73,100
2-family dwelling	79,100	89,600	101,500
3-family dwelling	123,000	133,200	152,400
4-family dwelling	146,500	160,800	183,900
Medford:			
1-family dwelling	51,800	60,300	71,100
2-family dwelling	78,700	88,200	101,600
3-family dwelling	122,500	134,000	153,600
4-family dwelling	148,200	126,800	186,900

Market area	Low range $1,060	Medium range $1,130	High range $1,340
Field Office: Seattle, Wash.			
Seattle:			
1-family dwelling	$66,500	$74,700	$83,800
2-family dwelling	84,000	102,500	133,600
3-family dwelling		153,600	
4-family dwelling		211,800	
Bellingham:			
1-family dwelling	64,100	73,200	82,100
2-family dwelling	82,500	100,800	131,700
3-family dwelling		151,200	
4-family dwelling		209,600	
Olympia-Port Angeles:			
1-family dwelling	63,100	72,400	81,200
2-family dwelling	81,800	100,500	131,900
3-family dwelling		152,400	
4-family dwelling		211,200	
Aberdeen:			
1-family dwelling	61,300	70,500	79,100
2-family dwelling	79,800	98,300	128,500
3-family dwelling		149,100	
4-family dwelling		207,600	
Longview:			
1-family dwelling	61,500	70,600	79,300
2-family dwelling	79,800	98,200	128,500
3-family dwelling		148,700	
4-family dwelling		207,100	
Yakima:			
1-family dwelling	61,200	70,000	77,400
2-family dwelling	79,000	96,700	126,400
3-family dwelling		146,200	
4-family dwelling		203,300	

Market area	Low range $1,000	Medium range $1,000	High range $1,100
Field Office: Spokane, Wash.			
Spokane:			
1-family dwelling	$48,000	$58,800	$78,100
2-family dwelling	65,200	76,800	99,600
3-family dwelling			
4-family dwelling	104,600	120,300	141,800
Cheney:			
1-family dwelling	46,500	59,400	79,100
2-family dwelling	66,000	77,800	100,800
3-family dwelling			
4-family dwelling	106,000	121,900	143,700
Kennewick:			
1-family dwelling	47,400	68,100	91,300
2-family dwelling	71,800	87,000	113,600
3-family dwelling			
4-family dwelling	122,400	138,300	160,100
Pullman:			
1-family dwelling	46,000	61,300	84,500
2-family dwelling	63,800	77,900	103,800
3-family dwelling			
4-family dwelling	107,200	124,900	148,500

[FR Doc. 81-34801 Filed 12-3-81; 8:45 am]

BILLING CODE 4210-01-M

federal register

Friday
December 4, 1981

Part VI

Department of Justice

Bureau of Prisons

Control, Custody, Care, Treatment and Instruction of Inmates; Final and Proposed Regulations

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 503, 522, 527, 543, 551, and 571

Control, Custody, Care, Treatment and Instruction of Inmates; Final Rules

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rules.

SUMMARY: This document contains Bureau of Prisons rules relating to the control, custody, care, treatment, and instruction of inmates. Included are final and amended rules on (1) Admission and Orientation Program, (2) Transfer of Offenders to or from Foreign Countries, (3) Grooming, (4) Inmate Legal Activities, and (5) Release Gratuities. This document also updates the list of Bureau of Prisons institutions and staff training centers.

The rule on Admission and Orientation Program requires that newly committed inmates be offered an orientation to the institution. The rule on Transfer of Offenders to or from Foreign Countries establishes Bureau of Prisons procedures to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of any existing treaty with a foreign government. The amended rule on Grooming incorporates correctional standards on hair care services and personal hygiene. The amended rule on Inmate Legal Activities deletes reference to the now closed Federal Community Treatment Centers and Federal Detention Center, El Paso, Texas. The rule on Release Gratuities is amended to delete reference to the Federal Community Treatment Centers and to reflect the minimum amount of money the Immigration and Naturalization Service allows aliens to retain upon deportation. This document is intended to provide the public with notice of the rules in each of these areas, not just changes from prior policy.

EFFECTIVE DATES: The changes to Parts 503, 543, 551, and 571 concerning amendments to grooming regulations, inmate legal activities, release gratuities, and list of Bureau of Prisons institutions and staff training centers are effective on December 4, 1981; the amendments to Parts 522 and 527 on admission and orientation program and transfer of offenders to or from foreign countries are effective on January 4, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, N.W., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202-724-3062.

SUPPLEMENTARY INFORMATION: In this document the Bureau of Prisons is publishing its final rules on (1) Admission and Orientation Program and (2) Transfer of Offenders to or from Foreign Countries. These subjects were published in the **Federal Register** as proposed rules June 12, 1981 (at 46 FR 31210 et seq.). No public comment was received. On the basis of internal staff review of Bureau policies, some changes have been made.

This document also contains amendments to Bureau of Prisons final rules on Grooming, Inmate Legal Activities, and Release Gratuities. These subjects were published in the **Federal Register** as final rules June 29, 1979 (at 44 FR 38236 et seq.). The amended rule on Grooming places in writing the Bureau's expectation that inmate hair care services comply with applicable health and sanitation requirements, and that Wardens make available to inmates those articles necessary for maintaining personal hygiene. The amended rule on Inmate Legal Activities deletes reference to the now-defunct Federal Community Treatment Centers and the Federal Detention Center, El Paso, Texas. The amended rule on Release Gratuities deletes reference to Federal Community Treatment Centers and provides that aliens released to immigration authorities retain at least $10.00. As revised, this latter change is consistent with the policy of the Immigration and Naturalization Service in respect to deportation. Amendments to the list of Bureau of Prisons institutions and staff training centers, published in the **Federal Register** May 1, 1981 (at 46 FR 24898), reflect the closing of one institution and two staff training centers, as well as the opening of a new staff training center and redesignation of an existing institution.

The present amendments place no increased burden on either the inmate or the public. They are intended to either clarify the scope of the Bureau's present rules, to delete information that is no longer current, or to be consistent with the policies of a related federal agency. For these reasons, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

Members of the public may submit comments concerning these final and amended rules by writing the previously cited address. These comments will be considered but will receive no response in the **Federal Register.**

The Bureau of Prisons has determined that these rules are not major rules for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this set of rulemaking since the rules involve agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that these rules, for the purpose of the Regulatory Flexibility Act (PL 96-354), do not have a significant impact on a substantial number of small entities.

Summary of Changes

Part 503—Bureau of Prisons Central Office, Regional Offices, Institutions, and Staff Training Centers

1. *Section 503.6*—Section 503.6(d) is redesignated "USP, Lompoc, California 93438". Section 503.6(e) is deleted, as the Bureau of Prisons no longer has an institution at McNeil Island, Steilacoom, Washington. These revisions reflect Attorney General Order No. 954-81, published in the **Federal Register** September 14, 1981 (at 46 FR 45714). Based on the deletion of § 503.6(e), existing § 503.6(f)-(i) become new final § 503.6(e)-(h).

2. *Section 503.7*—The Bureau of Prisons has consolidated its training program. As a result, the staff training centers in Atlanta, Georgia and Dallas, Texas have been closed. In their stead, the Bureau of Prisons has established a new training program at the Federal Law Enforcement Training Center in Glynco, Georgia (this facility is used by over 40 federal agencies). This reorganization reflects the Bureau of Prisons' efforts to reduce costs while maintaining a quality training program. As a result of these revisions, § 503.7(a) is revised to read the Federal Law Enforcement Training Center, Glynco, Georgia. Present § 503.7(c) is deleted, with present § 503.7(d) becoming new final § 503.7(c).

Part 522—Subpart E—Admission and Orientation Program

1. *Section 522.41*—New § 522.41(c) requires staff involved in the A&O Program to notify the A&O staff coordinator of any new arrival who appears to be experiencing significant emotional stress. The staff coordinator, upon being notified, is expected to take appropriate action.

2. *Section 522.42*—For clarification, § 522.42(e) inserts the word "ordinarily". Revised § 522.42(g) requires staff documentation that the inmate has

received a copy of the institution's inmate handbook.

Part 527.43—Subpart E—Transfer of Offenders to or From Foreign Countries

1. *Section 527.43*—The identifying phrase "Criminal Division" is added to § 527.43(c). Reference to the Department of Justice is deleted from subsection (d) as the full organizational title is now included in final subsection (c). Section 527.43(g) is clarified to read prior to the inmate's transfer "from" rather than "to" the departure institution. In this same section, the authorization to conduct a verification hearing is expanded to include "or other appointed U.S. official". Section 527.43(h)(2) is clarified by substituting the phrase "required documentation" for "appropriate documentation" and by requiring that the judgment and commitment be a certified copy.

2. *Section 527.45*—Section 527.45(b) is expanded to reference 28 CFR 0.96b as the Bureau's authority to transport offenders.

Part 543—Subpart B—Inmate Legal Activities

1. *Section 543.10*—The last sentence of § 543.10 is deleted as both the Federal Detention Center at El Paso, Texas and the Federal Community Treatment Centers have been closed.

Part 551—Subpart A—Grooming

1. *Section 551.2*—The final rule states the Warden "shall", as opposed to "may", require a beard covering to be worn when an inmate is working in food service or in any other location where a beard could result in the likelihood of work injury. As amended, the rule recognizes safety and health concerns and is consistent with the existing requirements in § 551.4(b)

2. *Section 551.4*—New § 551.4(c) requires that each institution's inmate hair care services comply with applicable health and sanitation requirements.

3. *Section 551.6*—New § 551.6, Personal Hygiene, requires the Warden to make available to inmates those articles necessary for maintaining personal hygiene. As a result of new § 551.6, existing § 551.6, Bathing and Clothing, is redesignated § 551.7.

Part 571—Subpart B—Release Gratuities

1. *Section 571.21*—Based on the closing of the Federal Community Treatments Centers, § 571.21(c) is deleted, with § 571.21(d)–(f) becoming new final § 571.21(c)–(e). New § 571.21(e) is amended as the Immigration and Naturalization Service has notified the Bureau of Prisons that aliens being processed for removal are allowed to retain at least $10.00. The Bureau's existing rule specified at least $20 cash. For compatibility with INS policy, § 571.21(e) is amended to read $10.00.

Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR Chapter V is amended as set forth below:

In Subchapter A, Part 503 is amended;

In Subchapter B, Part 522, Subpart E and Part 527, Subpart E are added;

In Subchapter C, Part 543, Subpart B and Part 551, Subpart A are amended; and

In Subchapter D, Part 571, Subpart C is amended.

Dated: November 30, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

A. Subchapter A, Part 503 is amended as follows:

PART 503—BUREAU OF PRISONS CENTRAL OFFICE, REGIONAL OFFICES, INSTITUTIONS, AND STAFF TRAINING CENTERS

1. The authority citation for Part 503 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4003, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99; Attorney General Orders 646–76 (41 FR 14805), 842–79 (44 FR 44629), 854–79 (44 FR 58002), 860–79 (44 FR 64922), 904–80 (45 FR 52284), 938–81 (46 FR 22296), 954–81 (46 FR 45714).

2. In § 503.6, paragraph (d) is revised, paragraph (e) is removed, and paragraphs (f) through (i) are redesignated as new paragraphs (e) through (h) respectively, to read as follows:

§ 503.6 Bureau of Prisons Western Regional Office.

* * * * *

(d) USP, Lompoc, California 93438.

(e) FCI, Pleasanton, California 94568.

