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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.
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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272, 273 and 274

[Amdt. No. 215]

Food Stamp Program; Proration of Initial Month Benefits

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: On September 4, 1981 the Department issued interim rules to implement several Food Stamp Program provisions contained in the 1981 Omnibus Budget Reconciliation Act. Among the interim final changes made, as required by the new law, was the proration of initial month's benefits so that a household's initial allotment of food stamps will reflect eligibility from the date it applied to participate in the program through the end of the month in which it applied. Comments were solicited on the interim rules through January 4, 1982. This final rulemaking addresses comments received on the proration of initial month's benefits and resolves any significant issues.

DATE: This final action is effective May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rulemaking should be addressed to Mr. Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Room 708, 3101 Park Center Drive, Alexandria, Virginia 22302. Phone: Area Code 703–756–3429. Copies of the final Regulatory Impact Analysis, which is summarized in this preamble, are also available to the public from Mr. O'Connor.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The Department estimates that the rule will result in a savings of about $369 million in fiscal year 1982. It is classified as a "major" rule because the rule will have an annual effect on the economy, through significant program cost savings, of more than $100 million. However, the rule will not result in major increases in costs or prices, will not have a significant adverse effect on competition, employment, productivity, investment, or foreign trade, and will not require significant changes in the way State and local welfare agencies administer the Program. Further, this rule is unrelated to the ability of United States-based enterprises to compete with foreign-based enterprises. Moreover, pursuant to section 4(a) of Executive Order 12291, the Department has determined that this rule is within the authority delegated by law and consistent with Congressional intent. Because this is major rule, the Department has prepared a final Regulatory Impact Analysis which is summarized below.

Regulatory Flexibility Act

This rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354). The Administrator of the Food and Nutrition Service has certified that this rule does not have a significant economic impact on a substantial number of small entities. The action implements the provisions of the September 4, 1981 interim rules, relative to proration, which changed due to comments received, including administrative problems of the interim rules raised by State and local welfare agencies. The primary impact is on State and local welfare agencies and individual recipients.

Regulatory Impact Analysis

Need for Action

This action amends Title 7 of the Code of Federal Regulations to implement the daily proration of initial month benefits which was one of several Program changes mandated by Pub. L. 97–35, 95 Stat. 358, August 13, 1981, the Omnibus Budget Reconciliation Act of 1981. The purpose of this final rulemaking is to effectuate the mandate of Congress with regard to proration of initial month's benefits. These final rules amend portions of the interim rules that were published in the **Federal Register** on September 4, 1981 at 46 FR 44712. Because the Department believes certain of the comments received justify immediate amendments to the proration of initial month's benefits portion of the September 4, 1981 rules, that portion is being separated from the remainder of the September 4 rulemaking for treatment at this time. Comments on the remainder of the September 4 rulemaking are continuing to be analyzed and the Department expects to publish its final analysis and any resulting changes in those portions of the rules in the near future.

Issue Analysis

Although the September 4, 1981 rulemaking had the effect of final regulations, and had to be placed into operation by State welfare agencies, the Department encouraged interested parties to submit comments by January 4, 1982. Subsequently, 96 letters were received which addressed the proration provision of the interim rules. Generally, the commenters accepted the concept of proration of initial month's benefits and directed their comments to specific provisions in the rules. A full understanding of the basis and purpose of the provisions not addressed here may require reference to the September 4, 1981 **Federal Register** publication.

The Department did identify one issue for which alternatives needed to be considered as a result of comments received on the interim rules. This issue concerned the potential delay in receipt of subsequent benefits by migrant farmworker households due to the unusual time needed to obtain out-of-State verification postponed under expedited service.

Expedited Service Households and Proration of Initial Month's Benefits. A large number of comments were received on the special procedures in the interim rules for certifying expedited service households which apply after the 15th of a month and have postponed verification. These comments reflected two separate concerns. The first concern was that these procedures are too difficult to administer. However, while these procedures appear to be

burdensome they are not as complex as other options considered, such as the proposal set forth by Congress in this area. Also, the Department believes that such procedures are necessary to avoid a serious hardship situation for households which apply late in a month and are eligible for expedited services. As pointed out in the interim rules published September 4, 1981, Congress is concerned about these households and how proration affects them (House Report No. 97–106, 97th Congress, 1st Session, page 148).

The second concern, raised by a majority of the commenters, was that these special procedures do not relieve sufficiently the hardship which proration of initial month's benefits inflicts on households in need of expedited service, especially migrant households. It was pointed out that migrant workers often travel long distances from job to job and usually spend almost all of their money during the trip. The commenters pointed out that obtaining verification from out-of-State sources can be a lengthy process for migrant households. These commenters were concerned that the Department failed to provide migrants with a reasonable opportunity to obtain verification. In addition, the Department received direction from the Congress (Senate Report No. 97–290, 97th Congress, 1st Session, pages 220–221) to assure that destitute migrant households applying in the second half of the month be provided with a reasonable opportunity to obtain out-of-State verification without a loss or delay in benefits. This Report indicates that the interim rules do not adequately address this issue. To resolve this problem, the Department considered three alternatives.

The first alternative considered was to provide those eligible migrant households which are eligible for expedited service and which apply after the 15th of a month with 30 days worth of food stamps prospectively from the date of application. The household's benefits for the remainder of the second month would be prorated, unless the household was found to be ineligible for the second month. The effect of this alternative is to certify the destitute migrant household for part of the second month based on its circumstances in the initial month. However, if it turned out that the household was ineligible in the second month, the household would have received benefits to which it was not entitled. It would also require some State agencies to adapt their issuance systems to accommodate such households on a "rolling" month schedule during their initial months. This alternative was not adopted becaue it would make the expedited service procedures more complicated and the eligibility worker's task more difficult.

The second alternative was to maintain the special procedures contained in the interim rules but to provide for the issuance of an interim allotment at the beginning of the second month when verification from out-of-State sources has not yet arrived for destitute migrant households. The interim allotment would also be prorated so that, when taken together, the first and second allotments provided benefits which covered a period of 30 days. If the State agency was unable to continue issuing benefits to the household on a rolling month schedule after the first and second prorated allotments, it would have to issue another prorated allotment to cover the remainder of the second month. The Department decided against this alternative because it extends the proration concept beyond the initial month and, as a result, forces many State agencies to provide these households with a total of three prorated allotments. In addition, the State agency would have to establish a mechanism for triggering issuance of the second prorated allotment (the so-called interim allotment) if verification had not arrived by a date shortly before the end of the first month.

Instead, the Department chose a third alternative which also maintains the special procedures contained in the interim rules, but requires that migrants provide all necessary verification from within the State before being issued benefits for the second month and from out-of-State before being issued benefits for the third month. The effect of this alternative is to waive the remaining verification requirements only for a limited period of time (one month) and only to the extent that they pertain to sources outside of the State. This special procedure may only be used once each migrant season by each migrant household. Since the household would have the needed verification after receiving the special treatment once, there is no need to allow repeated postponements of out-of-State verification. While providing migrants a reasonable opportunity to obtain verification, this alternative does not further complicate the expedited service procedures for the majority of the caseload which are not migrant farmworkers.

Postponed Verification

Other commenters pointed out that some State agencies have systems that cannot issue the subsequent month's benefits to households with postponed verification without a new application. Consequently, the Department has included in the final regulations an option which would allow State agencies to request any household eligible for expedited service which applies after the 15th of a month to apply for benefits for subsequent months at the time the first application is made if the household's verification requirements are postponed.

The Department became aware that commenters were not clear on what to do when postponed verification is not completed within 30 days from the date of application. The Department would like to stress that, except for migrant households needing out-of-State verification, if postponed verification is not completed within 30 days then participation would be terminated.

When to Start Prorating

A question arose relative to proration and a recertification action which is delayed due to the household. The interim rules define initial month as either the first month for which an allotment is issued to a household or the first month for which an allotment is issued to a household following any period of more than a month during which the household was not certified for participation in the program. A suggestion was made that if an application for recertification is untimely (as defined in § 273.14(b)(4)), then benefits should be prorated. This suggestion was not adopted; the language in the interim rules follows closely the language in the legislation and consequently, has been retained in the final rules.

One commenter suggested that if the Department intends that benefits be prorated from the day an application is filed, regardless of the lack of opportunity to file on the first calendar day because the certification office is not open, this intent should be clarified. A household's intent to file on the first of a month, or any other non-working day had the opportunity existed would be difficult if not impossible for the State agency to determine. The final rules have not changed—proration will continue to be based on the day of the month the household actually applies for benefits.

Written Notice

One comment was received on the section of the interim rules which specifies that the written notice given to the household at certification advise the household that if verification results in

changes in the household's eligibility or level of benefits, the State agency shall act on these changes without a specific advance notice of adverse action. This commenter believes that households who apply after 15th day of the month, receive expedited service, and have verification postponed, are being denied due process of law by not having received a written notice of reduction or termination (based on the new verification received) specifically explaining the agency's action. They believe that households may not realize they have fair hearing rights unless they receive a written notice of reduction or termination. They also believe that there will be potential for the agency to have acted in error but there will be no means for the household to detect the error without a written notice.

The Department believes that the notice required to be given to the household at the time the household is certified for longer than one month notifies the household of what will happen if they do not provide required verfication, and if the verification provided results in a reduction or a termination of benefits. Moreover, households are advised, on the application form, of their right to a fair hearing if they disagree with an agency action and the Department believes that this is adequate notice. As a result, final rules have not been changed in this area.

Miscellaneous Comments

The Department received a comment relative to proration of the $10 minimum allotment for one and two person households. This commenter believes that without an amendment to section 8(a) of the Food Stamp Act, the Department lacks the authority to prorate this minimum benefit in the month of application. The Act specifies that one and two person households receive a minimum allotment of $10 *per month.* Since the $10 is a monthly amount the Department sees no bar to prorating that amount when an application is made after the first of the month. Moreover, Congress did not exempt one and two person households from the proration provision and consequently the proration of initial month's benefits policy should be applied to all households without exception. The Department has not modified the final rules in this area.

Another commenter recommended that the formula for prorating benefits be amended to provide that actual full month's benefits of $1, $3 and $5 be subjected to prorating rather than inserting the rounded amount used for issuance purposes into the formula. This would avoid a double rounding. The Department agreed and added language to the final rules to ensure that the amount used in the full month's benefits part of the formula does not reflect a rounded amount.

Finally, paragraph (h) of § 274.2 was relettered as paragraph (i) by a subsequent final rule. However, regulatory references within the paragraph were not revised to coincide with the newly designated paragraph lettering. Therefore, § 274.2(i) is revised by this final action to correct this oversight.

Implementation

State agencies shall implement the provisions of this rule upon publication. The Department of Agriculture has also determined, in accordance with 5 U.S.C. 553(d)(3), that good cause exists for making this rule effective earlier than thirty days after publication. The seasonal movement of migrant workers is about to begin. The rule allows the participation in the program of certain migrant households in the month following the month of application even if they are unable to obtain verification from out-of-State sources prior to the beginning of that month.

Note.—The following paragraphs in 7 CFR which had been amended or revised in accordance with the September 4 interim rules have not changed from the interim rules and are adopted final as set forth in the interim rules: 7 CFR 272.8(h); 273.10 (a)(1)(i), (a)(1)(ii)(A), (a)(1)(ii)(B), (a)(1)(iii)(A), (a)(1)(iii)(B), (a)(1)(iii)(C), (a)(3), and (a)(4).

These unchanged paragraphs are set out below along with paragraphs that are being amended or revised by this final action for the convenience of the reader.

List of Subjects 7 CFR

Part 272

Alaska, Civil rights, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Fraud, Grant programs-social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Part 274

Administrative practice and procedure, Food stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

Therefore, Parts 272, 273 and 274 are amended as follows:

PART 272—REQUIREMENTS OF PARTICIPATING STATE AGENCIES

1. In § 272.1, a new paragraph (41) is added to paragraph (g). The addition reads as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(41) State agencies shall implement the provisions of Amendment No. 215 upon publication.