(f) FPC, Safford, Arizona 85546.

(g) MCC, San Diego, California 92101.

(h) FCI, Terminal Island, California 90731.

3. In § 503.7, paragraph (a) is revised, paragraph (c) is removed, and paragraph (d) is redesignated as new paragraph (c) to read as follows:

§ 503.7 Bureau of Prisons Staff Training Centers.

* * * * *

(a) Federal Law Enforcement Training Center, Building 67, Glynco, Georgia 31524.

* * * * *

(c) Food Service Training Center, c/o FCI, Oxford, Wisconsin 53952

PART 522—ADMISSION TO INSTITUTION

B. Subchapter B is amended as follows:

1. In part 522, Subpart E is added; and

* * * * *

Subpart E—Admission and Orientation Program

Sec.

522.40 Purpose and scope.

522.41 Responsibility.

522.42 Guidelines for an admission and orientation program.

Authority: 5 U.S.C. 301, 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Admission and Orientation Program

§ 522.40 Purpose and scope.

(a) Each inmate committed or transferred to a Bureau of Prisons institution shall become involved in the institution's Admission and Orientation (A&O) Program. The Warden shall ensure that staff involved with this program offer each newly committed inmate an orientation to the institution, to include information on institutional requirements and, whenever practicable, visits to the various areas of the institution. The institution admission and orientation program also shall provide the inmate with an awareness of the:

(1) Inmate's rights and responsibilities;

(2) Institution's program opportunities; and

(3) Institution's disciplinary system.

(b) Staff shall develop orientation materials (for example, a pamphlet) to supplement lectures and discussions.

(c) Pre-trial inmates and inmates in holdover status (en route to a different institution) are excluded from the provisions of this rule.

§ 522.41 Responsibility.

(a) The Warden shall assign to a staff member the responsibility to co-ordinate the institution's A&O Program.

(b) Staff involved in the lecture portion of the A&O Program shall develop an outline of the information they wish to include in their presentation.

(c) A staff member involved in the A&O Program who considers an inmate

to be experiencing significant emotional stress shall notify the A&O staff coordinator of this determination so that the inmate may be offered appropriate assistance.

§ 522.42 Guidelines for an admission and orientation program.

(a) Location—Each Warden shall determine the appropriate location for the institution's A&O Program.

(b) Quarters—Each Warden shall establish procedures for the assignment of living quarters.

(c) Inmate Participation—The newly committed inmate is to be provided the opportunity to see and participate in institutional activities.

(d) Activities—The A&O staff coordinator is to ensure that the admission and orientation program provides a full schedule of activities for the newly committed inmate. Scheduled activities shall include exposure to programs responsive to a specialized need of the inmate, as well as exposure to various work assignments, education programs, and physical and social activity.

(e) Telephone Calls—Newly committed inmates shall ordinarily be permitted to complete at least two local or collect long distance phone calls during the admission process.

(f) Length of Admission and Orientation Program—An inmate's involvement in the institution's A&O program is based on the time necessary to accomplish the program's objectives.

(g) Documentation of A&O Program Involvement—Staff shall prepare documentation that the inmate has received a copy of the institution's inmate handbook and has completed the institution's admission and orientation program. Staff shall have the inmate sign and date a copy of this document. The original of this document shall be placed in the inmate central file.

PART 527—TRANSFERS

2. In Part 527, Subpart E is added.

Subpart E—Transfer of Offenders to or From Foreign Countries

Sec.

527.40 Purpose and scope.
527.41 Definitions.
527.42 Notification of Bureau of Prisons inmates.
527.43 Transfer of Bureau of Prisons inmates to other countries.
527.44 Transfer of State prisoners to other countries.
527.45 Receiving United States citizens from other countries.

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4100–4115, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart E—Transfer of Offenders to or From Foreign Countries

§ 527.40 Purpose and scope.

Public Law 95–144 (18 U.S.C. 4100 et seq.) authorizes the transfer of offenders to or from foreign countries, pursuant to the conditions of a current treaty which provides for such transfer. 18 U.S.C. 4102 authorizes the Attorney General to act on behalf of the United States in regard to such treaties. In accordance with the provisions of 28 CFR 0.96b the Attorney General has delegated to the Director of the Bureau of Prisons, and to designees of the Director, the authority to receive custody of, and to transfer to and from the United States, offenders in compliance with the conditions of the treaty.

§ 527.41 Definitions.

For purpose of this rule the following definitions apply.

(a) Treaty nation—A country which has entered into a treaty with the United States on the Execution of Penal Sentences.

(b) State prisoner—An inmate serving a sentence imposed in a court in one of the states of the United States, or in a territory or commonwealth of the United States.

(c) Departure institution—The Bureau of Prisons institution to which an eligible inmate is finally transferred for return to his or her country of citizenship.

(d) Admission institution—The Bureau of Prisons institution where a United States citizen-inmate is first received from a treaty nation.

§ 527.42 Notification of Bureau of Prisons inmates.

(a) The Warden shall ensure that the institution's admission and orientation program includes information on international offender transfers.

(b) The case manager of an inmate who is a citizen of a treaty nation shall inform the inmate of the treaty and provide the inmate with an opportunity to inquire about transfer to the country of citizenship. The inmate is to be given an opportunity to indicate on an appropriate form whether he or she is interested in transfer to the country of citizenship.

§ 527.43 Transfer of Bureau of Prisons inmates to other countries.

(a) An inmate who is qualified for and desires to return to his or her country of citizenship for service of a sentence imposed in a United States Court shall indicate his or her interest by completing and signing the appropriate form and forwarding it to the Warden at the institution where the inmate is confined.

(b) Upon verifying that the inmate is qualified for transfer, the Warden shall forward all relevant information, including a complete classification package, to the Assistant Director, Correctional Programs Division.

(c) The Assistant Director, Correctional Programs Division shall review the submitted material and forward it to the Office of International Affairs (OIA), Criminal Division, Department of Justice, for review.

(d) The Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the decision of OIA.

(1) When the Department of Justice determines that transfer is not appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of this determination and informed that the inmate may request the reason(s) for such action from OIA.

(2) When the Department of Justice determines that transfer is appropriate, the Assistant Director, Correctional Programs Division shall ensure that the inmate is advised of the determination and of the probability that the inmate will be given an interview with his or her nation's consular officials.

(e) Upon notification from OIA of the treaty nation's decision in regard to the inmate's transfer, the Assistant Director, Correctional Programs Division shall arrange for the inmate to be informed of that decision.

(f) At an appropriate time subsequent to notification by the Department of Justice of an inmate's approval for transfer, the Assistant Director shall arrange for the inmate to be transferred to an appropriate departure institution.

(g) Prior to the inmate's transfer from the departure institution, the inmate shall receive a verification hearing before a U.S. Magistrate or U.S. Judge or other appointed U.S. official to document the inmate's voluntary consent for transfer. Counsel is provided the inmate for purpose of this hearing. Where requested, the Warden shall allow counsel to interview the inmate prior to the hearing.

(h) Following the verification hearing, the Assistant Director, Correctional Programs Division shall arrange a schedule for delivery of the inmate to the authorities of the country of citizenship.

(1) The Assistant Director shall advise the Warden of those arrangements.

(2) The Warden shall arrange for the inmate to be transported to the foreign authorities. The Warden shall assure

that required documentation (for example, a certified copy of the judgment and commitment order, current progress report, summary face sheet, and proof of citizenship) accompanies each inmate transported.

§ 527.44 Transfer of state prisoners to other countries.

The Bureau of Prisons may assume custody of a state prisoner who has been approved for transfer to a treaty nation for the purpose of facilitating the transfer to the treaty nation. Once approved, the state is not required to contract for the placement of the prisoner in federal custody, nor to reimburse the United States for the cost of confinement (as would ordinarily be required by 18 U.S.C. 5003).

§ 527.45 Receiving United States citizens from other countries.

(a) Staff accepting custody of American inmates from a foreign authority shall ensure that the following documentation is available prior to accepting custody of the inmate:

(1) A certified copy of the sentence handed down by an appropriate, competent judicial authority of the transferring country and any modifications thereof;

(2) A statement (and a copy translated into English from the language of the country of origin if other than English), duly authenticated, detailing the offense for which the offender was convicted, the duration of the sentence, and the length of time already served by the inmate. Included should be statements of credits to which the offender is entitled, such as work done, good behavior, pre-trial confinement, etc.; and

(3) Citizenship papers necessary for the inmate to enter the United States.

(b) The Warden shall direct in writing specific staff, preferably staff who speak the language of the treaty nation, to transport the offender from the transporting country to the admission institution. The directive shall cite 28 CFR 0.96b as the authority to transport the offender. When the admission institution is not able to accept the inmate (for example, a female inmate transported to a male institution), the Warden shall make appropriate housing arrangements with a nearby jail.

(c) As soon as practicable after the inmate's arrival at the admission institution, staff shall initiate the following actions:

(1) Arrange for the inmate to receive a complete physical examination;

(2) Advise the local U.S. Probation Office of the inmate's arrival; and

(3) Notify the U.S. Parole Commission of the inmate's arrival. Inmates returning from other countries are by law immediately eligible for parole. Staff at the admission institution shall determine if each inmate received at that institution should be retained at the admission institution for the initial parole hearing or promptly transferred to a more appropriate institution.

(d) If upon computation of sentence staff determine that an inmate is entitled to immediate release via mandatory release or expiration of sentence with credits applied, release procedures shall be implemented but only after receiving a medical clearance and the results of an FBI fingerprint check.

c. Subchapter C is amended as follows:

1. In Part 543, Subpart B is amended.

2. In Part 551, Subpart A is revised.

PART 543—LEGAL MATTERS

1. The authority citation for Part 543, Subpart B reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart B—Inmate Legal Activities

2. By revising § 543.10 to read as follows:

§ 543.10 Purpose and scope.

The Bureau of Prisons affords an inmate reasonable access to legal materials and counsel, and reasonable opportunity to prepare legal documents. The Warden shall establish an inmate law library, and procedures for access to legal reference materials and to legal counsel, and for preparation of legal documents.

PART 551—MISCELLANEOUS

The authority citation for Part 551 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart A—Grooming

1. By amending the table of contents by adding a new § 551.6, and renumbering present § 551.6 as new § 551.7 to read as follows:

Sec.
551.1 Policy.
551.2 Mustaches and beards.
551.3 Hairpieces.
551.4 Hair length.
551.5 Restrictions and exceptions.
551.6 Personal hygiene.
551.7 Bathing and clothing.
* * * * *

2. By revising § 551.2 to read as follows:

§ 551.2 Mustaches and beards.

An inmate may wear a mustache or beard or both. The Warden shall require an inmate with a beard to wear a beard covering when working in food service or where a beard could result in increased likelihood of work injury.

3. By adding a new paragraph (c) to § 551.4 to read as follows:

§ 551.4 Hair length.

* * * * *

(c) The Warden shall make available to an inmate hair care services which comply with applicable health and sanitation requirements.

4. By adding a new § 551.6 and redesignating existing § 551.6 as new final § 551.7 to read as follows:

§ 551.6 Personal hygiene.

The Warden shall make available to an inmate those articles necessary for maintaining personal hygiene.

§ 551.7 Bathing and clothing.

Each inmate must observe the standards concerning bathing and clothing that exist in the institution as required by standards of § 551.1.

PART 571—RELEASE FROM CUSTODY

D. Subchapter D, Part 571, Subpart C is amended as follows:

1. The authority citation for Part 571 reads as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 4201–4218, 5006–5024, 5031–5042; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

Subpart C—Release Gratuities

2. By removing § 571.21(c) and redesignating present § 571.21 (d) through (f) new § 571.21 (c) through (e) to read as follows:

* * * * *

§ 571.21 Procedures.

* * * * *

(c) The inmate who is without personal funds may receive a gratuity when transferred to a contract halfway house. The amount shall enable the inmate to care for needs in transit and allow for the purchase of necessary personal items upon arrival.

(d) Staff shall provide the inmate released to a detainer with information on how to apply for a gratuity if released prior to expiration of the federal sentence.

(e) The Warden shall insure that each alien released to immigration authorities has $10 cash. This provision does not apply to aliens serving 60 days or less in contract facilities.

[FR Doc. 81-34888 Filed 12-3-81; 8:45 am]
BILLING CODE 4410-05-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 571

Control, Custody, Care, Treatment and Instruction of Inmates; Petitions for Commutation of Sentence; Proposed Rulemaking and Request for Comments

AGENCY: Bureau of Prisons, Justice.

ACTION: Proposed rule.

SUMMARY: The Bureau of Prisons is proposing a new rule for the management of inmates in Federal correctional institutions. This proposal is part of the Bureau's program to publish in the **Federal Register**, and subsequently in the Code of Federal Regulations, Bureau rules relating to the control, custody, care, treatment, and instruction of inmates. This installment encompasses the Bureau of Prisons' proposed rule on Petitions for Commutation of Sentence. The proposed rule provides current information on the procedures for an inmate to file a petition for a commutation of sentence.

DATE: Comments must be received on or before January 15, 1982.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534.

FOR FURTHER INFORMATION CONTACT: Mike Pearlman, Office of General Counsel, Bureau of Prisons, phone 202/724/3062.

SUPPLEMENTARY INFORMATION: Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** its proposed rule on Petitions for Commutation of Sentence. The rule provides to inmates instructions on how to obtain the appropriate forms for filing a petition and on the role of the Bureau of Prisons in the commutation of sentence process.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and the regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354) does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. Comments received on or before January 15, 1982 will be considered before final action is taken. Copies of all written comments received will be available for examination by interested persons at the Bureau of Prisons, Room 760, 320 1st Street, NW., Washington, D.C. 20534. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

In consideration of the foregoing, it is proposed to amend 28 CFR Chapter V as follows: In Subchapter D, add Subpart E to Part 571.

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

By adding Subpart E to Part 571 to read as follows:

PART 571—RELEASE FROM CUSTODY

* * * * *

Subpart E—Petitions for Commutation of Sentence

Sec.
571.40 Purpose and scope.
571.41 Procedures

Authority: 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 4161–4166, 5006–5024, 5039; 28 U.S.C. 509, 510; U.S. Const., Art. II, Sec. 2; 28 CFR 0.95–0.99, 1.1–1.9.

* * * * *

Subpart E—Petitions for Commutation of Sentence

§ 571.40 Purpose and scope.

An inmate may file a petition for commutation of sentence in accordance with the provisions of 28 CFR Part 1.

(a) An inmate may request from the inmate's case manager the appropriate forms (and instructions) for filing a petition for commutation of sentence.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons will forward a recommendation on the inmate's petition for commutation of sentence.

§ 571.41 Procedures.

(a) Staff shall suggest that an inmate who wishes to submit a petition for commutation of sentence do so through the Warden to the U.S. Pardon Attorney. This procedure allows institution staff to forward with the application the necessary supplemental information (for example, sentencing information, presentence report, progress report, pertinent medical records if the petition involves the inmate's health, etc.). Except as provided in paragraph (b) of this section, no Bureau of Prisons recommendation is to be forwarded with the package of material submitted to the U.S. Pardon Attorney.

(b) When specifically requested by the U.S. Pardon Attorney, the Director, Bureau of Prisons shall submit a recommendation on the petition. Prior to making a recommendation, the Director may request comments from the Warden at the institution where the inmate is confined. Upon review of those comments, the Director will forward a recommendation on the petition to the U.S. Pardon Attorney.

(c) When a petition for commutation of sentence is granted, the U.S. Pardon Attorney sends the warrant of clemency to the Warden at the detaining institution, with a copy to the Director, Bureau of Prisons. The Warden shall take action as indicated on the warrant of clemency.

(1) If immediate parole eligibility is granted, the inmate is to be placed on the next parole docket.

(2) If a petition for commutation of sentence is granted, institutional staff shall recalculate the inmate's sentence in accordance with the terms of the commutation order.

(d) When a petition for commutation of sentence is denied, the U.S. Pardon Attorney ordinarily notifies the Warden, requesting that the Warden notify the inmate of the denial.

Dated: November 30, 1981.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 81-34887 Filed 12-3-81; 8:45 am]

BILLING CODE 4410-05-M

federal register

Friday
December 4, 1981

Part VII

Department of Energy

Bonneville Power Administration

Proposed Long-Term Energy Conservation Contract

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Long-Term Energy Conservation Contract; Request For Public Comment

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Proposed Long-Term Energy Conservation Contract, Request for Public Comment.

SUMMARY: Energy conservation contracts are among the contracts that BPA has negotiated with its customers pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). The conservation contract complies with Regional Act provisions for BPA to acquire cost-effective conservation and direct-application renewable resources to serve its new and existing loads.

This Notice summarizes the history of the negotiation process, defines the eligibility requirements for participation in the programs offered under the long-term agreement, and describes the impact of this long-term contract on the conservation programs offered under the short-term contract. This Notice also includes, in Attachment 1, the November 19 draft of the "side-by-side" version of the long-term energy conservation contract.

BPA initially negotiated a short-term energy conservation contract to allow its customers and potential utility customers to begin implementation of conservation throughout the region while issues affecting a long-term contract offer were being considered in negotiations of utility power sales contracts and in the 1981 BPA rate hearing. Meetings for negotiation of the short-term contract began on February 24, 1981, in Portland. Schedules announcing more meetings were published in BPA's weekly calendar. Any written handouts used during the meetings were made available upon request.

The short-term conservation contract was offered on August 14, 1981, to all BPA utility and Federal agency customers as well as potential BPA utility customers in the Pacific Northwest. (Further references to a "utility" in this Notice will include these three groups.)

The initial phase of negotiations between BPA and utility representatives on the long-term conservation contract began on September 23, 1981 and ended on November 13, 1981. It is proposed that the long-term agreement, as well as the conservation program exhibits to be attached to it, be offered only to firm requirements power sales and Federal agency customers of BPA. The program offerings would include those programs that are currently offered under the short-term agreement. The short-term conservation agreement is due to expire on September 8, 1982, or 60 days after the offering of the long-term contract, whichever comes first.

During the negotiations of the proposed long-term contract, the participants developed what is referred to as a "side-by-side" version of the contract. This version incorporates the provisions proposed by the negotiating parties. When the parties have not come to an agreement, the differing proposals and their sponsors are identified. The provisions in the proposed contract that are without authorship identification have been preliminarily agreed to by the parties as joint provisions.

This Notice begins a public review and comment period on the proposed long-term energy conservation contract. After December 10, 1981, BPA will make available upon request (1) an explanatory summary of the proposed contract provisions, (2) statements of the positions of the parties where there has been disagreement on proposed contract provisions, and (3) exhibits for existing conservation programs. Requests for this material should be made to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

Public meetings to receive oral comments on the proposed contracts will be held on January 7, 1982, in Seattle, Washington; on January 12, 1982, in Portland, Oregon, and in Boise, Idaho. Written comments are encouraged. The comments and materials that result from the public review process will be made available to the contract negotiation parties. In February, BPA plans to publish the final long-term conservation contract and offer it to firm requirements power sales customers and Federal agency customers of the agency.

DATES: Meetings to receive public comment on the proposed long-term conservation contract will be held on January 7, 1982, in Room A of the Center House, Seattle Center, 1st North and Republican Street, Seattle, Washington. Registration to provide oral comment will begin at 6:30 p.m., and the meeting will begin at 7 p.m. The meetings on January 12, 1982, will be held in the BPA Auditorium, 1002 NE. Holladay Street, Portland, Oregon; and in the Bonneville Room of the Boise City Hall, 55 West Fort Street, Boise, Idaho. Registration for both meetings will begin at 7 p.m. and the meetings will begin at 7:30 p.m.

Written Comments will be accepted until January 18, 1982.

EFFECTIVE DATE: December 4, 1981.

ADDRESSES: Written comments should be submitted to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4261. Oregon callers outside of Portland may use the toll-free number 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800–547–6048.

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, extension 4551

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311

Mr. Ronald Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 503–456–2518

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202

Mr. Ronald K. Rodewald, District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379

Mr. Thomas Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701

Mr. Robert Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: 1. *Short-Term Energy Conservation Contract.* The Regional Act requires BPA to acquire cost-effective conservation and direct-application renewable resources to serve its new and existing loads. In January, BPA held an organizational meeting to begin the negotiation process for conservation contracts as well as other contracts, such as the power sales and residential exchange contracts. BPA initially designed the short-term conservation contract to allow utilities to meet the Regional Act's mandate to begin implementation of conservation programs while issues that would affect the long-term contract were being considered in the power sales contract negotiation and in BPA's 1981 transmission and wholesale power rate

hearings. The short-term energy conservation contract negotiations began February 24, 1981, and continued during regularly scheduled meetings between BPA and representatives of customer groups. BPA announced the process for public participation and acceptance of public comments in the contracts negotiation process (46 FR 18331, March 25, 1981). All sessions were open to the public and any written handouts used during the meetings were made available upon request.

The short-term contract was offered to all regional utilities on August 14, 1981, and is due to expire on September 8, 1982, or 60 days after the offering of the long-term conservation contract, whichever is earlier.

Five conservation programs have been offered under the short-term conservation agreement. These are: the Shower Flow Restrictor Program, the Water Heater Wrap Program, the Street and Area Lighting Program, the Commercial Lighting and Water Heating Conservation Program, and Residential Weatherization (Energy Buy-Back and Zero Interest Loan Options). Each utility that signs the short-term conservation agreement with BPA may participate in any of these programs which, if accepted by the utility, are attached to that utility's contract as a program exhibit.

It is proposed that each of the programs offered under the short-term contract be offered under the proposed long-term energy conservation agreement.

2. *Proposed Long-Term Energy Conservation Contract.* The initial phase of negotiations between BPA and utility representatives on the long-term energy conservation contract began on September 23, 1981, and ended on November 13, 1981. The publicly owned utilities were represented by the Northwest Public Power Association (NWPPA). The investor-owed utilities were represented by the Intercompany Pool (ICP).

It should be noted that the long-term contract is not a programmatic document. It does, however, assign responsibilities and describe basic procedures that will govern BPA and the utilities as they implement the conservation programs.

As with the short-term contract negotiations, meetings were open to the public and announced in BPA's weekly calendar. Any written handouts used during the meetings were made available upon request. The persons requesting such handouts received individual notice from the Public Involvement Coordinator of a final regotiation session held November 9–13, 1981, in Portland.

As a result of these negotiations, the parties compiled the "side-by-side" version of the proposed long-term conservation contract (see Attachment 1). The provisions in the proposed contract that are without authorship identification have been preliminarily agreed to by the parties as joint provisions. When the parties have not come to an agreement, the differing proposals and their sponsors are identified. These proposed contract provisions have not been finally approved by any of the parties.