* * * * *

2. In § 272.8, paragraph (h) is revised to read as follows:

§ 272.8 Procedures for program administration in Alaska.

* * * * *

(h) *Determining household eligibility and benefit level.* If a household in a rural area that is serviced by a fee agent first submits its application to the fee agent, the household shall, if determined eligible, receive benefits retroactive to the date the application is received by the fee agent. If a household in a rural area that is serviced by a fee agent submits its signed application directly to a State agency office, the household shall, if determined eligible, receive benefits retrospective to the date the application is received by the State agency.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.2, paragraph (i)(4)(iii) is revised to read as follows:

§ 273.2 Application processing.

* * * * *

(i) *Expedited Service.* * * *

(4) *Special procedures for expediting service.* * * *

(iii) Households that are certified on an expedited basis and have provided all necessary verification required in paragraph (f) of this section prior to certification shall be assigned normal certification periods. If verification was postponed, the State agency may certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the State agency's option, may assign normal certification periods to those households whose circumstances would otherwise warrant longer certification periods. State agencies, at their option, may request any household eligible for expedited service which applies after the 15th of the month to submit a second application (at the time of the initial

certification) if the household's verification is postponed.

(A) When certified only for the month of application, households must reapply and complete the verification which was postponed, unless they have been certified under normal processing standards since the last expedited certification.

(B) Except with regard to migrant households applying after the 15th of a month, when a certification period of longer than one month is assigned, the State agency shall notify the household in writing that no further benefits will be issued until the postponed verification is completed. Migrant households eligible for expedited service and applying after the 15th of a month and which are assigned certification periods of longer than one month, shall be notified in writing that they shall provide postponed verification from sources within the State before a second month's benefits are issued and shall provide all verification from out-of-State sources before being issued benefits for the third month. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the State agency shall act on those changes without advance notice of adverse action. Migrants shall be entitled to postpone out-of-State verification only once each season. If a migrant household requesting expedited service has already received this exception during the current season, the State agency shall grant a postponement of out-of-State verification only for the initial month's issuance and not for the second month's issuance. When households which applied for benefits after the 15th of the month provide the required postponed verification, the State agency shall issue the second month's benefits within five working days from receipt of the verification or the first of the second month, whichever is later. It the State agency chooses to exercise the option to require a second application in accordance with § 273.2(i)(4)(iii), it shall issue the second month's benefits within five working days from receipt of the necessary verification. Except for migrant households needing out-of-State verification, when the postponed verification is not completed within 30 days of the date of application, the State agency shall terminate the household's participation and shall issue no further benefits.

* * * * *

4. In § 273.10, paragraphs (a)(1), (a)(2), (a)(3) and (a)(4) are revised to read as follows:

§ 273.10 Determining household eligibility and benefit levels.

(a) *Month of application.*

(1) *Determination of eligibility and benefit levels.* (i) A household's eligibility shall be determined for the month of application by considering the household's circumstances for the entire month of application. Most households will have the eligibility determination based on circumstances for the entire calendar month in which the household filed its application. However, State agencies may, with the prior approval of FNS, use a fiscal month if the State agency determines that it is more efficient and satisfies FNS that the accounting procedures fully comply with certification and issuance requirements contained in these regulations. A State agency may elect to use either a standard fiscal month for all households, such as from the 15th of one calendar month to the 15th of the next calendar month, or a fiscal month that will vary for each household depending on the date an individual files an application for the Program.

(ii) A household's benefit level for the initial month of certification shall be based on the day of the month it applies for benefits. A household shall receive benefits prorated from the day of application to the end of the month. As used in this subsection, the term initial month means either the first month for which an allotment is issued to a household or the first month for which an allotment is issued to a household following any period of more than a month during which the household was not certified for participation in the Food Stamp Program. Recertification shall be processed in accordance with § 273.10(a)(2). The State agency shall prorate a household's benefits according to one of the two following options:

(A) The State agency shall use a standard 30-day calendar or fiscal month. A household applying on the 31st of a month will be treated as though it applied on the 30th of the month.

(B) The State agency shall prorate benefits over the exact length of a particular calendar or fiscal month.

(iii) To determine the amount of the prorated allotment, the State agency shall use either the appropriate Food Stamp Allotment Proration Table provided by FNS or whichever of the following formulae is appropriate. When using either formula, the State agency shall use, for the full month's benefits, the actual amount of $1, $3 or $5 benefits instead of the rounded amount of $2, $4 and $6:

(A) For State agencies which use a standard 30-day calendar or fiscal month the formula is as follows, keeping in mind that the date of application for someone applying on the 31st of a month is the 30th:

$$\text{full month's benefits} \times \frac{(31 - \text{date of application})}{30} = \text{allotment}$$

(B) For State agencies which use the exact number of days in a month, the formula is:

$$\text{full month's benefits} \times \frac{(\text{number of days in month} + 1 - \text{date of application})}{\text{number of days in month}} = \text{allotment}$$

(C) After using the appropriate formula to determine the allotment, the State agency shall round the product down if it ends in 1 through 49 cents and up if it ends in 50 through 99 cents. If the computation results in an allotment of $1, $3, or $5, the allotment shall be rounded up to $2, $4, or $6, respectively.

(iv) Those households which are entitled to expedited service as defined in § 273.2(i)(1), and which apply for benefits after the 15th of the month, shall be assigned certification periods in accordance with § 273.2(i)(4)(iii). However, the benefits for the month following the month of application shall not be issued until all necessary verification not already provided has been provided to the State agency. Migrant households eligible for expedited service and applying after the 15th of a month shall be certified in accordance with § 273.2(i)(4)(iii)(B). The State agency shall issue the second month's benefits in accordance with § 273.2(i)(4)(iii)(B).

(2) *Application for recertification.* Eligibility and the level of benefits for recertifications shall be determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. If an application for recertification is received later than one month from the date the household's certification period has expired, then that application shall be considered an initial application and benefits for that month prorated in accordance with paragraph (a)(1)(ii)of this section.

(3) *Anticipated changes.* Because of anticipated changes, a household may be eligible for the month of application, but ineligible in the subsequent month. The household shall be entitled to benefits for the month of application even if the processing of its application results in the benefits being issued in the subsequent month. Similarly, a household may be ineligible for the month of application, but eligible in the subsequent month due to anticipated

changes in circumstances. Even though denied for the month of application, the household does not have to reapply in the subsequent month. The same application shall be used for the denial for the month of application and the determination of eligibility for subsequent months, within the timeliness standards in § 273.2.

(4) *Changes in allotment levels.* As a result of anticipating changes, the household's allotment for the month of application may differ from its allotment in subsequent months. The State agency shall establish a certification period for the longest possible period over which changes in the household's circumstances can be reasonably anticipated. The household's allotment shall vary month to month within the certification period to reflect changes anticipated at the time of certification, unless the household elects the averaging techniques in paragraphs (c)(3) and (d)(3) of this section.

* * * * *

PART 274—ISSUANCE AND USE OF FOOD COUPONS

5. In § 274.2, paragraph (i) is revised as follows:

§ 274.2 Issuance systems.

* * * * *

(i) *Issuance of coupons to households.* The State agency shall issue coupon books in accordance with a table for coupon book issuance provided by FNS, except as provided in paragraphs (i)(1), (i)(2), and (i)(3) of this section. The table provides participants with an efficient and economical distribution of the available coupons and coupon book types and assists FNS in maintaining proper inventory levels. The State agency shall issue the coupon books in consecutive serial number order whenever possible, starting with the lowest serial number in each coupon book denomination. The household member whose name appears on the ID card shall sign the coupon books.

(1) The State agency may deviate from the table if the specified coupon books are unavailable.

(2) Exceptions from the table are authorized for blind and visually handicapped participants who request that all coupons be of one denomination.

(3) If a household is eligible for an allotment of $1, $3, or $5, the State agency shall adjust those allotments to $2, $4, and $6, respectively.

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps)

Dated: May 10, 1982.

Mary Jarratt,

Assistant Secretary.

[FR Doc. 82-13157 Filed 5-13-82; 8:45 am]

BILLING CODE 3410-03-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 359]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 16–22, 1982. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: The regulation becomes effective May 16, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: 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 is 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. The committee met again publicly on May 11, 1982, 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 week. The committee reports the demand for lemons is very active.

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 is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. 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 time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.659 is added as follows:

§ 910.659 Lemon regulation 359.

The quantity of lemons grown in California and Arizona which may be handled during the period May 16, 1982, through May 22, 1982, is established at 300,000 cartons.

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

Dated: May 13, 1982.

D. S. Kuryloski,

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

[FR Doc. 82-13362 Filed 5-13-82; 11:29 am]

BILLING CODE 3410-02-M

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7 CFR Part 1011

[Milk Order No. 11; Docket No. AO-251-A22]

Milk in the Tennessee Valley Marketing Area; Order Amending Order

Correction

In FR Doc. 82–12536 appearing on page 19667 in the issue of Friday, May 7, 1982, make the following corrections.

1. On page 19670, paragraph (e)(6) of § 1011.13, seventh line, the word "and" should be omitted.

2. On page 19670, second column, the third line of paragraph "8." inadvertently omitted the "(b)." As corrected that line should read: "is changed to "1011.9 (a), (b), (c), and (d)".".

BILLING CODE 1505-01-M

Commodity Credit Corporation

7 CFR Part 1421

CCC Grain Price Support Regulations Governing the Loan and Purchase Program for 1982 and Subsequent Crops Barley

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the regulations governing the loan and purchase program for 1982 and subsequent crops of barley (1) to remove all references to normal crop acreage and set-aside requirements currently appearing at § 1421.51 (normal crop acreage and set-aside requirements are no longer effective); (2) to incorporate availability and maturity dates; and (3) to remove all references to the annual crop supplements that are no longer being codified.

DATE: This final rule shall become effective May 14, 1982.

ADDRESS: Director, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. E. Maynard, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–8480.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified "not major." It has been determined that the provisions of this final rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loans and Purchases, Number 10.051 as filed in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A–95 was not used to assure that units of local government are informed of this action.

The purpose of this rule is to revise the regulations governing the loan and purchase program for 1982 and subsequent crops of barley to include eligibility requirements, availability dates, and maturity dates for making loans and purchases and to remove references to the annual crop supplements for barley that are no longer being codified.

A separate Regulatory Impact Analysis was not prepared. The effects of this final rule are primarily administrative. Significant impacts to the private sector would be the result of annual program determinations. There will be modest savings to the Government, as the result of decodification. Review of 7 CFR 1421.50 through 1421.59 indicates no further changes are necessary at this time.

Since compliance with normal crop acreage limitations is no longer necessary for price support loan eligibility, references to that requirement have been deleted. The loan availability dates and maturity dates which have previously been published in the **Federal Register** as an annual crop supplement are no longer being codified. Therefore, this continuing regulation is being revised to set forth these dates.

The availability date establishes the period during which the producer may request a price support loan or sign a purchase agreement. The maturity date defines the length of the price support loan and establishes the final date that loans on the commodity mature for that crop year. Since this final rule makes no substantive changes in the regulations but merely deletes certain obsolete references and generally incorporates and republishes certain existing provisions into a single continuing regulation, it has been determined that no further public rulemaking is required. Accordingly, this rule shall become effective upon date of filing with the Director, Office of the Federal Register.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs—agriculture, Oilseeds, Peanuts, Price support programs, Soybeans, Surety bonds, Tobacco, Warehouses.

Accordingly, the general regulations governing price support for 1978 and subsequent crops of barley as set forth at 7 CFR 1421.50 through 1421.59 and the title of the subpart are revised as stated herein for the 1982 and subsequent crops of barley. The material previously appearing in this subpart remains in full force and effect as to the crops to which it was applicable.