BPA is currently preparing an explanatory summary of the contract provisions and statements of the positions of the parties when there has been disagreement on the proposed contract provisions. The summary, statements of positions, and exhibits for existing conservation programs will be available after December 10, 1981, upon request to the Public Involvement Coordinator.

BPA has scheduled meetings to receive oral comments on the proposed long-term conservation contract. The meetings will be held on January 7, 1982, in Room A of the Center House, Seattle Center, 1st North and Republican Street, Seattle, Washington. Registration to provide oral comment will begin at 6:30 p.m., and the meeting will begin at 7 p.m. The meetings on January 12, 1982, will be held in the BPA Auditorium, 1002 NE. Holladay, Portland, Oregon; and in the Bonneville Room of the Boise City Hall, 55 West Fort Street, Boise, Idaho. Registration for both meetings will begin at 7 p.m. and the meetings will begin at 7:30 p.m.

Written comments will also be accepted and should be sent to the Public Involvement Coordinator by January 18, 1982.

The comments and materials that result from the public review process will be made available to the contract negotiation parties: In February BPA plans to publish the final long-term energy conservation contract and offer the contract to the qualifying utilities.

3. *Eligibility Requirements for Participating in the Proposed Long-Term Energy Conservation Contract and the Program Exhibits.* All utilities that are firm requirements power sales customers of BPA, including Federal agency customers, would be eligible to sign the long-term conservation agreement and to participate in the conservation programs offered under the contract.

Other contracts will be used for conservation programs with direct-service industrial customers, State and local governments, and other entities. BPA plans to develop these contracts at a future date.

4. *Impact of the Proposed Provisions of the Long-Term Energy Conservation Contract on the Programs Offered Under the Short-Term Energy Conservation Contract.* The five conservation programs offered under the short-term conservation contract will also be offered under the proposed long-term conservation contract. For the most part, the program details will not be affected. However, the proposed long-term contract requires a utility to establish program implementation goals which will be compared to regional goals BPA will establish for conservation to be achieved under each program.

Under the short-term conservation agreement, the programs did not contain a regional goal, and the right of a utility to receive BPA funds and the amount of funds to be received under the programs were not conditioned on the utility successfully achieving any given amount of conservation in its service area.

Under the proposed long-term contract, BPA will establish regional goals for each program that it offers. Initially, these regional goals will be based on the program planning assumptions (see tables 1–5). The planning assumptions consist of two components. First, they estimate the amount of conservation that is available in the region under the program. Secondly, they estimate the amount of that potential conservation that which utility can reasonably expect to achieve in its service area under the program.

TABLE 1.—SHOWER FLOW RESTRICTOR PROGRAM

[1-year program to distribute two shower flow restrictors per residence]

Number available residences	[1] 1,961,346
Number achievable installations	[2] 392,269

[1] 80% of residential customers with electric water heaters do not have shower flow restrictors (Pacific Northwest Residential Energy Survey, August 1980).
[2] About 20% of those customers who receive the shower flow restrictors will actually install them (BPA staff estimate).

TABLE 2.—WATER HEATER WRAP

[2-year program to install wraps on electric water heaters.]

Electric water heaters	Public utilities	Investor-owned utilities	Total
Number available	[1] 781,120	[1] 1,171,680	[2] 1,952,800
Number achievable	[3] 586,000	[4] 658,0900	1,245,000

[1] 40% of total electric water heaters are in public utilities and 60% are in investor-owned utilities (Pacific Northwest Residential Energy Survey, August 1980).
[2] 80% of region's water heaters are available for wrap (Pacific Northwest Residential Energy Survey, August 1980).
[3] 75% achievable (BPA staff estimate).
[4] 56% will be wrapped under BPA program which assumes approximately 220,000 heaters independently wrapped since data collection of PNW Residential Energy Survey (BPA staff estimate).

TABLE 3.—STREET AND AREA LIGHTING PROGRAM

(5-year program to convert street and area lighting to lower wattage lights)

Number available lights	[1] 446,800
Number achievable conversions	[2] 335,000

[1] BPA staff estimate.
[2] 75% of available lights (BPA staff estimate).

TABLE 4.—COMMERCIAL LIGHTING AND WATER HEATING CONSERVATION PROGRAM

(2-year porogram to install water heater wraps, shower-flow restrictors, and replace standard lamps, and distribute energy conservation information to commercial consumers.)

Number	Water heater wraps	Shower flow restrictors	Lamps
Available commercial entities	[1] 500,000	[1] 500,000	[1] 500,000
Achievable	[2] 150,000	[3] 500,000	[4] 4,500,000

[1] BPA Distributor Financial Data Base and IOU Financial Data Base.
[2] 30% of available (BPA staff estimate).
[3] Average one restrictor per consumer (BPA staff estimate).
[4] Nine lamps per consumer (BPA staff estimate).

TABLE 5.—RESIDENTIAL WEATHERIZATION

(Energy buy-back and zero interest loan options)

10-year program to weatherize single-family,* electrically space-heated residences.

Residences	Public utilities	Investor owned utilities	Total
Number available	[1] 300,800	[2] 272,450	573,250
Number achievable	[3] 135,360	[4] 177,070	[5] 312,430

*While the planning assumptions only include single-family dwellings, the program is available for all buildings used for residential purposes including multiunit buildings and mobile homes.
[1] BPA Residential Sector Resource Assessment.
[2] Investor-Owned Utilities.
[3] 30% market penetration by 1985 and 45% by 1990 (BPA staff estimate).
[4] Estimated 60-70% market penetration by 1985 (IOU estimate).
[5] 55% market penetration (BPA staff estimate).

While BPA will use the above planning assumptions initially to measure performance under the programs, these estimates of the amount of conservation available in the region for the various programs have various degrees of reliability. For example, in the residential sector the number of candidates for water heater wraps can be predicted with reasonable accuracy based on the statistical information that is available on the housing stock in the region. However, there is very little information on the number of candidates for wraps in the commercial sector of the region. So, the regional goal based on the number of candidates for wraps in the residential sector is much more reliable than the regional goal based on the number of candidates for water heater wraps in the commercial sector.

The estimates of the amount of the potential conservation that is actually achievable is subject to even greater uncertainty than the estimates of the potential conservation. For example, the rate of implementation of the program measures depends on the marketing of the program and the level of consumer incentive. It also depends upon the level of incentives and resources available to the entities implementing the programs. BPA feels that the regional goal for the amount of potential conservation should be realistic. If that goal is not being met, then changes should be made in the programs so that the goal is achieved. However, the regional goal is an estimate; it may be too low or too high. If necessary, BPA will change the regional goal to reflect the operating experience of the programs.

Under the proposed long-term contract, the utilities will submit to BPA their implementation goals for each program that they accept. The implementation goals will describe the units of accomplishment that are available in the utility's service area under the program, and an expected level of implementation specified in terms of the units of accomplishment the utility expects to complete during each budget year for the life of the program. For example, a small utility may determine that 5,000 water heaters are available for wraps in its service area. Of those 5,000 potential candidates for wraps, they will be able to wrap 2,000 each year for the 2-year life of the program.

Then, BPA will compare the utility's implementation goal with the regional goal BPA has established for each program.

To encourage the utility's forceful implementation of the program measures, BPA has proposed that if the utility's implementation plan represents a good faith effort to accomplish that portion of the regional goal that applies to that utility's service area, BPA will agree not to offer that program to another entity in the utility's service area without the agreement of the utility.

If the utility falls short of the implementation goal that it has established, then BPA may revoke the exclusivity agreement, and may restrict that utility's future requests for funding.

BPA believes that the regional goals and the utility implementation goals for the conservation programs offered under the long-term energy conservation contract will provide an effective measure of achievable conservation and will facilitate rapid and reliable development of the conservation resource in the region.

Dated: November 27, 1981.

James J. Jura,

Acting Administrator.

This is a preliminary draft of language negotiated by the InterCompany Pool (ICP), Northwest Public Power Association (NWPPA), and Bonneville except where indicated.

Energy Conservation Agreement Executed By the United States of America Department of Energy Acting By and Through the Bonneville Power Administration and

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This agreement, executed ———, 19—, by the United States of America, Department of Energy, acting by and through the Bonneville Power Administration (Bonneville), and ——— (Utility), a ———.

Witnesseth

Whereas Bonneville is required by the Pacific Northwest Electric Power Planning and Conservation Act, P.L. 96-501 (Regional Act), to acquire cost-effective conservation and cost-effective

direct application renewable resources and to implement cost-effective conservation measures; and

Whereas Bonneville, to the extent conservation measures or acquisition of resources require direct arrangements with consumers, is obligated by the Regional Act to make maximum practicable use of its customers in administering and carrying out such arrangements; and

Whereas the parties intend to jointly implement conservation measures and provide for the acquisition of conservation and direct application renewable resources to achieve reductions in electric power consumption;

Now, Therefore, the parties hereto mutually agree as follows:

1. *Definitions.*—( ) "Approved Budget" means the total amount which Bonneville is bound to pay the Utility under a Program during a Budget Year.

( ) "Budget Year" means the period commencing each year on October 1 and ending the following September 30, except that the Budget Year during the initial year that the Utility participates in a Program means the period commencing on the date the Utility accepts the offer of the Program and ending on the following September 30.

( ) "Conservation" means any reduction in Electric Power consumption as a result of installation of direct application renewable resources or increases in the efficiency of energy use, production, or distribution.

( ) "Consumer" means any end user of Electric Power in the Region.

( ) "Consumer Incentive" means any payment made to or benefit received by a Consumer under a Program

( ) "Council" means the Pacific Northwest Electric Power and Conservation Planning Council established pursuant to Section 4 of the Regional Act.

( ) "Effective Date" means 2400 hours on the date of the signing of this Agreement by the Utility.

( ) "Electric Power" means electric peaking capacity, or electric energy, or both.

( ) [NWPPA/BPA] "Electric Utility" means either a utility which is a firm requirements power sales customer of Bonneville which sells Electric Power to Consumers in the Region or a Federal agency customer of Bonneville.

( ) [ICP] "Electric Utility" means a utility selling Electric Power to Consumers in the Region or a Federal agency customer of Bonneville.

( ) "Measure" means the installation or distribution of materials or devices or the provision of services, as decribed in a Program, which are intended to accomplish a reduction in Electric Power consumption.

( ) "Plan" means the Regional Electric Power and Conservation Plan (including any amendments thereto) adopted pursuant to the Regional Act.

( ) "Prior Agreement" means the short-term Energy Conservation Agreement offered by Bonneville on July 10, 1981.

( ) "Program" means a Conservation or direct application renewable Resource program offered or accepted by Bonneville pursuant to this Agreement.

( ) "Region" means the same as defined in the Regional Act, including any amendments thereto.

( ) "Resource" means actual or planned load reduction resulting from direct application of a renewable energy resource by a Consumer or from a Conservation Measure.

( ) "Utility Costs" means all costs related to the implementation and administration of a Program other than Consumer Incentives or special incentives that are described in section 11(c).

( ) "Utility-Designed Program" means any Program for energy savings designed for, or on behalf of, the Utility for implementation within its own service area, and which is not similar to any Program previously developed and offered to all Electric Utilities pursuant to this Agreement.

3. *Termination of Prior Agreement.* The Prior Agreement, if executed by the Utility, is hereby terminated as of the Effective Date, except that, pursuant to Section 2 of the Prior Agreement, all obligations arising therefrom shall be preserved until satisfied.