PART 1421—GRANTS AND SIMILARLY HANDLED COMMODITIES

Final Rule

Title 7 of the CFR is amended by revising §§ 1421.50 through 1421.59:

Subpart—Loan and Purchase Program for 1982 and Subsequent Crops Barley

Sec.

1421.50 Purpose.
1421.51 Eligible barley.
1421.52 Determination of quality.
1421.53 Determination of quantity.
1421.54 Warehouse receipts.
1421.55 Fees and charges.
1421.56 Warehouse charges.
1421.57 Availability.
1421.58 Maturity of loans.
1421.59 Support rates.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105 B, 401, 95 Stat. 1227, 63 Stat. 1051, as amended (7 U.S.C. 1444d, 1421).

§ 1421.50 Purpose.

This subpart contains program provisions which, together with (a) the General Regulations Governing Price Support for the 1978 and Subsequent Crops, (b) the Cooperative Marketing Associations eligibility requirements for price support as set forth in Part 1425 of this title and (c) any amendments or revisions of such regulations, set forth the requirements with respect to price support for the 1982 and subsequent crops of barley.

§ 1421.51 Eligible barley.

(a) *General.* (1) In order to be eligible for a price support loan or purchase agreement, the barley must be merchantable for food, feed, or for other uses, as determined by the Commodity Credit Corporation (CCC), and must not contain mercurial compounds, toxin-producing molds, or other substances poisonous to humans or animals.

(2) The barley must have been produced by a producer who has complied with the program eligibility requirements prescribed in Parts 713, 718, 730, and 791 of this title and any amendments thereto.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the barley must also meet the following requirements:

(1) The barley must grade No. 5 or better, except that: (i) The barley may grade "Sample" on the factor of test

weight or total damage (except heat damage) and (ii) the barley may have the following special grade designations: "Garlicky" and, in the State of Alaska only, "Tough."

(2) The barley must not grade "Blighted," "Bleached," "Ergoty," "Smutty," or, if Western Barley, "Stained."

(3) The barley must not grade "Weevily" or have moisture over 14.5 percent unless the warehouse receipt representing the barley is accompanied by a supplemental certificate which provides that the warehouseman shall deliver barley which is not "Weevily," does not contain in excess of 14.5 percent moisture, and is otherwise of an eligible grade and quality. The grade, quality, and quantity shown on the supplemental certificate shall be as provided in § 1421.54(c)

§ 1421.52 Determination and quality.

The class, grade, grading factors, and all other quality factors shall be based on the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection. The cost of official grade determinations when made shall not be for the account of CCC.

§1421.53 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 48 pounds of barley free of dockage.

(a) *In warehouse.* The quantity of barley on which a warehouse-stored loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the barley has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight excluding dockage of 1.2 times the percentage difference between the moisture content of the barley, when received, and 14.5 percent.

(b) *On farm.* The quantity of barley eligible to be placed under a farm-stored loan shall be determined in accordance with § 1421.17. The quantity acquired by CCC from farm storage under a loan or purchase agreement shall be determined by weight of the barley at the time of delivery to CCC.

§ 1421.54 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a price support loan or purchase agreement must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of barley.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (1) Gross weight and net bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture content if above 14.5 percent, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) whether the barley arrived by rail, truck, or barge, (9) the date the barley was received or deposited in the warehouse, and (10) the storage start date.

(c) *Where warehouse receipt shows "Weevily," excess moisture, or both.* If a warehouse receipt tendered as security for a loan indicates that the barley grades "Weevily" or contains over 14.5 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.51(b)(3) in order for the barley to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the barley has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(2) When the warehouse receipt shows a moisture content of over 14.5 percent and the barley has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the barley to a moisture of not over 14.5 percent which shall reflect a drying or blending shrink as specified in § 1421.53(a). The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt. In the case of conditions specified in paragraphs (c) (1) and (2) of this section, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse charges only to the extent indicated in § 1421.56. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

(e) *Freight certificate requirements.* Warehouse receipts representing barley which has been shipped by rail or by barge utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission (ICC), from a country shipping point to a normal trade channel market or to a storage point and stored intransit to a normal trade channel market, must be accompanied by supplemental certificates. These certificates must be representative as to origin and date of movement of the barley and must reflect the rate of freight paid into the storage point and the amount of penalty, if any, for out-of-line haul. The form of the certificates will be prescribed by the Agricultural Stabilization and Conservation Service Kansas City Commodity Office (ASCS–KCCO) and shall be signed by the warehouseman.

§ 1421.55 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11.

§ 1421.56 Warehouse charges.

(a) The ASCS–KCCO approved list of handling and storage rates will provide the rates to be deducted from the amount of the loan or purchase price in the case of barley stored in an approved warehouse operated under the UGSA. Such deduction shall be based on entries shown on the warehouse receipts. No storage deductions shall be made if written evidence is submitted with the warehouse receipts that (1) storage charges through the loan maturity date have been prepaid, or (2) the producer has arranged with the warehouseman for the payment of storage charges through loan maturity and the warehouseman enters an endorsement in substantially the following form on the warehouse receipt: "Warehouse storage charges accrued or to accrue prior to the acquisition by CCC of the barley represented by this warehouse receipt have been paid or otherwise provided for through the applicable maturity date and a lien for such charges will not be asserted by the warehouseman against CCC or against any subsequent holder of the warehouse receipt."

(b) The beginning date to be used for computing the storage deduction on barley stored in warehouses operating under the UGSA shall be the later of the

following: (1) The date the barley was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

§ 1421.57 Availability.

(a) *Loans.* If a producer desires to participate in the price support loan program, such producer must request a loan on or before March 31 of the year following the year the crop is normally harvested.

(b) *Purchases.* If a producer desires to enter into a purchase agreement with CCC by offering eligible barley which is not under loan, such producer must execute and deliver to the county ASCS office on or before March 31 of the year following the year the crop is normally harvested a Purchase Agreement (Form CCC–614) indicating the approximate quantity of barley the producer will sell to CCC.

§ 1421.58 Maturity of loans and expiration of purchase agreements.

(a) *Loans.* Loans mature on demand but not later than the last day of the ninth calendar month following the month in which the loan was disbursed.

(b) *Purchase Agreements.* Purchase agreements expire on the last day of the ninth calendar month following the month in which the purchase agreement is approved.

§ 1421.59 Support rates.

Basic county support rates for barley and the schedule of discounts will be published in a notice in the **Federal Register** for the applicable crop each year. Farm-stored barley loans will be made at the applicable basic county support rate, adjusted only for the weed control discount where applicable. The support rate for warehouse-stored barley loans and for barley acquired by CCC through the purchase program or barley delivered in settlement of a farm-stored loan shall be the applicable basic support rate adjusted in accordance with the provisions of this section and the discounts published in the **Federal Register** for the applicable crop each year on the basis of quality factors on warehouse receipts or supplemental certificates in the case of barley stored in or delivered to an approved warehouse or on such other form as CCC may prescribe in the case of barley delivered to other than an approved warehouse. Settlement of loans and purchases shall be made in accordance with the provisions of § 1421.22. If two or more approved warehouses are located in the same or adjoining towns, villages, or cities which have the same freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(a) *Basic support rates for farm-stored barley.* The applicable basic support rate for farm-stored loans shall be the basic county support rate established for the county in which the barley is stored.

(b) *Basic support rates for warehouse-stored barley received by rail or utilizing combination barge-rail rates.* (1) *When shipped by rail.* The applicable basic support rate for warehouse-stored loans on barley which was received by rail and stored in an approved warehouse which is in line of normal commercial channels of trade shall be determined by adding to the basic support rate established for the county from which the barley was shipped the following: (i) The amount of freight charges per bushel actually paid in and (ii) an amount equal to the truck receiving and rail loading-out charges in effect for the shipping warehouse. The freight rate which is paid to bring the barley to the storage point shall not exceed the lowest rate which will permit the storage in transit privilege and protect the lowest single car rate applying from origin through point of storage to a normal trade channel market that would be used in commercial channels of trade. If the barley is destined to a normal trade channel market that would be used in commercial channels of trade but such barley is stored in an approved warehouse at a transit point thus resulting in additional costs because of out-of-line movement, such additional costs shall be deducted from the support rates as otherwise determined in this paragraph.

(2) *When shipped utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-stored loans on barley which is stored in an approved warehouse and which was shipped utilizing combination barge-rail freight rates, published and on file with the ICC, shall be determined by adding to the basic support rate established for the county from which the barley was shipped the following: (i) the amount of freight charges per bushel actually paid in and (ii) an amount equal to the truck receiving and rail loading-out charges computed in accordance with the applicable rates of the UGSA in effect at the time the loan is made. The freight rate, which is paid to ship the barley to the storage point, shall be a rate which will permit the storage in transit privilege and protect the lowest single car or barge freight rate applying from origin through point of storage to a normal trade channel that would be used in commercial channels of trade. If the barley is destined to a normal trade channel market that would be used in commercial channels of trade but such barley is stored in an approved warehouse at a transit point thus resulting in additional costs because of out-of-line movement, such additional costs shall be deducted from the support rates as otherwise determined in this paragraph.

(c) *Basic support rates for warehouse-stored barley received by truck or nontariff barge.* (1) The basic support rate for barley delivered by truck by the producer to a warehouse at normal delivery point shall be the rate for the county where the barley is stored. (2) The basic support rate for barley delivered by truck by the producer to an in-line warehouse located 20 miles or more beyond the normal delivery point shall be the support rate for the county from which shipped plus the smaller of the actual freight charge or the following truck freight rate from the farm to the storing warehouse minus the distance from the farm to the producer's normal delivery point.

Map mileage	Allowance
0–19	$.0
20–50	[1].06
51–100 add	[2].0010
101 and over add	[2].0004

[1] Per bushel.
[2] Per bushel per mile.

(3) The basic support rate for barley delivered to a warehouse and shipped by truck 20 miles or more to an in-line warehouse shall be the total of: (i) the support rate for the county in which the shipping warehouse is located; (ii) the amount of the truck freight from the schedule shown in subparagraph (c)(2); and (iii) the truck receiving and truck load-out charges for the shipping warehouse.

(4) The basic support rate for barley shipped by barge or truck-barge at a negotiated rate when map mileage from the origin warehouse is 20 miles or more to an in-line warehouse shall be the total of (i) the support rate for the county from where shipped; (ii) the amount of the truck freight from schedule shown in paragraph (c)(2); and (iii) the origin truck receiving and load-out charge.

(d) *Storing responsibilities.* With respect to barley received by rail or by combination barge-rail, the storing

warehouseman shall be responsible for determining the normal trade channel routes via the storing warehouse that will protect the lowest freight rate to the designated normal trade channel market that would be used in commercial channels of trade and for protecting such routes. The storing warehouseman shall also execute supplemental certificates showing: (1) The rate of freight paid into the storage point; (2) the amount of penalty, if any, for backhaul or out-of-line movement; (3) the applicable normal trade channel market that would be used in commercial channels of trade; and (4) any other information which may be prescribed by CCC. The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. Warehouseman liability, if any, for the failure to comply with the provisions of this paragraph will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

Signed at Washington, D.C., on May 6, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-13114 Filed 5-13-82; 8:45 am]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends Appendix A—REA Bulletins by revising REA Bulletin 44–7 (Electric) and 345–3 (Telephone), "Acceptance of Standards, Standard Specifications, Drawings, Materials and Equipment for the Electric and Telephone Programs." This revision establishes separate bulletins for the telephone and electric programs and as a result REA Bulletin 44–7 (Electric) is entitled "Acceptance of Standards, Specifications, Drawings, Materials and Equipment, and Timber Inspection Programs and Agencies."