4. *Entire Agreement.* This Agreement sets forth the entire agreement of the parties and supersedes any and all prior agreements with respect to the subject matter of this Agreement, except with respect to agreements for pilot programs in which the Utility is participating with Bonneville on the date of offering of this Agreement. The rights and obligations of the parties hereunder shall be subject to and governed by this Agreement, including the Exhibits attached hereto. The headings used in this Agreement and in the Exhibits are for convenient reference only and shall not affect the interpretation of this Agreement.

5. *Amendment of Agreement.*—(a) Except as provided in subsections (b), (c), (d), and (i) below, and, except with respect to Utility-Designed Programs established under section 7(f), the provisions of this Agreement may be amended only by mutual written agreement of the parties subsequent to the completion of the following:

(1) Distribution of a copy of the proposed amendment to all Electric Utilities or their representatives for their review and comment;

(2) Good faith negotiations between Bonneville and all Electric Utilities or their representatives pursuant to subsection (b) below; and

(3) Offer of the amendment to all Electric Utilities.

(b) Except for initial offering of Programs, Bonneville may restrict the offering of any amendment if:

(1) [BPA Provision] The Utility fails to achieve the expected units of accomplishment contained in the Utility's implementation goal for any Budget Year under a Program; or

(2) The Utility has been terminated for nonconformance as indicated in section 25(b)(1).

(c) Bonneville may amend Exhibit A to reflect the listing of new, revised, or terminated Programs.

(d) [BPA Provision] If Bonneville determines that any Program presents a health or safety threat to Consumers, Bonneville shall notify all Electric Utilities of the health or safety threat and provide all Electric Utilities with a proposed amendment to remove the health or safety threat. The proposed amendment shall contain such revised terms and conditions as are appropriate. The proposed amendment shall be accompanied by a detailed description of the health and safety threat perceived by Bonneville, together with a list of the scientific, medical, or other references upon which Bonneville has based its conclusions. All Electric Utilities participating in such Program shall have 30 days within which to comment on the proposed amendment. Upon the expiration of such 30-day period, Bonneville shall consider the comments, revise the proposed amendment if appropriate, and provide the amendment to all Electric Utilities. To the extent that the amendment provided by Bonneville causes an increase in cost by the Utility, the amendment shall provide for reimbursing the Utility for such additional reasonable costs.

(d) [NWPPA/ICP Provision] If Bonneville, based upon a finding or determination of a state or federal agency having jurisdiction, determines that any Program presents a health or safety threat to Consumers, Bonneville shall notify all Electric Utilities of the health or safety threat and provide all Electric Utilities with a proposed amendment to remove the health or safety threat. The proposed amendment shall contain such revised terms and conditions as are appropriate. The proposed amendment shall be

accompanied by a detailed description of the health and safety threat perceived by Bonneville, together with a list of the scientific, medical, or other references upon which Bonneville has based its conclusions, and a copy of the agency finding or determination. All Electric Utilities participating in such Program shall have 30 days within which to comment on the proposed amendment. Upon the expiration of such 30-day period, Bonneville shall consider the comments, revise the proposed amendment if appropriate, and provide the amendment to all Electric Utilities. To the extent that the amendment provided by Bonneville causes an increase in cost by the Utility, the amendment shall provide for reimbursing the Utility for such additional reasonable costs.

(e) The parties shall negotiate, pursuant to subsection (a) above, amendments as may be necessary to:

[BPA Provision] (See Section 32.)

(1) [NWPPA/ICP Provision] Permit the Plan adopted by the Council to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act;

(2) Accommodate the analysis made by the Council as specified in section 4(k) of the Regional Act; and

(3) Accommodate the results of the periodic review of this Agreement, which shall be conducted no less frequently than every five years during the term hereof, and the periodic review of the provisions of each Program, which shall be conducted no less frequently than every two years during the term thereof.

(f) Whenever possible, amendments, other than the initial offering of Programs, shall be offered no later than March 1 of each year.

(g) All amendments shall be effective on the date specified therein.

(h) Representatives from Bonneville and those Electric Utilities that desire to participate shall meet quarterly each year for the purposes of negotiating amendments to or conducting periodic review of this Agreement. Notice of the specific date, time, place, and agenda for such meetings shall be given by Bonneville to all Electric Utilities no later than 15 days prior to such meeting. The Utility shall have the opportunity to add items to the agenda. Upon seven days notice of the time, place and agenda, to all Electric Utilities, Bonneville may call special meetings for the same purposes.

(i) Bonneville may amend a Program to revise the regional Program goal for such Program at any time after it has consulted with the entities referred to in section 8(a) concerning the reasons for such revision.

6. *Exhibits.* Exhibit A (Program Offerings), Exhibit B (Utility-Designed Programs), Exhibit C (Payment Methods), Exhibit D (Form BPA–1418–F, Monthly Financial Summary), and Exhibit E (Provisions Required by Statute or Executive Order) are hereby made a part of this Agreement.

7. *Programs.*—(a) The attached Exhibit A lists all Programs available under this Agreement. Bonneville represents that the Programs listed on Exhibit A have been offered to all Electric Utilities.

(b) Each Program selected by the Utility is attached hereto and incorporated herein by reference, effective upon the date of signing by the Utility. Participation in any Program shall be in such Program as it exists on the date of signing by the Utility.

(c) The parties may develop additional Programs by following the procedures in section 5(a).

(d) Bonneville, in initially offering Programs hereunder and in proposing additional Programs, shall distribute to all Electric Utilities a description of the proposed Program along with an economic evaluation of the Program pursuant to the cost-effective criteria defined in section 3 of the Regional Act.

(e) Notwithstanding this Agreement, Bonneville and the Utility may execute contracts, pursuant to section 6(d) of the Regional Act, to conduct experimental, developmental, demonstration, or pilot projects.

(f) Notwithstanding subsection (c) above, the Utility may, by complying with the procedures and standards set forth in Exhibit B to this Agreement, offer to Bonneville Utility-Designed Programs for implementation within its own service area. Amendments to such Programs shall be by mutual written agreement of the parties. A Utility-Designed Program may be made available to all Electric Utilities by following the procedures in section 5(a).

8. *Implementation Goals.*—(a) *Regional Program Goals.* Each Program shall contain a regional Program goal which estimates the amount of reduction in Electric Power consumption which is achievable in the Region under that Program. Such goal shall be based on Bonneville's best estimate of such amount available in the Region under the Program and Bonneville's projection of the units of accomplishment it expects to be completed under the Program. Bonneville shall consult with the Electric Utilities and other interested entities prior to establishing or revising the goal for any Program.

(b) *Utility Implementation Goal.* Either by May 1 of the initial Budget Year or upon execution of a Program by the Utility if the initial Budget Year is less than five months, the Utility shall submit to Bonneville an implementation goal for accomplishing the reduction in Electric Power consumption achievable in its service area under each Program which the Utility elects to accept. Such goal shall consist of the Utility's best estimate of: (1) the units of accomplishment available in its service area under the Program; and (2) an expected level of implementation specified in terms of units of accomplishment the Utility expects to complete during each Budget Year in its service area during the term of the Program. The Utility shall consult with Bonneville in the development of its goal for implementation of each Program and shall include the expected level of implementation in the budget request for the Program submitted pursuant to section 9(b) for any Budget Year other than the initial Budget Year.

(c) *Consistency Review.* Bonneville, in consultation with the Utility, shall review the implementation goal provided pursuant to subsection (b) above to determine whether the Utility's expected units of accomplishment are consistent with the regional Program goal. Such review shall be completed no later than 60 days after the Utility submits an implementation goal. If Bonneville during such consultation determines that the Utility's implementation goal is consistent with that portion of the regional Program goal which is achievable in the Utility's service area, Bonneville agrees to contract exclusively with the Utility, or with entities approved by the Utility, to achieve reductions in Electric Power consumption under the Program in the Utility's service area for such Budget Year. In making such determination Bonneville shall consider similar programs undertaken by the Utility which achieve comparable savings.

(d) *Revised Implementation Goal.* (1) The Utility may submit a revised implementation goal for any Program at any time. Such revised implementation goal shall be effective for any Budget Year which commences no sooner than five months after the date the Utility submits such revised goal or on a date mutually agreed to by the parties. Bonneville shall review such revised goal in the manner described in subsection (c) above.

(2) To the extent that the Utility's Approved Budget is less than the amont requested by the Utility pursuant to section 9(b), the expected units of

accomplishment in the Utility's implementation goal shall be adjusted to reflect the Utility's Approved Budget.

9. *Submittal and Approval of the Utility's Budget.*—(a) *Initial Budget Request.* Prior to or at the time of the initial offering of a Program, Bonneville shall advise the utility of the allocated share of initial Program funds which Bonneville has established for such Utility. If the Utility accepts the Program and submits a budget request within the 60-day period commencing with the date of offering a Program, the Utility's minimum Approved Budget for the initial Budget Year shall be such Utility's allocated share unless the Utility requests a lower budget amount. During the initial Budget Year all budget requests submitted within the 60-day period shall have priority over all other budget requests. Late budget request submittals shall be considered by Bonneville in order of their receipt.

(b) *Subsequent Budget Requests.* The Utility shall submit all subsequent budget requests to Bonneville by May 1 preceding each Budget Year. Late budget request submittals shall be considered by Bonneville in order of their receipt.

(c) *Budget Approval.* Within 30 days of submittal of a budget request for the initial Budget Year or prior to August 1 before any other Budget Year, Bonneville shall approve the Utility's budget request, approve a portion of the Utility's budget request, or inform the Utility that no funds are currently available. Bonneville may approve less than the Utility's entire budget request if:

(1) There are currently not enough funds available to meet the Utility's budget request and the budget requests of other participating Electric Utilities;

(2) Bonneville has determined that the Utility's budget request does not meet the expected units of accomplishment contained in the Utility's implementation goal;

(3) The Utility's budget request does not meet the requirements of subsection (g) below; or

(4) Bonneville has not completed its review of the Utility's budget request and the requests of other participating Electric Utilities. Bonneville shall advise the Utility in writing of its Approved Budget and inform the Utility of the reasons if less than the Utility's entire budget request is approved.

(d) *Use of Funds.* If Bonneville has approved a portion of the Utility's budget request, such funds shall be used for Measures installed during the next Budget Year unless otherwise agreed by the parties. Subject to the provisions of subsection (a) above, if Bonneville is unable, by reason of subsection (c)(1) above, to meet the entire budget requests of all Electric Utilities participating in a Program, Program funds shall be used for Measures installed during the next Budget Year.

(e) *Reduction of Approved Budget.* If the Utility fails to achieve its expected units of accomplishment during any Budget Year, Bonneville may reduce the Approved Budget during the subsequent Budget Year to reflect the units of accomplishment Bonneville expects the Utility can achieve unless the Utility demonstrates to Bonneville that its failure to achieve its expected units of accomplishment was caused by events beyond its control. Bonneville shall notify the Utility in writing of any reduction of its Approved Budget.

(f) *Budget Adjustments.* (1) If Bonneville is able to increase the Utility's Approved Budget due to a change in the conditions specified in (c)(1) through (c)(4) above, Bonneville shall notify the Utility of its new Approved Budget, based on the amount requested by the Utility pursuant ot subsection (b) above, as soon as possible.

(2) At any time during a Budget Year, the Utility may request a change in its Approved Budget for such year. Bonneville may agree to change the Utility's Approved Budget for such Budget Year. To the extent that Bonneville has approved the budget requests of the Utility and other participating Electric Utilities established pursuant to subsection (a) or (b) above, Bonneville shall approve requests for increases in an Approved Budget by the Utility and other participating Electric Utilities in order of their receipt by Bonneville.