This revision brings organizational references up-to-date and consolidates electric program requirements and procedures for REA acceptance of standards, specifications, drawings, materials and equipment for REA financial assistance for the electric program which are presently contained in REA Bulletin 44–7, REA Bulletin 44–1, "Specifications and Standards for Materials and Equipment," and REA Bulletin 43–6, "Selection and Inspection of Materials and Equipment." REA Bulletin 44–7 will also include provisions for acceptance and removal of timber products inspection agencies to provide a more equitable procedure and permit the use of technically acceptable foreign materials without REA review. In addition, the Bulletin provides guidelines and procedures for removing items from REA Bulletin 43–5, "List of Materials Acceptable for Use on Systems of REA Electrification Borrowers."

This rule also amends Appendix A—REA Bulletins by removing Bulletins 44–1, "Specifications and Standards for Materials and Equipment" and 43–6, "Selection and Inspection of Materials and Equipment."

EFFECTIVE DATE: May 7, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James Arnold, telephone (202) 382–9082. A Final Impact Statement has been prepared and is available from the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270–S, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This final action has been issued in conformance with Executive Order 12291, Federal Regulation. Since no significant effect on the economy will occur; since no significant increase in costs for consumers, industries or Government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major."

The Regulatory Flexibility Act (Pub. L. 96–354) does not apply to this action, therefore, a Regulatory Flexibility Analysis has not been prepared.

This final action is intended to bring the bulletin into line with present REA organization and consolidate electric program rules. The separation of telephone and electric procedures, and the general clarification of the bulletin should make the bulletin less confusing to all concerned.

A notice of Proposed Rulemaking was published in the **Federal Register** on September 15, 1981, Volume 46, Number 178, Page 45783. However, no public comments were received in response to the proposal.

(Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees).

Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends Appendix A—REA Bulletins by revising REA Bulletin 44–7 (Electric) and 345–3 (Telephone), "Acceptance of Standards, Standard Specifications, Drawings, Materials and Equipment for the Electric and Telephone Programs," resulting in separate bulletins for each program. As a result, REA Bulletin 44–7 (Electric), is entitled "Acceptance of Standards, Specifications, Drawings, Materials and Equipment, and Timber Inspection Programs and Agencies."

Bulletin 44–7 sets forth the requirements and procedures for the determination by the REA Technical Standards Committee of standards, standard specifications, drawings, materials and equipment acceptable for REA financial assistance for the electric program. The Bulletin also sets forth requirements and procedures for acceptable programs and inspection agencies in the procurement of timber products. Provisions are also provided for removing items for specified reasons from the REA approved list of materials acceptable for use on systems of REA borrowers.

Therefore, Appendix A—REA Bulletins is amended in accordance with the above.

List of Subjects in 7 CFR Part 1701

Administrative practice and procedure, Electric utilities, Loan programs—energy.

Dated: May 7, 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-13158 Filed 5-13-82; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0404]

Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms and tornadoes in twelve counties in Arkansas.

EFFECTIVE DATE: April 23, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452–3711) or Beverly A. Belcamino, Attorney (202/452–3623).

SUPPLEMENTARY INFORMATION: On April 23, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Arkansas counties of Ashley, Boone, Crittenden, Faulkner, Fulton, Hempstead, Howard, Little River, Lonoke, Monroe, Sevier and St. Francis major disaster areas. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms and tornadoes beginning on or about April 2, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to April 23, 1982, and will remain in effect until 12 midnight, October 23, 1982.

List of Subjects in 12 CFR Part 217

Advertising; Banks, banking; Federal Reserve System; Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties of Arkansas directly affected by the severe storms and tornadoes, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, May 7, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-13159 Filed 5-13-82; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 217

[Docket No. R-0403]

Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by a fire in Orange County, California.

EFFECTIVE DATE: April 24, 1982.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney (202/452–3711) or Beverly A. Belcamino, Attorney (202/452–3623).

SUPPLEMENTARY INFORMATION: On April 24, 1982, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated Orange County, California, a major disaster area. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster area as a result of the fire beginning on or about April 21, 1982. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to April 24, 1982, and will remain in effect until 12 midnight, October 24, 1982.

List of Subjects in 12 CFR Part 217

Advertising; Banks, banking; Federal Reserve System; Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in Orange County, California, directly affected by the fire, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, May 7, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-13160 Filed 5-13-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 564

[No. 82-323]

FSLIC Insurance Coverage of Deferred Compensation Plans and IRA and Keogh Accounts

May 6, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has determined to amend its regulations governing insurance of accounts to provide $100,000 insurance coverage for the interest of each participant in a deferred compensation plan, the funds of which are invested in an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation. The amendment is intended to clarify the extent of insurance coverage of interests in employee retirement plans.

EFFECTIVE DATE: May 11, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Heffernan, Attorney (202–377–6435), or Kenneth F. Hall, Attorney (202–377–6466), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On March 5, 1982, the Board, as operating head of the Federal Savings and Loan Insurance Corporation, proposed to

amend Parts 561 and 564 of its regulations (12 CFR Parts 561 and 564 (1981)), governing insurance of accounts, to extend the maximum $100,000 coverage to the individual interests of participants in deferred compensation plans (FHLBB Res. No. 82–161; 47 FR 10858 (1982)). Based on the authority provided by sections 401(b) and 405(a) of the National Housing Act, the Board has determined to amend Parts 561 and 564 substantially as proposed. Section 401(b) of the National Housing Act ("Act") provides in relevant part that "funds held in fiduciary capacity * * * shall be insured in an amount not to exceed $100,000 for each trust estate * * *" (12 U.S.C. 1724(b)). Section 405(a) of the Act (12 U.S.C. 1728(a)) authorizes the Board, for purposes of defining the extent of insurance coverage, to define the terms used in section 401(b).

Summary of comments

The Board received a total of 514 comments on the proposal during the public comment period, which expired April 10, 1982. Of the total number of comments, 450 were from individuals, 23 were from federal savings and loan associations, 17 were from state-chartered savings and loans, 17 were from employers administering deferred compensation plans, 4 were from thrift industry trade associations, and one each were from a law firm, a mutual savings bank and a commercial bank. The comments expressed overwhelming support for the proposed amendments. Only one commenter, an individual, objected to the proposal, apparently on the mistaken belief that such action would require a large and immediate outlay of taxpayers' funds.

Discussion

Generally, under a deferred compensation plan, an employer and employee agree in advance that a specified amount of the employee's salary or other compensation shall be deferred over the course of the latter's employment. During the period of deferral, the deferred or a like amount of funds are invested, and typically may be invaded for the employee's benefit only where an emergency beyond the employee's control has occurred. Upon an employee's retirement or separation from employment, the benefits accumulated under the plan (deferred income, and gains, losses and income from investments) are distributed, normally in regular payments over a period of years. The great majority of deferred compensation plans are sponsored by state or local governmental units.

Currently, the interests of participants in non-trusteed deferred compensation plans are not separately insured. Sections 564.2(c) and 564.10 of the Board's regulations (12 CFR 564.2(c), 564.10 (1981)) provide insurance coverage to the interests of participants in employee benefit plans only if the plans are trusteed. However, for purposes of determining the extent of insurance coverage, the Board believes, and the comments support the conclusion that, there is no substantive difference between the interest of a participant in a deferred compensation plan and the interest of a beneficiary in a trusteed employee pension plan.

Both types of plans are intended to provide retirement income for participants. Although the funds in a deferred compensation plan typically remain the sole property of the employer, this is primarily to satisfy the provisions of sections 451 and 457 of the Internal Revenue Code (I.R.C. 451, 457) to ensure the postponement of taxes on deferred income until the year in which such income is paid to a plan participant. Retention of ownership by the employer does not alter the fact that the funds must be used for the participant's benefit (unless the employer becomes insolvent and the funds are thereby depleted).

Because of the similarities between deferred compensation plans and trusteed employee benefit plans, the Board has determined to extend insurance coverage to the interest of each participant in a deferred compensation plan by amending its definition of "trust estate" (12 CFR 561.4 (1981)) to include such interests. Section 561.4 currently defines "trust estate" to include only the interest of a beneficiary in an irrevocable express trust. Under the amendment, a deferred compensation plan will be considered a trust for purposes of applying § 564.10 governing insurance coverage of trust accounts. In addition, paragraph (c) of § 564.2 is amended to provide that the trust estate of each participant in a deferred compensation plan shall be evaluated as if the participant were a beneficiary of an irrevocable trust and the interest of the participant had fully vested as of the date of default of the insured institution. The Board notes that, under the amendments, insurance coverage would be extended to all deferred compensation plans (including, *e.g.*, non-trusteed IRA/Keogh plans), whether or not they comply with the various provisions of the Internal Revenue Code and regulations promulgated thereunder addressing the tax treatment of such plans.

IRA/Keogh accounts

The Board also takes this opportunity to clarify that the interests of an IRA beneficiary are insured to $100,000 separately from other trust interests (including those arising under a Keogh plan) of the beneficiary, and that the interests of the beneficiary in a Keogh plan also are separately insured to $100,000. Such an individual would receive separate insurance coverage even if the beneficiary's trust, IRA and Keogh plan interests were created by the same settlor (grantor).

Final Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 13, 1980), the Board provides the following regulatory flexibility analysis:

1. *Reasons, objective and legal basis underlying the final rule.* These elements are incorporated above in the supplementary information regarding the amendments.

2. *Small entities to which the final rule would apply.* The final rule will apply equally to all institutions whose accounts are insured by the FSLIC, regardless of size.

3. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap or conflict with the amendments.

4. *Alternatives to the final rule.* There is no alternative method of insuring the individual interests of participants in deferred compensation plans.

Copies of this document may be obtained through the Public Information Officer, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because it is in the public interest to clarify the extent of insurance coverage of interests in employee retirement plans.

List of Subjects

12 CFR Part 561

Savings and loan associations.

12 CFR Part 564

Savings and loan associations, Insurance.

Accordingly, the Board amends Parts 561 and 564 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, to read as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

1. Revise § 561.4, to read as follows:

§ 561.4 Trust estate.

The term "trust estate" means (a) the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statutes, but does not include any interest retained by the settlor, or (b) the interest of a participant in a deferred compensation plan, which plan shall be considered a trust for purposes of applying § 564.10 of this subchapter.

PART 564—SETTLEMENT OF INSURANCE

2. Amend § 564.2 by revising paragraph (c)(1) thereof, to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

* * * * *

(c) *Valuation of trust interests.* (1) Trust estates (as defined in § 561.4 of this subchapter) in the same trust invested in the same account will be separately insured if the value of the trust estate is capable of determination, as of the date of default, without evaluation of contingencies except for those covered by the present-worth tables and rules of calculation for their use set forth in § 20.2031–10 of the Federal Estate Tax Regulations (26 CFR 20.2031–10): *Provided,* that (i) in connection with pension and other trusteed employee benefit funds (including those qualifying under section 401(d) or section 408(a) of the Internal Revenue Code of 1954), the trust estate of each participant shall be evaluated as if the trust were irrevocable and the interest of the participant had fully vested as of the date of default of the insured institution, and (ii) in connection with deferred compensation plans, the trust estate of each participant shall be evaluated as if the participant were the beneficiary of an irrevocable trust and the interest of the participant had fully vested as of the date of default of the insured institution.

* * * * *

3. Revise § 564.10, to read as follows:

§ 564.10 Trust accounts and IRA and Keogh accounts.

All trust estates for the same beneficiary invested in accounts established pursuant to valid trust arrangements created by the same settlor (grantor) shall be added together and insured up to $100,000 in the aggregate, separately from other accounts of the trustee of such trust funds or of the settlor or beneficiary of such trust arrangements, except that (a) all vested and ascertainable interests of the same beneficiary which qualify under Section 401(d) of the Internal Revenue Code of 1954 shall be added together and insured up to $100,000 separately from any trust interests of the beneficiary, (b) all vested and ascertainable interests of the same beneficiary which qualify under Section 408(a) of the Internal Revenue Code of 1954 shall be added together and separately insured up to an additional $100,000, and (c) all trust estates as defined in § 561.4(b) of this subchapter shall be added together and separately insured up to an additional $100,000.

(Secs. 401, 402, 403, 405; 48 Stat. 1255, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. 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. 82–13247 Filed 5–13–82; 8:45 am]
BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 6

[T.D. 82–92]

Customs Regulations Amendments Relating to Aircraft Clearance

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends Customs clearance procedures applicable to aircraft departing the United States for foreign territory, to:

1. describe clearly the types of aircraft requiring clearance;
2. provide for telephonic clearance in certain circumstances;
3. clarify the time at which clearance documentation must be presented; and
4. modify the present requirement that an outward general declaration, as well as a cargo manifest, be filed for all outbound flights requiring clearance.

The amendments, which will assist aircraft operators and Customs to clear aircraft departing for foreign territory, are in furtherance of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public.

EFFECTIVE DATE: June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Donald H. Reusch, Carriers, Drawback and Bonds Division (202–566–5706); Thomas J. Hargrove, Cargo Processing Division (202–566–5354). U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to title 49, United States Code, section 1509(c), (49 U.S.C. 1509(c)), the Secretary of the Treasury is authorized to provide by regulation for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels. Under this authority, Part 6, Customs Regulations (19 CFR Part 6), sets forth the entry and clearance requirements for civil aircraft.

Clearance Requirements

Section 6.3(c), Customs Regulations, provide, in part, that an aircraft departing the United States for foreign territory "carrying passengers for hire or merchandise, or to take aboard or discharge persons or merchandise anywhere outside the United States" shall be cleared by Customs before departure. The phrase "carrying passengers for hire or merchandise" has been found to be ambiguous with respect to whether merchandise as well as passengers must be carried "for hire" if clearance is to be required. The phrase "to take aboard or discharge persons or merchandise anywhere outside the United States" has similarly been subject to misinterpretation as to whether the persons or merchandise involved must be carried "for hire" and as to whether the "persons" referred to must be "passengers," if clearance is to be required.

To clarify these matters, § 6.3(c) is being amended by inserting "carrying, for hire, either passengers or merchandise, or taking aboard or discharging, for hire, either passengers or merchandise anywhere outside the United States" in place of "carrying passengers for hire or merchandise, or to take aboard or discharge persons or merchandise, anywhere outside the United States."

Under certain conditions, Customs has permitted aircraft departing the United States for Canada to be cleared by a telephone call to Customs. It has been determined that this procedure should not be limited to aircraft departing for Canada. It could be used for aircraft departing for any foreign territory, if certain requirements are met. Therefore, § 6.3(c) is being amended further to provide for telephonic clearance of aircraft departing for any

foreign territory if the aircraft is empty, or if it is carrying only passengers for hire or non-commercial cargo for which shipper's export declarations are not required. However, the request for telephonic clearance must be received by the Customs officer in charge at the airport with sufficient time remaining before departure to ensure that Customs may undertake any necessary examination of the aircraft and cargo.

In addition, certain changes to § 6.3(c) are necessary in order to make references therein to other sections of the CFR accurate.

Documents For Clearance

Section 6.8(a), Customs Regulations, requires the aircraft commander or other authorized person to deliver an outward general declaration (Customs Form 7507), a cargo manifest (Customs Form 7509) and any required shipper's export declarations to the Customs officer in charge "at the time of departure" from any area from which clearance is required by § 6.3 or 6.5, Customs Regulations. For more than 10 years, Customs has authorized a procedure whereby aircraft proceeding to Canada, which file a cargo manifest containing a declaration as to the accuracy of the manifest, are not required to file the outward general declaration.

Customs has reviewed this procedure and determined that it should not be limited to flights to Canada. It could be applied to all outbound flights. Therefore, § 6.8(a) is being amended to provide, at the option of the carrier, that if the cargo manifest contains a declaraton as to the truth of the manifest, an outward general declaration will not be required.

Time for Filing

The requirement in § 6.8(a) that clearance documents be deposited "at the time of departure" is being modified to permit their deposit, with the approval of the Customs officer in charge, at any time before departure. This amendment is being made to remove time constraints imposed by the phrase "at the time of departure" which are unnecessary for efficient Customs control.

Conforming Changes to §§ 6.8(c) and 6.8(d)

Sections 6.8(c) and 6.8(d) are being amended to reflect the change of § 6.8(a) that an outward general declaration is not required for clearance when a cargo manifest with the appropriate statement is submitted.

Inapplicability of Public Notice Requirement

Because these are technical amendments in which the public does not have a particular interest, and because they liberalize existing requirements and impose no additional duty or burden on the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary.

Executive Order 12291

Because this will not result in a "major rule" as defined by section 1(b) of E.O. 12291, the regulatory impact analysis and review prescribed by section 3 of E.O. 12291 are not required.

Inapplicability of Regulatory Flexibility Act

This project is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96–354, the "Regulatory Flexibility Act," because that Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participate in its development.

List of Subjects in 19 CFR Part 6

Air carriers, Aircraft, Airports, Customs duties and inspection, Imports, Freight.

Amendments to the Regulations

Part 6, Customs Regulations (19 CFR Part 6), is amended as set forth below:

PART 6—AIR COMMERCE REGULATIONS

1. Section 6.3(c) is amended by revising the first sentence and by adding two new sentences between the first and second sentences, to read as follows:

§ 6.3 Entry and clearance.

* * * * *

(c) Aircraft departing for foreign territory: (1) Carrying, for hire, either passengers or merchandise; (2) Taking aboard or discharging, for hire, either passengers or merchandise anywhere outside the United States; or (3) Carrying residue cargo from one area to another, shall be cleared in the area from which departing. Clearance may be obtained from the Customs officer in charge by telephone if the aircraft is departing for foreign territory empty, or if it is carrying only passengers for hire or non-commercial cargo for which shipper's export declarations are not required. The request for telephone clearance must be received by the Customs officer in charge with sufficient time remaining before departure to ensure that Customs may undertake any necessary examination of the aircraft and cargo. * * *

2. The present fourth sentence of § 6.3(c) is amended by substituting "International Trade Administration" for "Bureau of International Commerce," and by substituting "part 372, International Trade Administration Regulations (15 CFR 372)" for "§ 370.2 of the Export Control Regulations (15 CFR 370.2)."

3. The present fifth sentence of § 6.3(c) is amended by substituting "Category VIII" for "Category X."

4. Footnote 2 to § 6.3(c) is amended by removing the second sentence.

5. Section 6.8 is amended by revising the first sentence and by adding two new sentences between the first and second sentences of paragraph (a), by adding a new sentence at the end of paragraph (c), and by revising paragraph (d), to read as follows:

§ 6.8 Documents for clearance, or for certain departures.

(a) At the time of departure or, with Customs approval, if the cargo is available for inspection, at any time before departure, of any aircraft from any area from which clearance is required by §§ 6.3 or 6.5, the aircraft commander or an authorized person shall deliver to Customs an outward general declaration, a cargo manifest and any required shipper's export declarations for all cargo on the aircraft (and for aircraft itself, if it is being exported from the United States for foreign account). If cargo is on board the aircraft, an outward general declaration shall not be required if the following statement, signed by the aircraft commander or an authorized person, is on the cargo manifest:

I declare that to the best of my knowledge and belief this manifest contains an exact and true account of all cargo on board this aircraft.

Signed _____

(Aircraft Commander or Authorized Person)

If no cargo is on board, an outward general declaration shall not be required if the following statement, signed by the aircraft commander or an authorized person, is on the cargo manifest:

I declare that there is no cargo on board this aircraft.

Signed _____
(Aircraft Commander or Authorized Person)

* * * * *

(c) * * * However, if a cargo manifest is delivered in duplicate, with the appropriate statement as provided for in paragraph (a) of this section, the general declaration shall not be required.

(d) One copy of the general declaration for departure from the United States or one copy of the cargo manifest with the appropriate statement as provided for in paragraph (a) of this section, shall constitute a clearance certificate when endorsed by the Customs officer in charge to show that clearance is granted. When a scheduled aircraft obtains clearance at a port other than the port at or nearest the place of last takeoff, a copy of the cargo manifest shall be attached to and accompany the general declaration endorsed at such port for any necessary use at subsequent United States ports. In such a situation, if the cargo manifest contains the appropriate statement as provided for in paragraph (a) of this section, the general declaration shall not be required.

(R.S. 251, as amended; section 624, 46 Stat. 759; sections 904, 1109, 72 Stat. 787, 799 as amended; 80 Stat. 379 (19 U.S.C. 66, 1624; 49 U.S.C. 1474, 1509; 5 U.S.C. 301))

William T. Archey,

Acting Commissioner of Customs.

Approved: March 22, 1982.

Robert E. Powis,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82-13228 Filed 5-13-82; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 10

[T.D. 82-91]

Supplies and Equipment for Aircraft

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to add the People's Republic of China to the list of countries whose aircraft are exempt from the payment of customs duties and internal-revenue taxes on supplies and equipment withdrawn from Customs or Internal Revenue custody for use by the aircraft in certain circumstances. In accordance with a request from the Department of State, Taiwan Desk, the designation for the People's Republic of China will appear as "China" and the present designation for the Republic of China will appear as "Taiwan."

It has been determined that the Government of the People's Republic of China allows substantially reciprocal privileges to United States-registered aircraft engaged in foreign trade. Based on this determination, a reciprocal exemption from duties and taxes has been granted to aircraft registered in the People's Republic of China.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Samuel Orandle, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5778).

SUPPLEMENTARY INFORMATION:

Background

Sections 309 and 317, Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317), provide that foreign-registered aircraft engaged in foreign trade may withdraw articles of foreign or domestic origin from Customs or Internal Revenue custody without the payment of customs duties and/or internal-revenue taxes, for use as supplies (including equipment), ground equipment, maintenance, or repair of the aircraft. This privilege is granted if the Secretary of Commerce finds, and advises the Secretary of the Treasury, that the country in which the foreign aircraft is registered allows substantially reciprocal privileges to United States-registered aircraft. Section 10.59(f), Customs Regulations (19 CFR 10.59(f)), lists those countries whose aircraft have been found to be entitled to these privileges.

In accordance with 19 U.S.C. 1309(d), the Assistant Secretary of Commerce for International Economic Policy, to whom the authority was delegated by the Secretary of Commerce (45 FR 11862, February 22, 1980), has found and by letter dated May 13, 1981, has advised the Secretary of the Treasury, that effective September 17, 1980, the Government of the People's Republic of China allows privileges substantially reciprocal to those provided in 19 U.S.C. 1309 and 1317 to United States-registered aircraft engaged in foreign trade. Corresponding privileges accordingly are extended to aircraft registered in the People's Republic of China and engaged in foreign trade, effective as of September 17, 1980.

Therefore, § 10.59(f) is being amended to add the People's Republic of China to the list of countries contained therein (effective September 17, 1980). In accordance with a request from the Department of State, Taiwan Desk, the designation for the People's Republic of China will appear as "China" and the present designation for the Republic of China will appear as "Taiwan" at the end of the list of countries. Also, the listing of "China" is being asterisked, with a footnote referring the reader to the "Taiwan" listing.

List of Subjects in 19 CFR Part 10

Customs duties and inspection, Imports, Exports.

Amendments to the Regulations

Section 10.59(f), Customs Regulations (19 CFR 10.59(f)), is amended as set forth below:

1. By adding "China*" in the appropriate alphabetical order under the column headed "Country," and "82-91" under the column headed "Treasury Decisions(s)."

2. By removing "Republic of China" from the column headed "Country," "70-107(1)" from the column headed "Treasury Decisions(s)," and "Not applicable to ground equipment." from the column headed "Exceptions if any, as noted -."