(g) *Budget Submittal Requirements.* All budgets submitted pursuant to this Agreement shall comply with the following requirements:

(1) Budgets shall reflect the expected units of accomplishment contained in the Utility's implementation goal except during the initial Budget Year of a Program and as otherwise agreed by the parties.

(2) Budgets shall separately estimate Utility Costs, Consumer Incentives, and requests for retroactive reimbursement pursuant to section 12.

(3) Budgets shall include nonbinding quarterly estimates of the items specified in (2) above.

(4) Budgets shall conform to any requirements for budget requests contained in a Program.

10. *Limitation of Program Funds.*—(a) Bonneville shall notify the Utility upon determining that the amount of funds available for any Program may be exhausted before the normal termination of such Program. Such notice shall be given no later than 90 days before the date of projected exhaustion of funds. Bonneville, to the extent of its authority, shall use its best efforts to obtain further funds to cover all Program expenses.

(b) Within the total amounts established in the Utility's Approved Budget, Bonneville shall pay for Measures that are completed pursuant to the Program within 60 days following the notice given pursuant to subsection (a) above.

(c) If the available Program funds for a Budget Year are exhausted prior to the Utility completing the work in its Approved Budget, the Program term will be extended as mutually agreed by the parties.

11. *Compensation Levels.*—(a) Compensation levels for Utility Costs and Consumer Incentives for a Program shall be determined according to the terms specified in the Program. Bonneville may request and the Utility shall provide such information on actual Utility Costs and actual costs of Measures installed which a Program specifies should be maintained.

(b) Bonneville and the Electric Utilities participating in a Program shall jointly review the compensation levels for Utility Costs and Consumer incentives on an annual basis. Such review shall consider but not be limited to the following criteria:

(1) Effectiveness of the Program;

(2) Inflation;

(3) Interest rates;

(4) Costs of a Measure;

(5) Cost effectiveness of a Measure; and

(6) Cost of other resources.

Any change in the compensation levels shall be considered an amendment to this Agreement, requiring compliance with section 5(a).

(c) *Special Incentive Level.* The parties recognize the potential need for special incentives over and above regionwide Utility Costs and Consumer Incentives. If and when needed, special incentives will be developed by the amendment process contained in section 5(a).

12. *Payment.*—(a) Subject to sections 9 and 10, Bonneville shall pay the Utility for Measures accomplished on or after the effective date of the applicable Program, the amount determined pursuant to such Program;

(b) Subject to sections 9 and 10, Bonneville shall pay the Utility for measures which are similar to those Measures under the Program selected by the Utility, and which were accomplished under a Utility program

on or after December 5, 1980, and prior to the effective date of the applicable Program, or within another retroactive reimbursement period after the effective date of the Program, specified in such Program, the amount determined pursuant to the following conditions:

(1) A measure must be "similar" to a Measure selected by the Utility under this Agreement. "Similar" means that a measure accomplishes the same purpose as and is comparable to a Measure covered by this Agreement in enough ways that its effectiveness can be evaluated to a reasonable degree of certainty.

(2) [NWPPA Provision] Retroactive reimbursement amounts and the Utility's use of such funds shall be governed by provisions in the applicable Programs; but, in no event, shall the Utility be retroactively reimbursed for Utility Costs.

(2) [BPA/ICP Provision] retroactive reimbursement amounts and the Utility's use of such funds shall be governed by provisions in the applicable Programs.

(3) Retroactive reimbursement amounts for each Measure completed shall be those provided for in the Program Exhibit: (i) when the Program was initially offered to Electric Utilities; or (ii) at the time the measure was completed, whichever comes later.

(4) When the Utility has received funds from Bonneville for the accomplishment of Measures either under the Prior Agreement, under a Utility Designed Program, or under a Bonneville pilot program, no retroactive payments shall be made with respect to such measures.

(5) For measures installed after the date of offering of a Program but before the Utility has executed such Program, retroactive payments shall be made only for those measures which reduce Electric Power consumption to an equal or greater degree than is provided by Measures under the Program, and which otherwise substantially conform to or exceed the Program materials and installation specifications, which are in effect as of the date of installation.

(6) [BPA/NWPPA Provision] Retroactive reimbursement shall be made for measures installed prior to the date the Utility is a party to a firm requirements power sales contract with Bonneville pursuant to the provisions of this section to the extent such measures reduce the load obligations of Bonneville. Bonneville shall apply a ratio to the payment levels contained in the Program for such measures, the numerator being the whole number of years remaining in the useful life of the measure on the date the Utility executes a firm requirements power sales contract with Bonneville and the denominator being the total whole number of years in the useful life of the measure.

(7) The Utility shall request retroactive reimbursement using the same form or format as pertains to the appropriate Program. Such request shall clearly indicate that it is a request for retroactive reimbursement. The Utility shall maintain records that will allow verification of the items that are required under the Program. The Utility shall also maintain supporting documents and records for verification of costs retroactively reimbursed pursuant to this section.

(c)(1) For measures that qualify for retroactive reimbursement pursuant to the subsection (b) above, Bonneville shall pay the amount owing to the Utility in a lump sum or in no more than six equal monthly installments, without interest, commencing on the date Bonnevilles advises the Utility that its claims for retroactive reimbursement have been included in the Utility's Approved Budget.

(2) For Measures accomplished on or after the effective date of a Program, the methods of payment available to the Utility are set forth in Exhibit C. Unless the Utility selects the Letter of Credit payment method, Exhibit C, Table 2, which requires that if the Letter of Credit method is used, all Utility Programs be funded by the Letter of Credit method, the Utility shall select one of the payment methods in Exhibit C for each Program in which the Utility participates. The selected payment method shall be referenced in each Program.

13. [NWPPA/BPA Provision] *Consideration.* The Utility represents and warrants that it is a party to a firm requirements power sales contract with Bonneville. In consideration for Bonneville's payments to the Utility pursuant to the terms and conditions of this Agreement, the Utility agrees to the following:

If the Utility ceases to be a firm requirements power sales customer of Bonneville during the useful life of any Measure accomplished pursuant to this Agreement, the Utility shall return Bonneville's payments to the Utility to the extent provided by the following formula:

$$R = (\text{Bonneville payments to the Utility}) \times \frac{L_m - Y}{L_m}$$

where:
R = reimbursement to Bonneville
L_m = useful life of Measure
Y = number of years expended in useful life.

Reimbursement shall be made in a lump sum payment within three months of termination of the firm requirements power sales contract, or, at the Utility's discretion, in no more than twelve equal monthly installments. If reimbursement is accomplished by installments, interest shall be charged on the outstanding balance at Bonneville's Treasury borrowing interest rate for the period of time between approval of the Utility's budget request for the initial Budget Year pursuant to section 9(c) and the last payment made to the Utility for which reimbursement to Bonneville is being made pursuant to this section.

If the Utility, after initiating such installment payments, executes a firm requirements power sales contract with Bonneville, the Utility shall, from the date of such execution, no longer be obligated to make any further installment payments to Bonneville under this section, and Bonneville shall forgive all remaining installment payments due after the date of such execution.

B. [ICP Provision]

Note.—The ICP's position is that all electric utilities in the Region and thus all Consumers in the Region should be eligible to participate in Bonneville's Conservation Programs. Under this position, no contractual provision regarding "Consideration or Eligibility" is needed, and the BPA/NWPPA definition of "Electric Utility" is not appropriate. The ICP's alternative position is that all electric utilities in the Region, who sign either an exchange contract or a firm power sales contract with Bonneville after passage of the Regional Act, are eligible. With respect to this alternative position, Section 13 of the contract should be entitled "Eligibility" and should read:

13. *Eligibility.* The eligibility of Electric Utilities to enter into this Agreement is limited to those Electric Utilities who, pursuant to section 5 of the Regional Act and on or after August 28, 1981, execute either (1) a firm requirements power sales contract or (2) a residential exchange contract.

If Bonneville rejects these positions and intends to offer consideration language along the lines of what it has proposed in its draft contract, the ICP urges Bonneville to change its language to read as set forth below. In so rewriting Bonneville's draft, the ICP in no way agrees with the concept it presents. The revision would read as follows:

13. *Consideration.* The Utility represents and warrants that it has executed a firm requirements power sales contract with Bonneville pursuant to Section 5 of the Regional Act, on or after August 28, 1981. In consideration for Bonneville's payments to the Utility under this Agreement, the Utility agrees that, if it ceases to be such a firm

requirements power sales customer of Bonneville during the useful life of any Measures accomplished pursuant to this Agreement, the Utility shall return Bonneville's payments to the Utility for those Measures, but only to the extent that Bonneville's payments have not been recovered through its wholesale power rates. Reimbursement shall be made in a lump sum payment within three months of termination of the firm requirements power sales contract, or, at the Utility's discretion, in no more than twelve equal monthly installments. If the Utility thereafter executes a new firm requirements power sales contract with Bonneville, Bonneville shall promptly return to the Utility any such reimbursement it has received from the Utility.

14. *Arrangements with Consumers and Electric Utilities.* The Utility shall not unreasonably discriminate among its Consumers in implementing Programs. Bonneville shall not unreasonably discriminate among Electric Utilities in implementing this Agreement.

15. *Publicity and Advertising.*—(a) Bonneville may inform the general public within the Region of the existence of the Programs encompassed by this Agreement by such means as press releases, speeches, public service announcements, or the like. When applicable, such information shall indicate that the availability of Programs may vary from area to area. To the extent that any such information indicates that the Utility is participating in a Program, Bonneville, prior to its distribution, shall advise the Utility and shall confirm that the Utility is prepared to implement that Program.

(b) In carrying out activities authorized under subsection (a) above, Bonneville shall not:

(1) Directly solicit participation in a Program by the Utility's Consumers; or

(2) Mail informational materials to the Utility's Consumers regarding a Program.

(c) Bonneville may, at its expense and upon request of the Utility, make available to the Utility informational materials regarding the Programs.

(d) Local advertising regarding the Programs available pursuant to this Agreement and all direct distribution of materials to the Utility's Consumers shall be the responsibility of the Utility. The Utility shall advertise or publicize each Program to the extent necessary to stimulate Consumer interest subject to any limitations on expenditures recoverable through rates, established by the Utility's state regulatory body.

(e) The Utility shall not include in any Program advertising or publicity representations concerning (1) warranties; or (2) the terms of financing which are offered to Consumers by Bonneville through the Utility, without Bonneville's prior approval. Any such representations shall be sent to Bonneville for review and shall be deemed approved unless objected to in writing within 15 days after receipt.

(f) Bonneville shall reimburse the Utility for its costs of publicizing and advertising Programs to the extent specified in each Program.

16. *Program Records.*—(a) Records maintained by the Utility for each Program in which the Utility is participating shall contain the information specified in such Program. Unless otherwise specified in a Program, the records shall be maintained by the Utility in a form determined solely by the Utility, so long as the requirements of subsection (b) below are met. The Utility shall keep all records required by each Program for three years after termination of such Program, unless otherwise specified in such Program. Further, the Utility shall provide 90 days' written notice to Bonneville prior to destruction of any such records.

(b) Program records shall be established and maintained in accordance with generally accepted accounting principles consistently applied, and in conformance with applicable laws and Federal regulations, including the provisions of the Privacy Act of 1974. A summary of the system of records developed by Bonneville to comply with the Privacy Act shall be supplied by Bonneville.