3. By adding "Taiwan" two spaces below Yugoslavia under the column headed "Country," "70-107(1), 82-91" under the column headed "Treasury Decisions(s)," and "Not applicable to ground equipment," under the column headed "Exceptions if any, as noted -."

4. By placing "* See also Taiwan" one space below the line at the end of the table in § 10.59(f).

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because the subject matter of this document does not constitute a departure from established policy or procedures but merely announces the granting of an exemption for which there is a statutory basis, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are found to be unnecessary and pursuant to 5 U.S.C. 553(d)(1), a delayed effective date is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a "major" regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Departments of Commerce and State participated in its development.

Dated: March 26, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc 82-13131 Filed 5-13-82; 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 19

[T.D. 82-90]

Customs Regulations Amendment Relating To Imported Smelted or Refined Products Containing Metal

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to simplify the reporting requirements relating to the amount of dutiable metal in imported smelted or refined products. Customs believes the revenue is amply protected without requiring that smelted or refined products containing dutiable metal be described in the warehouse withdrawal and delivery permit. Further, paperwork and reporting burden is reduced by the amendment.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: William Rosoff, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5865).

SUPPLEMENTARY INFORMATION:

Background

Imported metal-bearing materials may be entered into a bonded smelting or refining warehouse in the United States without the payment of duties and smelted or refined, or both, together with other metal-bearing materials of domestic or foreign origin.

Upon the withdrawal for consumption of metal so smelted or refined, or both, duty is collected on the quantity of metal contained in the imported metal-bearing materials. In order to aid in determining the amount of duty to be paid, § 19.18(b), Customs Regulations (19 CFR 19.18(b)), provides that the warehouse withdrawal and delivery permit shall (1) describe the smelted or refined products to be withdrawn in terms of the condition in which they will be when released from Customs custody upon presentation of the delivery permit; (2) state the estimated amount of the dutiable metal contained in the products; and (3) the warehouse withdrawal shall specify the applicable wastage.

Customs has determined that the revenue is amply protected without requiring a description of the smelted or refined products containing dutiable metal in the warehouse withdrawal and delivery permit. The deletion of this requirement reduces paperwork and the reporting burden for those who must file the warehouse withdrawal and delivery permits and yet continues to provide adequate protection of the revenue. Accordingly, a notice of proposed rulemaking proposing to delete this requirement was published in the Federal Register on October 1, 1981 (46 FR 48238). Only one comment was received in response to the notice and this comment, while in favor of the proposal was non-substantive. Accordingly, after further review of this matter, the proposal is adopted as published in the notice of proposed rulemaking.

Inapplicability of Delayed Effective Date

Because the subject matter of this document does not constitute a departure from established policy, only slightly modifies an existing procedure, and confers a benefit on the public through a reduced reporting requirement, pursuant to 5 U.S.C. 553(d)(1) a delayed effective date is not required.

Executive Order 12291

This proposed amendment is not a "major" regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

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 regulation because publication of a notice of proposed rulemaking was not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other law.

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, other Customs personnel participated in its development.

List of Subjects in 19 CFR Part 19

Customs duties and inspection, Imports, Exports, Surety bonds, Warehouses.

Amendment to the Regulations

Part 19, Customs Regulations (19 CFR Part 19), is amended as set forth below.

William T. Archey,

Deputy Commissioner of Customs.

Approved: April 12, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

Section 19.18(b), Customs Regulations (19 CFR 19.18(b)), is amended by revising the fourth sentence of the section to read as follows:

§ 19.18 Smelting and refining; allowance for wastage; withdrawal for consumption.

* * * * *

(b) * * * The warehouse withdrawal and delivery permit shall state the estimated amount of the dutiable metal contained in the products, and the warehouse withdrawal shall specify the applicable wastage. * * * R.S. 251, as amended, sections 312, 624, 46 Stat. 692, as amended, 759 (19 U.S.C. 66, 1312, 1624).

[FR Doc. 82-13130 Filed: 5-13-82 8:45 am]

BILLING CODE 4820-02-M

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19 CFR Part 162

[T.D. 82-89]

Summary Forfeiture: Controlled Substances

AGENCY: Customs Service, Treasury.

ACTION: Interim regulation.

SUMMARY: This document amends the Customs Regulations to provide that: (1) Certain seized controlled substances which are imported into the United States without the proper entry documentation may be declared as summarily forfeited to the United States; and (2) Such seized controlled substances may, upon the direction of the appropriate Customs officer, be immediately disposed of in a proper manner and pursuant to existing disposal procedures. These amendments are being made to alleviate the unnecessary and costly storage of large quantities of controlled substances for three weeks. Such substances have been illegally imported or attempted to be imported into the United States, and,

under present regulations, are required to be stored for three weeks, until public notice of their impending summary forfeiture is provided by Customs.

EFFECTIVE DATE: May 11, 1982.

Comments: These amendments are being published as interim regulations, effective on May 11, 1982. However, written comments received on or before June 14, 1982 will be considered in determining whether any changes to the regulations are required before permanent rules are published.

ADDRESS: Send comments to the U.S. Customs Service, 1301 Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Steven L. Basha, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202–566–2482); or

David Goldfarb, Assistant Regional Counsel, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131, (305–350–4321).

SUPPLEMENTARY INFORMATION:

Background

During the last few years, Customs has found it increasingly difficult to adequately store and safeguard controlled substances that have been seized for violation of drug and/or customs laws. Under present § 162.45, Customs Regulations (19 CFR 162.45), Customs is required to retain seized drugs for at least three weeks, during which time notice of their impending summary forfeiture under the customs laws is given. This three week retention provision necessitates the storage of these items in secure areas because of their illicit value and often dangerous propensities. The problem of storage and security of seized drugs has become acute in Customs regions that have large scale drug smuggling activity. For example, the Miami, Florida, Customs Region (Region IV) alone seized over 3,400,000 pounds of marihuana in fiscal year 1981. The cost to the Government in providing secure storage for such large quantities of drugs has become excessive. Additionally, the storage of large quantities of these items often interferes with the efficient operation of other Customs business.

The Controlled Substances Act (21 U.S.C. 801, *et seq.*) and the Controlled Substances Import and Export Act (21 U.S.C. 951 *et seq.*), deem illegally imported Schedule I drugs (as defined in 21 U.S.C. 802(6) and 812) to be contraband that is summarily forfeited to the United States (21 U.S.C. 881(f), 965). The Supreme Court has held that contraband is not required to be returned to the person from whom it is seized. *Trupiano* v. *United States*, 334 U.S. 699, 710 (1948); *United States* v. *Jeffers*, 342 U.S. 48, 53 (1951). Accordingly, because illegally imported Schedule I substances are summarily forfeited to the United States upon seizure, there is no purpose served in storing such substances, or notifying the public of Customs intention to dispose of such substances (pursuant to § 162.45). The public notice provision of § 162.45 is included in the regulations for the benefit of those parties who might have a legitimate interest in seized property, and who might wish to file a claim for such property pursuant to § 162.47, Customs Regulations (19 CFR 162.47). The fact that seized Schedule I drugs are deemed contraband (i.e., summarily forfeited to the Government) precludes any claim under § 162.47. To the best knowledge of Customs, no claim for property subject to summary forfeiture under § 162.47 has ever been filed with respect to seized Schedule I drugs.

Comments

Before adopting these regulations as permanent rules, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Customs Service Headquarters, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Inapplicability of Notice and Delayed Effective Date Provisions

An acute storage problem associated with large quantity seizures of controlled substances has arisen and poses security risks, is expensive, and interferes with normal Customs business. The problem is particularly acute in Customs Region IV (Miami, Florida) due to the continuous number of large quantity drug seizures effected there. Because of these factors, and because 21 U.S.C. 881(f), 965, deem illegally imported Schedule I, controlled substances to be contraband, which is summarily forfeited to the United States, it has been determined that pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Accordingly, pursuant to 5 U.S.C. 553(d)(3), good cause exists for dispensing with a delayed effective date.

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 these amendments because the rules will not have a significant economic impact on a substantial number of small entities. The amendments are not expected to: have significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from entities through comments, either formal or informal.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rules will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Robert J. Pisani, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Law enforcement, Penalties, Search warrants, Seizures and forfeitures, Imports, Customs duties and inspection.

Amendments to the Regulations

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The section heading and paragraph (b) of § 162.45, Customs Regulations (19 CFR 162.45(b)), are amended to read as follows:

§ 162.45 Summary forfeiture where value not over $10,000: Property other than Schedule I controlled substances. Notice of seizure and sale.

* * * * *

(b) *Publication.* (1) If the appraised value of any property in one seizure from one person other than Schedule I controlled substances (as defined in 21 U.S.C. 802(6)) exceeds $250, the notice shall be published in a newspaper of general circulation in the Customs district and the judicial district in which the property was seized for at least three successive weeks.

(2) In all other cases, except for Schedule I controlled substances (see § 162.45a), the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at least three successive weeks. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

* * * * *

2. Part 162, Customs Regulations (19 CFR Part 162), is amended by adding a new § 162.45a, to read as follows:

§ 162.45a Summary forfeiture of Schedule I controlled substances.

The Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801) provides that all controlled substances in Schedule I (as defined in 21 U.S.C. 802(6) and 812) that are possessed, transferred, sold, or offered for sale in violation of the Act shall be deemed contraband and seized and summarily forfeited to the United States (21 U.S.C. 881(f)). By reference, the Controlled Substances Import and Export Act (21 U.S.C. 951) incorporates this contraband forfeiture provision. See 21 U.S.C. 965. Accordingly, in the case of a seizure of Schedule I controlled substances, the appropriate Regional Commissioner of Customs shall contact the appropriate Drug Enforcement Administration official responsible for issuing permits authorizing the importation of such substances (see 21 CFR 1312). If upon inquiry the Regional Commissioner or his designee is notified that no permit for lawful importation has been issued, he shall declare the seized substances contraband and forfeited pursuant to 21 U.S.C. 881(f). Inasmuch as such substances are deemed contraband, the notice procedures set forth in section 162.45 are inapplicable to the disposition of Schedule I substances.

3. Section 162.63, Customs Regulations (19 CFR 162.63), is amended to read as follows:

§ 162.63 Arrests and seizures.

Arrests and seizures under the Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801), and the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951), shall be handled in the same manner as other Customs arrests and seizures. However, Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) imported contrary to law shall be seized and forfeited in the manner provided in the Controlled Substances Act (21 U.S.C. 881(f)). See § 162.45a.

(Sec. 511(d), 1016, 84 Stat. 1277, 1291; 21 U.S.C. 881(d), 966)

(R.S. 251, as amended, sec. 624, Stat. 722, as amended, 728, as amended, 759 (19 U.S.C. 66, 1624))

William von Raab,

Commissioner of Customs.

Approved: March 22, 1982.

Robert E. Powis,

Acting Assistant Secretary of the Treasury.

[FR Doc 82-13118 Filed 5-13-82; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 442

[Docket No. 82N-0077]

Antibiotic Drugs; Cefamandole Sodium for Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the certification of a new antibiotic drug, cefamandole sodium for injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective May 14, 1982; comments, notice of participation, and request for hearing by June 14, 1982; data, information, and analysis to justify a hearing by July 13, 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: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, cefamandole sodium for injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when the drug is used as directed in the labeling and that the regulations should be amended in Parts 436 and 442 (21 CFR Parts 436 and 442) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 442

Antibiotics, Cepha.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) 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)), Parts 436 and 442 are amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

1. Part 436 is amended:

a. In § 436.33(b) by alphabetically inserting a new item into the table as follows:

§ 436.33 Safety test.

* * * * *

(b) * * *

Antibiotic drug	Test dose			
	Diluent (diluent number as listed in § 436.31)	Concentration in units or milligrams of activity per milliliter (milligrams)	Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
* * * *	*	*	*	*
Cefamandole sodium	3	40	0.5	Intravenous.
* * * *	*	*	*	*
* * * *	*	*	*	*

b. In § 436.324(d), by inserting a new sentence between the heading and the first sentence, to read as follows:

§ 436.324 Polarographic analysis of cefamandole.

* * * * *

(d) *Preparation of sample and working standard solutions.* Use the cefamandole lithium working standard.

* * *

* * * * *

PART 442—CEPHA ANTIBIOTIC DRUGS

2. Part 442 is amended:

a. In Subpart A by adding new § 442.9a, to read as follows:

§ 442.9a Sterile cefamandole sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Sterile cefamandole sodium is 5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid, 7-[(hydroxyphenylacetyl)amino]-3-[[(1-methyl-1*H*-tetrazol-5-yl)thio]methyl]-8-oxo-, monosodium salt [6*R*-[6α, 7β(R*)]]-. It is so purified and dried that:

(i) Its cefamandole content is not less than 860 micrograms and not more than 1,000 micrograms of cefamandole per milligram on an anhydrous basis.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 3.0 percent.

(vi) Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 3.5 and not more than 7.0.

(vii) It passes the identity test.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for cefamandole content, sterility, pyrogens, safety, moisture, pH, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing equal portions of approximately 250 milligrams.

(b) *Tests and methods of assay*—(1) *Cefamandole content.* Proceed as directed in § 436.324 of this chapter.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefamandole per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using the mineral oil mull prepared as described in paragraph (b)(2) of that section.

b. In Subpart C by adding new § 442.209, to read as follows:

§ 442.209 Cefamandole sodium for injection.

(a) *Requirements for certification*—(1—*Standards of identity, strength, quality, and purity.* Cefamandole sodium for injection is a dry mixture of cefamandole sodium and one or more suitable and harmless buffering agents. Its cefamandole content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of cefamandole that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 3.0 percent. Its pH is not less than 6.0 and not more than 8.5. The cefamandole sodium used conforms to the standards prescribed by § 442.9a(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cefamandole sodium used in making the batch for cefamandole content, moisture, pH, and identity.

(*b*) The batch for cefamandole content, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(*a*) The cefamandole sodium used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Cefamandole content.* Proceed as directed in § 436.324 of this chapter, preparing the sample solution and calculating the cefamandole content as follows:

(i) *Sample solution.* Reconstitute the sample as directed in the labeling. If it is represented as a single-dose container, remove all the withdrawable contents with a suitable hypodermic needle and syringe. If the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute an aliquot of this solution with distilled water to obtain a concentration of 2.0 milligrams of cefamandole per milliliter (estimated). Transfer 5 milliliters of this solution to a 50-milliliter volumetric flask, add 30 milliliters of pH 2.3 buffer, dilute to volume with distilled water, and mix.

(ii) *Calculations.* Calculate the cefamandole content as follows:

$$\text{Milligrams of cefamandole} = \frac{A \times \text{Milligrams of working standard} \times \text{Potency of working standard in micrograms per milligram} \times f}{B \times 50 \times 1{,}000}$$

where:

A = The peak height of the sample;

B = The peak height of the working standard;

f = The dilution factor of the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefamandole per milliliter.

(4) *Safety.* Proceed as directed in § 436.33 of this chapter.

(5) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(6) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act (21 U.S.C. 357), FDA permits the manufacturer to market this drug on a "release" status pending this regulation's effective date. Because this regulation is not controversial and because when effective it provides notice of accepted standards and

permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective May 14, 1982. However, interested persons may, on or before June 14, 1982, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch betweeen 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before June 14, 1982, a written notice of participation and request for hearing, and (2) on or before July 13, 1982, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective May 14, 1982

(Secs. 507, 701(f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g)))

Dated: May 7, 1982.

James C. Morrison,

Acting Assistant Director for Regulatory Affairs.

[FR Doc. 82-13060 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 510 and 522

New Animal Drugs; Change of Sponsor Number

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amended the animal drug regulations in the **Federal Register** of January 5, 1982 to reflect a change in sponsor. That document did not properly assign a sponsor number of a new animal drug application (NADA). This document corrects that error.

EFFECTIVE DATE: January 5, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4243.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 5, 1982 (47 FR 146), FDA amended the animal drug regulations to reflect the change of sponsor of NADA 035–825 for naloxone hydrochloride injection. The sponsor was changed to Endo Pharmaceuticals, Inc., Manati, PR. Inadvertently, the drug labeler code for Endo, Inc., Manati, PR, was assigned to this firm. This document amends the regulations to provide for the correct labeler code.

List of Subjects in 21 CFR

Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

1. In Part 510, § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) in the entry for Endo Pharmaceuticals, Inc., by changing the drug labeler code number "000060" to "000590" and in paragraph (c)(2) in the entry for 000060 by changing the drug labeling code number "000060" to "000590", and by numerically inserting the revised entry in the paragraph.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1462 [Amended]

2. In Part 522, § 522.1462 *Naloxone hydrochloride injection* is amended in paragraph (b) by removing the number "000060" and inserting in its place"000590".

Effective date. January 5, 1982.

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

Dated: May 6, 1982.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 82-13056 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Piperazine Monohydrochloride Liquid

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application filed by Ralston Purina Co. providing for safe and effective use of piperazine monohydrochloride liquid as an anthelmintic for removal of roundworms from dogs.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Ralston-Purina Co., Checkerboard Square, St. Louis, MO 63188, filed an NADA (125–730) providing for safe and effective use of Purina Liquid Dog Wormer (piperazine monohydrochloride liquid) containing 4.77 percent piperazine monohydrochloride (equivalent 3.35 percent piperazine base) for use as an anthelmintic for dogs for the removal of roundworms *Toxocara canis* and *Toxascaris leonina*. The product is

administered at 20 to 30 milligrams of piperazine base per pound of body weight by mixing in the animal's daily ration, the dose to be consumed in one feeding. The product, at a different concentration but the same dosage, was the subject of a National Academy of Sciences/National Research Council (NAS/NRC) evaluation published in the Federal Register of February 14, 1969 (34 FR 2213). The evaluation concluded, and FDA concurred, that the product is effective for use as labeled. Additional studies to demonstrate biological equivalence are not required. Based on the information submitted, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1806 to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1806 Piperazine monohydrochloride liquid.

(a) *Specifications.* The product contains 4.77 percent piperazine monohydrochloride, equivalent to 3.35 percent piperazine base.

(b) *Sponsor.* See 017800 in § 510.600(c) of this chapter.

(c) *Conditions of Use*—(1) *Indications for use.* For dogs for the removal of roundworms (*Toxocara canis* and *Toxascaris leonina*).

(2) *Dosage.* Administer 20 to 30 milligrams of piperazine base per pound of body weight as a single dose.

(3) *Limitations.* Administer by mixing into the animal's ration to be consumed at one feeding. For animals in heavily contaminated areas, reworm at monthly intervals. Not for use in unweaned pups or animals less than three weeks of age. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. This regulation shall become effective May 14, 1982.

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

Dated: April 5, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc 82-13059 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 529

Certain Other Dosage Form New Animal Drugs not Subject to Certification; Nifurpirinol Capsules; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) providing for a change of sponsor for nifurpirinol capsules from Zoecon Industries to Abbott Laboratories.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Zoecon Industries, Inc., 12200 Denton Dr., Dallas, TX 75234, filed supplemental NADA 99–568 providing for a change of sponsor to Abbott Laboratories, North Chicago, IL 60064. The supplement is approved and the regulations are amended to reflect the change.

This action, the change of sponsor of an NADA, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category I approval which did not require reevaluation of the safety and effectiveness data in the parent application.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 529

Animal drugs.

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 529.1526 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 529 is amended in § 529.1526 *Nifurpirinol capsules* in paragraph (b) by removing drug sponsor code "011536" and inserting in its place "043731".

Effective date. May 14, 1982.

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

Dated: May 5, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-12856 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for International Nutrition, Inc. The supplemental application provides labeling revisions for a 10-gram-per-pound tylosin premix that expands its use to manufacture of cattle and poultry

feeds in addition to manufacture of swine feeds.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: International Nutrition, Inc., 6664 "L" St., Omaha, NE 68117, is sponsor of NADA 95–551 providing for safe and effective use of a 10-gram-per-pound tylosin premix in manufacturing complete swine feeds. The feeds are used for increased rate of weight gain and improved feed efficiency. On behalf of International Nutrition, Elanco Products Co. filed a supplement to the NADA that expands use of the premix to manufacture of complete cattle and poultry feeds. The cattle feeds are indicated for reduction of incidence of liver abscesses in beef cattle. The poultry feeds are indicated for increased rate of weight gain and improved feed efficiency in chickens and improved feed efficiency in laying chickens. The supplement also provides for certain additional uses of swine feeds derived from the 10-gram-per-pound premix.

International Nutrition, Inc., has existing approval for use of a premix containing 4 grams of tylosin per pound for manufacture of swine feeds used solely for increased rate of weight gain and improved feed efficiency. The supplemental NADA, adding the additional claims and species for the 10-gram-per-pound premix, is approved and 21 CFR 558.625 is amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Elanco's approved NADA 12–491. Use of the data in NADA 12–491 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977) this is a Category II change. The approval of this supplemental NADA does not require reevaluation of the safety and effectiveness data in NADA 12–491.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.625 by revising paragraph (b)(3) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(3) To 043733: 4 grams per pound, paragraph (f)(1)(vi) (*a*) of this section; 10 grams per pound, paragraph (f)(1)(i), (iii), (iv), and (vi)(*a*), (*b*), (*c*), and (*d*) of this section.

* * * * *

Effective date. This amendment is effective May 14, 1982.

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

Dated: May 5, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82–12857 Filed 5–13–82; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Hygromycin B

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FEA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for I.M.S., Inc., providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections; and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: I.M.S., Inc., 13619 Industrial Rd. Omaha, NE 68137, is the sponsor of NADA 129–395 providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine and chicken feeds. The complete swine feed is used as an aid in the control of large roundworm, nodular worm, and whipworm infections. The complete chicken feed is used as an aid in the control of large roundworms, cecal worms, and capillary worms. This NADA was filed by Elanco Products Co. for the sponsor I.M.S. Elanco authorized use of the safety and effectiveness data contained in their approved NADA's 10–918 and 11–948 to support this application. This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of NADA 129–395 does not require reevaluation of the safety and effectiveness data in NADA's 10–918 and 11–948. NADA 129–395 is approved, and the regulations are amended to reflect the approval. Satisfactory chemistry, manufacturing, and control information were also submitted.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR

25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 *Hygromycin B* by adding, in numerical sequence, drug labeler code "050639" to paragraph (a)(4) and to the "sponsor" column in paragraph (e)(1)(i) and (ii).

Effective date: May 14, 1982.

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

Dated: April 5, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-13058 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Custom Feed Services Corp. providing for safe and effective use of a premix containing 5 grams per pound each of tylosin and sulfamethazine for making complete swine feeds.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Custom Feed Services Corp., 2100 N. 13th St., Norfolk, NE 68701, is the sponsor of NADA 129-159 submitted on its behalf by Elanco Products Co. This NADA provides for use of a premix containing 5 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for making complete swine feeds used to maintain weight gains and feed efficiency in the presence of atrophic rhinitis, lower the incidence and severity of *Bordetella bronchiseptica* rhinitis, prevent swine dysentery (vibrionic), and control swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*).

Approval of the application is based on safety and effectiveness data contained in Elanco Products Co.'s approved NADA's 12-491 and 41-275. Use of the data in NADA's 12-491 and 41-275 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA 12-491 or NADA 41-275.

In accordance with the freedom of information provisions of Part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.630 *Tylosin and sulfamethazine* by adding, in numerical sequence, drug sponsor code "017473" to paragraph (b)(9).