17. *Program Reports.* The Utility shall submit to the appropriate Bonneville official, no later than the 10th calendar day of each month, a completed Exhibit C and the appropriate Program schedules, unless otherwise agreed by the parties.

18. *Program Audits.* Bonneville may, upon reasonable notice, conduct such audits, examinations, or inspections of the Utility's Program records, and of the Utility's procedures under the terms of this Agreement as it deems appropriate. The number, timing, and extent of such audits will be at the discretion of Bonneville, may be conducted by Bonneville staff or its designee, and shall be in accordance with audit standards established by the Comptroller General of the United States.

19. [BPA Provision] *Evaluation.* The Utility shall supply Bonneville with information on participating and nonparticipating Consumers in order to evaluate the Programs in which the Utility is participating. Individually identifiable Consumer information shall be made available with the Consumer's permission. The Utility shall assist Bonneville in obtaining such permission from Consumers. Any reasonable additional cost incurred by the Utility in assisting such evaluation shall be reimbursed by Bonneville. When feasible, the Consumer information shall be selected by the use of a valid statistical sampling methodology accepted or provided by Bonneville. Bonneville shall, to the extent practicable, work with the Electric Utilities in developing and implementing Program evaluation procedures.

19. [NWPPA/ICP Provision] *Evaluation.* The Utility shall supply Bonneville with information on participating and nonparticipating Consumers which is reasonably necessary to evaluate adequately the Programs in which the Utility is participating. Individually identifiable Consumer information shall be made available with the Consumer's permission. Each Program shall be evaluated using standards and methods unique to that Program. Any reasonable additional costs incurred by the Utility in assisting such evaluation shall be reimbursed by Bonneville. When feasible, the Consumer information shall be selected by the use of a valid statistical sampling methodology accepted or provided by Bonneville. Bonneville shall, to the extent practicable, work with the Electric Utilities in developing and implementing Program evaluation procedures. Bonneville shall, upon completing the evaluation, distribute the results of the evaluation to the Utility.

20. *Indemnification.* Each party shall indemnify and hold harmless the other party and its respective officers, agents, and employees from and against any and all claims, actions, losses, damages, liability, and expenses, including but not limited to reasonable attorney's fees, arising from such party's negligent or other tortious actions or omissions or those of its officers, agents, or employees.

21. *Disclaimer of Liability.*—(a) Neither Bonneville nor the Utility shall be liable to the other party, or to a Consumer, for the acts or omissions of an independent contractor. Independent contractors participating in any of the Programs under this Agreement shall not be considered officers, agents, or employees of either Bonneville or the Utility.

(b) Independent contractors contracting with the Utility or Bonneville to implement the provisions of this Agreement shall be required to indemnify and hold the Utility and Bonneville harmless for all claims,

damages, losses, and expenses arising from the negligent or other tortious acts or omissions of such independent contractors, their officers, agents, or employees.

22. *Compliance with Law.* This Agreement is subject to the provisions contained in Exhibit E to the extent required by applicable law, regulation, or Executive order.

23. *Notices and Other Communications.* Any notice, request, approval, consent, instruction, or other communication given by either party to the other party shall be in writing and shall be delivered in person or mailed to the address and to the attention of the person specified below:

If to Bonneville: Bonneville Power Administration

_____

_____

Attn: _____

If to the Utility:_____

_____

_____

Attn: _____

Either party may from time to time change such address by giving the other party written notice of such change.

24. *Termination.* (a) The Utility may, for its convenience, terminate this Agreement or terminate its participation in any of the Programs under this Agreement by giving Bonneville 30 days' written notice of such termination. In the event of such termination, the Utility shall use its best efforts to minimize the compensation payable under this Agreement.

(b) Bonneville may terminate this Agreement or a Program hereunder:

(1) If Bonneville determines that the Utility's Program procedures, records, or accounts do not conform with the requirements of this Agreement and that the Utility has failed to correct the nonconformance within a reasonable time after written notice of the nonconformance from Bonneville.

(2) [BPA/NWPPA Provision] If the Utility ceases to be a firm requirements power sales customer as specified in section 13.

(3) [BPA/ICP Provision] Bonneville may, for its convenience, terminate this Agreement or terminate any of the Programs under this Agreement by giving the Utility one year's written notice of such termination. In the event of such termination, the Utility shall use its best efforts to minimize the compensation payable under this Agreement.

[NWPPA Provision]

(c) For reasonable justification, Bonneville may, upon one year's notice to the Utility, terminate any of the Programs which cannot be corrected by amending the Program or amending the cost reimbursement levels of the Program.

25. *Assignment of Agreement.* The Utility may assign any of the rights, benefits, and remedies conferred upon it by this Agreement to a third person or entity, when such assignment would assist the Utility in financing any portion of the cost of a Program being implemented under this Agreement. Any other assignment by the Utility shall not be made without the prior written consent of Bonneville, which consent shall not be unreasonably withheld. All assignments shall be in writing.

26. *Governing Law.* To the extent State law is applicable or is utilized by a court to interpret, implement, or construe this Agreement, the rights and obligations of the parties under this Agreement shall be governed by the laws of the state in which the headquarters of the Utility are located.

[BPA Provision] No section.

27. [NWPPA Provision] *Allocation of Costs.* Bonneville, in establishing rates to recover the costs of Programs, shall take into account the benefits from the reduction in Electric Power consumption under the Programs, in allocating costs to rate groups.

27. [ICP Provision] *Allocation of Costs.* The costs of the Programs, including all Bonneville administrative costs and all payments made by Bonneville to Electric Utilities, Consumers, local entities and others, shall be amortized over a period of years not exceeding the average useful life of Measures. Such amortized amounts shall be recovered by Bonneville through its rates by means of a uniform charge to all kilowatthours sold by Bonneville.

28. *Training.* (a) The Utility shall be responsible for training and qualifying the personnel necessary to implement each Program in accordance with procedures, standards, and certification requirements specified in such Program.

(b) Bonneville shall pay the Utility or the Utility's designee for the cost of training to the extent specified in each Program.

29. *Arrangements With Other Entities.* (1) If the Utility supplies firm power for resale to an entity that has not entered into an Energy Conservation Agreement with Bonneville and that places a load on the Utility which is part of the Utility's firm load under the Utility's firm requirements power sales contract with Bonneville, the Utility may, with prior approval by Bonneville and with consent of such entity, offer any of the Programs to Consumers of such entity.

(2) Bonneville shall have the right to revoke its approval if the power sales contractual relationship between the Utility and the entity changes in such a way so as to decrease the potential for energy savings to Bonneville from Programs.

(3) The terms and conditions of such arrangement shall be determined by the Utility and the entity and shall be consistent with the terms and conditions of this Agreement.

30. [BPA Provision] *Coordination.* Bonneville shall inform the Utility when Programs are offered to third parties within the Utility's service area.

30. [NWPPA/ICP Provision] *Coordination.* Bonneville agrees to inform the Utility when Programs are offered to third parties within the Utility's service area. Further, Bonneville shall in its contracts with third parties, require that such third parties periodically inform the Utility or Program development and implementation in the Utility's service area. The timing and information to be exchanged shall be as agreed to by the Utility and the third party. Programs offered to third parties shall contain the same rights and obligations as similar Programs offered to the Utility.

31. [BPA Provision] *Double Payments.* Notwithstanding any other section of this Agreement, Bonneville shall not be obligated to pay funds on behalf of any Consumer or pay the Utility that portion of any reimbursement which would result in paying more than the actual cost of a Measure, due to payments made or to be made to the Utility or Consumer which originate from another governmental entity. Should the Utility receive, pass through to the Consumer, expect to receive or pass through such payments, or become aware of double payments, it shall notify Bonneville. Bonneville shall then consult with the Utility in determining if any reduction in reimbursements is appropriate.

31. [ICP Provision] *Double Payments.* If the sum of payments made on a Consumer's behalf with respect to a Measure both under a Program and from another governmental source would exceed the actual cost of the Measure, Bonneville may reduce its payment so that only the actual cost is paid on the Consumer's behalf, provided that Bonneville's reduction shall not be greater than the payment from the other governmental source. Should the Utility be aware of such payments, it shall notify Bonneville. Bonneville shall then consult with the Utility to determine if any payment reduction is appropriate.

provided that no reduction shall be made if the Utility has made a contractual commitment with the Consumer concerning payment of the Measure.

31. [NWPPA Provision] *Double Payments.* Bonneville may reduce payment to a Utility or Consumer based on reimbursement from another governmental agency so as to limit the total reimbursement from all governmental sources to the Utility or Consumer to the actual cost of the Measure or the Bonneville Consumer Incentive, whichever is greater. Should the Utility be aware of double payments, it shall notify Bonneville. Bonneville shall then consult with the Utility to determine if reduction of future Consumer Incentives is appropriate.

32. [BPA Provision] *Cooperation with the Council.* The parties will negotiate amendments to this Agreement as may be necessary to permit the plan or program adopted by the Council pursuant to the Regional Act, including but not limited to provisions pertaining to conservation, renewable resources, and fish and wildlife, to be effective in the manner and for the purposes set forth in sections 4 and 6 of the Regional Act.

EXHIBIT A, PAGE 1 OF 1, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Program Offerings

1. Shower Flow Restrictor Program
2. Water Heater Wrap Program
3. Street and Area Lighting Efficiency Improvement Program
4. Commercial Conservation Program—Lighting and Water Heating
5. Energy Buy-Back Weatherization Program/Zero Interest Loan Weatherization Program

EXHIBIT B, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Utility-Designed Programs

1. The Utility may, by submitting the information specified below, request that Bonneville acquire Conservation and direct-application renewable Resources from a Utility-Designed Program:

(a) *General Information.*

(I) Utility's name, address, phone number and the name of the person within the Utility to be contacted regarding the proposal.

(II) A narrative description of the program, identifying:

(A) The measures to be implemented,

(B) The energy use sector (residential, commercial, industrial, agricultural or utility) to which the program is directed,

(C) The end uses affected by the implemented measures,

(D) The date of proposed initiation of the program, and its proposed duration, and

(E) The manner in which the program will be operated and administered.

(b) *Energy Savings Information.* (In responding to these items, the Utility will state all pertinent assumptions and document information sources.)

(I) Provide an estimate of the reliability of the measures to be implemented.

(II) Provide an estimate of the market for the proposed program, including the availability of supplies and the mechanisms for distributing the measures.

(III) Estimate the annual energy savings per measure installed.

(IV) Estimate the useful life of an installed measure.

(VI) Describe when, on an hourly, daily, and seasonal basis, the energy savings produced by installed measures will be expected to occur.

(VII) Describe the means proposed to monitor and verify the energy savings expected to be produced by the program.

(c) *Program Cost Information.* (In responding to these items, the Utility will state all pertinent assumptions and document information sources.)

(I) Provide an annual breakdown, over the expected duration of the program, of the estimated direct costs of implementing the program.

(II) Provide an estimate, in quantitative terms to the extent practicable, of the environmental impacts of the program. To the extent mitigation is proposed with respect to any adverse environmental impacts, estimate the cost of such mitigation.

(III) Describe the type and amount, if any, of financial assistance the Utility intends to provide to Consumers installing measures under the program, and the total cost of installation to the Consumer.

(IV) Describe the amount which the Utility requests that Bonneville pay to it for energy saved by the program.

2. Bonneville shall upon receipt of an application:

(a) Verify the information submitted to it by the Utility. The Utility shall cooperate fully in the verification process;

(b) Conduct such other review of the proposal as may be required by the Regional Act; and

(c) Thereafter, determine whether the proposal is consistent with the Plan or, if no Plan is in effect, consistent with the criteria in section 4(e)(1) and the conditions of section 4(e)(2) of the Regional Act.

3. Within days after receipt of the application, Bonneville shall either:

(a) Accept the application and offer to negotiate a Program; or

(b) Reject the application. A rejection shall be accompanied by an explanation of the reasons therefor.

4. *Protection of Confidential Information.* If the application includes confidential information or trade secrets, the Utility should clearly indicate that this type of information is contained in the application, specifically identify that information, and state that the information is being submitted in confidence. Every reasonable effort will be made by Bonneville to protect this information from disclosure beyond those Bonneville employees or agents involved in reviewing the application, consistent with the Federal Privacy Act, the Federal Freedom of Information Act, and other laws.

5. *Retention of Documents.* Bonneville will retain all documents submitted. The Utility should make a copy for its own records and future reference. Bonneville reserves the right to make copies of any documents submitted to support its program development and resources assessment activities.

EXHIBIT C, TABLE 1, PAGE 1 OF 1, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Payment Methods

Cost Remibursement Method

1. Payment shall be computed based upon levels of reimbursement specified in each Program.

2. The Utility shall submit monthly to Bonneville a completed Form BPA–1418–F, Monthly Financial Summary, with applicable schedules.

3. Within 30 days of receipt of the Monthly Financial Summary, Bonneville shall reimburse the Utility.

EXHIBIT C, TABLE 2, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT NOVEMBER 19, 1981

Payment Methods

Letter of Credit Method

1. This is a method whereby Bonneville provides operating funds to the Utility to fund its conservation activities. Funds are provided in advance of actual expenditures by the Utility and provide the Utility with control over its daily financial

operations. This method is available if Bonneville has, or expects to have, a contractual relationship under this Agreement with the Utility which will last one year and involve annual advances aggregating at least $120,000. One letter of credit will be used to provide funding for all Utility Programs. The Utility may utilize the Revolving Working Capital Advance Method of payment until the Letter of Credit Method is fully operational for the Utility.

2. *Duties of the Utility.* (a) The Utility shall notify Bonneville of the name and address of the commercial bank (Bank) which has agreed to receive payment vouchers (TSF 5401) and shall request an amount computed pursuant to Bonneville issued instructions.

(b) The Utility shall submit properly completed signature card (SF 1194) to Bonneville. The Utility shall also submit properly completed payment vouchers to the Bank for the amount of the advance desired. Such payment vouchers shall be submitted to the Bank as close as is administratively possible to the issuance of checks for program disbursements.

(c) The Utility shall make timely reports of cash disbursements and balances to Bonneville.

(d) The Utility shall provide for effective control over and accountability for all Federal funds.

(e) The Utility shall establish internal operating procedures including but NOT limited to:

(1) The correct preparation and distribution of prescribed forms;

(2) Monitoring of drawdowns and reviewing of other financial practices to insure against excessive withdrawals of Federal funds; and

(3) Remedial measures to correct excessive withdrawals of cash.

(f) Subsections (a) through (e) above shall apply to any agent of the Utility authorized to use such letter of credit.

3. *Duties of Bonneville.* (a) Bonneville shall establish the amount of the letter of credit (SF 1193) and record an obligation in its accounts equal to such amount.

(b) Bonneville shall transmit a certified letter of credit and signature card (SF 1194) to the Department of Treasury (DOT). The DOT shall then transmit a letter of credit and signature card to the appropriate Federal Reserve Bank.

(c) Bonneville shall designate one of its own officials as a liaison officer with the DOT.

(d) Bonneville shall furnish instructions to the Utility which provide the procedures for the letter of credit method of payment.

(e) Bonneville shall revoke any unobligated portion of the letter of credit upon determination that the Utility has failed to comply with the instructions referenced in subsection (d) above. A timely reconciliation of expenditures and advances shall be made and disbursement made to the appropriate party.

EXHIBIT C, TABLE 3, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT, NOVEMBER 19,1981

Payment Methods

Treasury Check Advance Method

1. This is a method whereby Bonneville authorizes advances by direct Treasury check to the Utility immediately prior to disbursement. This method is available when the annual aggregate advance is less than $120,000 or the term of the Program Exhibit does not exceed 1 year.

2. *Duties of the Utility.* (a) The Utility shall request an amount by submitting to Bonneville a completed Form BPA–1418–F, Monthly Financial Summary.

(b) The Utility shall submit a certified monthly estimate of reimbursable expenditures to Bonneville at least 20 days in advance of disbursement. The Utility shall reduce the amount so requested by the amount of any undisbursed advance which is outstanding to the Utility.

(c) The Utility shall deposit the Treasury check and shall limit disbursements to only those for Program expenses incurred.

(d) The Utility shall submit to Bonneville a completed Monthly Financial Summary with applicable schedules showing the amount of Program disbursements made each day, and the dates and amounts of Program advances received.

(e) Within 30 days of revocation of the award the Utility shall return to Bonneville any undisbursed advance funds.

3. *Duties of Bonneville.* (a) Bonneville shall review the Utility's request for an advance and make the necessary award. Bonneville shall record such award as an obligation in its accounts.

(b) Bonneville shall designate a Bonneville employee as Program Officer. The Program Officer shall review payment requests and shall authorize advances as warranted.

EXHIBIT D, CONTRACT NO. DE–MS79–81BP, ENERGY CONSERVATION AGREEMENT, NOVEMBER 19, 1981

Provisions Required by Statute or Executive Order

1. *Contract Work Hours and Safety Standards.* This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) *Overtime Requirements.* No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidation of damages.* In the event of any violation of the provisions of subsection (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of subsection (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of his standard workweek of 40 hours without payment of the overtime wages required by subsection (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Administrator may withhold from the Government Prime Contractor, from any moneys payable on account of work performed

by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of subsection (b) above.

(d) *Subcontracts.* The Contractors shall insert subsections (a) through (d) of this section in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Record.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

2. *Convict Labor.* In connection with the performance of work under this contract, the Contractor agrees not to employe any person undergoing sentence of imprisonment except as provided by Public Law 89–176, September 10, 1965, (18 U.S.C. 4082(c)(2)) and Executive Order 11755, December 29, 1973.

3. *Equal Employment Opportunity.* (The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60)).

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Administrator setting forth the provisions of this clause.

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

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Administrator, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employemnt.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by Law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; *Provided, however,* That in the event the Contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

4. *Interest of Member of Congress.* No member of or delegate to Congress, or resident commissioner shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefits.

5. *Affirmative Action for Handicapped Workers.* (a) The Contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or aplicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The Contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, and is committed to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(f) The contractor will include the provisions of this clause in every subcontract or purchase order of $2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be binding upon each subcontractor or

vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce each provisions, including action for noncompliance.

6. *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* (a) The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietman era in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees that all suitable employment openings of the contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be listed at an appropriate local office of the State employment service system wherein the opening occurs. The contractor further agrees to provide such reports to such local office regarding employment openings and hires as may be required.

State and local government agencies holding Federal contracts of $10,000 or more shall also list all their suitable openings with the appropriate office of the State employment service, but are not required to provide those reports set forth in paragraphs (d) and (e).

(c) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive Orders or regulations regarding nondiscrimination in employment.

(d) The reports required by paragraph (b) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the contractor has more than one hiring location in a State, with the central office of that State employment service. Such reports shall indicate for each hiring location (1) the number of individuals hired during the reporting period; (2) the number of nondisabled veterans of the Vietnam era hired; (3) the number of disabled veterans of the Vietnam era hired; and (4) the total number of disabled veterans hired. The reports should include covered veterans hired for on-the-job training under 38 U.S.C. 1787. The contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made on this contract identifying data for each hiring location. The contractor shall maintain at each hiring location copies of the reports submitted until the expiration of one year after final payment under the contract, during which time these reports and related documentation shall be made available, upon request, for examination by any authorized representatives of the contracting officer or of the Secretary of Labor. Documentation would include personnel records respecting job openings, recruitment and placement.

(e) Whenever the contractor becomes contractually bound to the listing provisions of this clause, it shall advise the employment service system in each State where it has establishments of the name and location of each hiring location in the State. As long as the contractor is contractually bound to these provisions and has so advised the State system, there is no need to advise the State system of subsequent contracts. The contractor may advise the State system when it is no longer bound by this contract clause.

(f) This clause does not apply to the listing of employment openings which occur and are filled outside of the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(g) The provisions of paragraphs (b), (c), (d), and (e) of this clause do not apply to openings which the contractor proposed to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(h) As used in this clause:

(1) "All suitsable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings as are compensated on a salary basis of less than $25,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the contractor proposed to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement nor openings in an educational institution which are restricted to students of that institution. Under the most compelling circumstances an employment opening may not be suitable for listing, including such situations where the needs of the Government cannot reasonably be otherwise supplied, where listing would be contrary to national security, or where the requirement of listing would otherwise not be for the best interest of the Government."

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area where the employment opening is to be filled, including the District of Columbia, Guam, Puerto Rico, and the Virgin Islands."

(3) "Openings which the contractor proposed to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and the parent companies) and includes any openings which the contractor proposed to fill from regularly established "recall" lists."

(4) "Openings which the contractor proposes to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings which the contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the contractor and representatives of his employees."

(i) The contractor agrees to comply with the rules, regulations, and relevant

orders of the Secretary of Labor issued pursuant to the Act.

(j) In the event of the contractor's noncompliance with the requirements of this clause, actions for concompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(k) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by or through the contracting officer. Such notice shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era for employment, and the rights of applicants and employees.

(l) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of the Vietnam Era Veterans Readjustment Assistance Act, and is committed to take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

(m) The contractor will include the provisions of this clause in every subcontract or purchase order of $10,000 or more unless exempted by rules, regulations, or orders of the Secretaty issued pursuant to the Act, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

7. *Utilization of Minority Business Enterprises.* (a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

8. *Small Business Concerns.* (a) It is the policy of the United States that small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The contractor further agrees to cooperate in any studies or surveys as may be conducted by the United States Small Business Administration or the awarding agency of the United States as may be necessary to determine the extent of the contractor's compliance with this clause.

(c) As used in this contract, the term, "small business concern" shall mean a small business as defined pursuant to section 3 of the Small Business Act (15 USCS Section 632) and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals" shall mean a small business concern—

(1) Which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(2) Whose management and daily business operations are controlled by one or more of such individuals.

The contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to section 8(a) of the Small Business Act (15 USCS section 637(a)).

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

9. *Certification of Nonsegregated Facilities.* (Applicable to (1) contracts; (2) subcontracts; and (3) agreements with applicants who are themselves performing federally assisted construction contracts, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause.)

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants, and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods).

10. *Notice to Prospective Subcontractors of Requirement for Certifications of Nonsegregated Facilities.* Certification of Nonsegregated Facilities must be submitted prior to the award of a subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for

each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually).

11. *Administrator's Obligations Not General Obligations of the United States.*

All offerings of obligations, and all promotional materials for such obligations, which may be offered by the Utility to finance Measures installed pursuant to this Agreement shall include the language contained in the second sentence of subsection 6(j)(i) of the Regional Act.

[FR Doc. 81-34917 Filed 12-3-81; 8:45 am]
BILLING CODE 6450-01-M

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing **December 3, 1981**



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