Effective date. May 14, 1982.

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

Dated: April 5, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82-13057 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 255

[Docket No. R-82-953]

Coinsurance for Private Mortgage Lenders

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Notice of effective date for interim rule.

SUMMARY: This document announces the effective date for the interim rule published in the **Federal Register** on March 31, 1982 (47 FR 13517) which broadened eligibility for participation in the Section 223(f) program to any FHA-approved mortgagee which could meet the special eligibility requirements of Part 255. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register**.

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the interim rule published March 31, 1982, at 47 FR 13517, is May 17, 1982.

FOR FURTHER INFORMATION CONTACT: Richard Lasner, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 5218, 451 7th Street, SW., Washington, D.C. 20410, Telephone No. (202) 755–6207. This is not a toll-free number.

Dated: May 10, 1982.

Richard Lasner,

Assistant General Counsel for Regulations.

[FR Doc 82–13113 Filed 5–13–82; 8:45 am]

BILLING CODE 4210–27–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning June 1, 1982. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974, (the "Act").

The valuation of plan benefits is necessary because under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after June 1, 1982, and enables the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes an amendment revising them.

EFFECTIVE DATE: June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Nina R. Hawes, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202–254–3010.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation (the "PBGC") issued a final regulation (46 FR 9492 *et seq.*) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. No. 96–364, 94 Stat. 1208 (the "Act"). That regulation, 29 CFR Part 2610, was recodified as 29 CFR Part 2619 on June 24, 1981, effective June 29, 1981 (46 FR 32574). That regulation contains a number of formulas for valuing different types of benefits. In addition, appendix B to the regulation sets forth the various interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When first published, Appendix B contained interest rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additonal rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before February 1, 1982. (29 CFR 2619 (1981), 46 FR 36693, 46 FR 45761, 46 FR 50788, 46 FR 55958, 46 FR 61084, 47 FR 2313).

On February 12, 1982, the PBGC last published rates for plans that terminate on or after March 1, 1982 (47 FR 6426). At this time, changes in the financial and annuity markets have necessitated a decrease in the rates used by the PBGC to value benefits. Accordingly, this amendment changes the rates in Appendix B to add a set of interest rates and factors for plans that terminate on or after June 1, 1982. These rates and factors will remain in effect until such time as PBGC publishes another amendment which changes the rates.

As a rule, the rates will be in effect for at least one month. If the rates are to be changed, PBGC will publish an amendment in the **Federal Register**, normally by the 15th of the month prior to the month for which the new rates will be effective. If no change is to be made, no amendment will be published, and the current rates will remain in effect until further notice.

Because the Multiemployer Pension Plan Amendments Act of 1980 established a new insurance program for multiemployer plans, we note that the rates and factors contained in Appendix B to Part 2619 are applicable to non-multiemployer plans only.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly, so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after June 1, 1982, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation or competition.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

PART 2619—VALUATION OF PLAN BENEFITS IN NONMULTIEMPLOYER PLANS

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2619 is as follows:

Authority.—Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025–27, 1029, (1974) as amended by secs. 403(1), 403(d) and 402(a)(7), Pub. L. 96–364, 94 Stat. 1302, 1301, 1299, (1980) (29 U.S.C. 1302, 1341, 1344, 1362).

2. Rate Set 33 of Appendix B is revised and Rate Set 34 of Appendix B is added to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1 and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate	Deferred annuities				
	On or after	And before		k_1	k_2	k_3	n_1	n_2
* *	*	*	*	*	*	*	*	
33	3-1-82	6-1-82	11.00	1.1025	1.0900	1.0400	7	8
34	6-1-82		10.75	1.1000	1.0875	1.0400	7	8

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82-13080 Filed 5-13-82; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 221

[NTL-7]

Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases; Removal of Crude Oil by Means Other Than An Approved Lease Automatic Custody Transfer System

AGENCY: Minerals Management Service, Interior.

ACTION: Final notice.

SUMMARY: This notice reinforces and supplements the requirements of the regulations of 30 CFR Part 221, which are applicable to the handling and removal of crude oil by means other than an approved Lease Automatic Custody Transfer System (LACTS) from Federal and Indian oil and gas leases under the jurisdiction of the MMS. It also clarifies for the lessees and operators of such leases the requirements of the MMS in that regard.

EFFECTIVE DATE: This notice supersedes the interim NTL-7 and is effective on June 1, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, Chief, Branch of Fluid Minerals Management, (703) 860-7535 or (FTS) 928-7335..

SUPPLEMENTARY INFORMATION: Because of numerous reports alleging the unauthorized removal of crude from jurisdictional Federal and Indian leases, an interim NTL-7 was published in the **Federal Register** on September 14, 1981 (46 FR 45695), with an effective date of October 1, 1981. The interim notice reinforced the regulations applicable to the handling and removal of crude oil from jurisdictional Federal and Indian leases and provided further clarification as to the requirements of the MMS in that respect.

A 30-day comment period ending on October 14, 1981, was provided. Over 100 comments were received from Members of Congress, oil and gas industry associations, numerous companies and individuals involved in various aspects of the petroleum industry, an Indian Tribe, and members of the general public. The written comments ranged from single paragraph letters generally protesting the issuance of the notice to a paragraph by paragraph analysis thereof, with proposed alternatives. The majority of the adverse comments focused on the items discussed below:

1. Most commentors objected to the lessee/operator and purchaser/transporter both having to sign the run ticket before the crude oil could be removed from the lease or other approved sales point.

2. Many commentors objected to the requirement that, where multiple truck loads of oil are required to remove oil from a single sales point, a fully and properly completed run ticket was to be completed for each truckload of oil.

3. Some commentors requested that oil run by pipeline via tank measurements be specifically exempted from NTL-7, since it would be difficult, in many instances, to obtain the required signatures by the lessee/operator representative before the oil was removed from the lease.

4. Some commentors objected to the requirement that, where oil was to be removed by transport truck from pits, spill sites, or other facilities, the top and bottom gauge of the truck tank and the capacity thereof be recorded on the run ticket.

Many of the comments received were, in review, found to have merit in recommending less burdensome ways for accomplishing the desired result. Accordingly, the final NTL has been modified to assure that the handling and removal of crude oil from jurisdictional Federal and Indian leases will be appropriately documented, but to eliminate any requirements in that regard which are considered unnecessary and burdensome.

The following changes have been made to the notice as published September 14, 1981:

—The minimum required content of the run ticket has been modified;

—The time at which the lessee/operator must sign the run ticket has been modified;

—A run ticket retention provision has been added,

—For clarity, a provision stating the lessee's/operator's responsibility for putting crude oil in marketable condition has been added.

Approved copies of the final NTL-7 and related CFR provisions will be sent to lessees and operators in accordance with established practice. Additional copies will be available on request from all MMS regional offices. This notice will be reissued as an Onshore Oil and Gas Order following the effective date of the revision to 30 CFR Part 221 which was proposed on November 17, 1982 (46 FR 56564).

Under the authority of the Act of February 25, 1920 (30 U.S.C. 189) and 30 CFR 221.5, the final notice to lessees and operators (NTL-7) is set forth below.

Dated: May 11, 1982.

Andrew V. Bailey,

Acting Deputy Director for Minerals Management.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Minerals Management Service

Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases

[NTL-7]

Removal of Crude Oil from Federal and Indian Oil and Gas Leases by Means Other Than An Approved Lease Automatic Custody Transfer System

In accordance with the pertinent provisions of onshore oil and gas operating regulations (30 CFR 221) and the terms of the various oil and gas leases issued pursuant to the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended (30 U.S.C. 351-359), the Department of Interior FY 1981 Appropriation Act, (94 Stat. 2964), the Allotted Indian Land Leasing Act of March 3, 1909, as amended (25 U.S.C. 396), and the

Unallotted Indian Lands Leasing Act of May 11, 1938, as amended (25 U.S.C. 396d), the Deputy Minerals Manager for Oil and Gas or for Onshore Minerals (DMM), Minerals Management Service (MMS), has the authority to prescribe the means by which crude oil produced from jurisdictional lands is to be handled, stored, measured (both the quantity and quality), removed, and reported. Jurisdictional lands include all onshore Federal and Indian oil and gas leases (including fractional interest leases), except those on the Osage Indian Reservation, Oklahoma.

This notice is to reinforce the regulations and to clarify for lessees/operators the requirements of the MMS with respect to the handling of crude oil on jurisdictional lands and the removal of crude oil from jurisdictional lands by means other than an approved Lease Automatic Custody Transfer System (LACTS).

Lessees/operators are to make every reasonable effort to place all produced oil in marketable condition and ensure that its sale or removal from leases or other approved sales points by means other than a LACTS is in accordance with this Notice.

All crude oil produced from jurisdictional lands is to be handled, stored, removed, measured, and reported in accordance with the requirements of 30 CFR 221.31, 30 CFR 221.33 and 30 CFR 221.43.

The removal of crude oil from storage tanks or from other points on jurisdictional leases by means other than an approved LACTS requires, without exception, the timely and proper completion of a run ticket. Run tickets may be printed in a number of acceptable formats. Those used for the removal of crude oil from Federal and Indian Leases must, as a minimum, provide space for recording the following:

1. Date of removal and a unique run ticket number;
2. Location: ¼ ¼, Section, Township, Range, and Meridian (where applicable);
3. County and State;
4. Federal or Indian lease number or, as appropriate, the communitization agreement or unit agreement name and unit participating area name;
5. Lessee/operator lease name, if different from No. 4 and desired by the lessee/operator;
6. Tank number or other unique identification for the tank;
7. Tank size (Note: Size is not the true capacity of the tank, but that which is used to indicate the approximate capacity. The exact capacity is that determined from the actual strapping table for the tank);
8. Top and bottom gauges;
9. Bottom sediment depth measurement;
10. Quality measurements, i.e., BS&W content and observed temperature and gravity (°API) of the crude oil;
11. Seal numbers (opening and closing);
12. Lessee/operator name;
13. Lessee/operator witness' name, date, time and signature;
14. Transporter or purchaser name, as appropriate;
15. As appropriate, the transporter or purchaser witness' name, date, time, and signature.

When the lessee/operator determines that a tank of oil is ready for sale, the lessee/operator must, as a minimum seal the valve nearest the tank on all lines connected to the tank to ensure that oil can not be removed from the tank unless a seal is broken. The seal numbers must be recorded by the lessee/operator.

The lessee/operator is responsible for assuring that all volume measurements and quality tests are properly conducted and accurately recorded on the run ticket. The lessee/operator may do this either by conducting independent measurements and quality tests or by physically witnessing those measurements and tests which are performed by the transporter/purchaser. Before any crude oil is removed from a lease, the lessee/operator will require that its transporter/purchaser complete the run ticket to the maximum extent then possible.

After the sale is finalized, a fully completed run ticket (except for the signature by the lessee/operator) is to be left at the facility or delivered in person to the representative of the lessee/operator by the transporter/purchaser.

If the crude oil is trucked, the driver must retain a copy of the run ticket while transporting the oil. When multiple truck loads are hauled from a single sales point, only the driver of the last truckload need have a completed run ticket in his possession; however, the drivers of the earlier loads must have appropriate documentation in the form of a trip log or manifest in their possession. Once the sale is completed, the lessee/operator will require the transporter/purchaser to (1) replace all seals broken during the sale of the oil with new seals, (2) document the reasons for each seal or intermediate seal (on multiple truckload hauls) broken and replaced, and (3) record the old and new seal numbers, and (4) sign and date the run ticket. The lessee/operator shall sign and date the run ticket within 48 hours after the related sale is completed.

The lessee/operator must maintain all run tickets for a period of 6 years. After collecting the seventh year of run tickets, the lessee/operator may dispose of the first year run tickets. This will ensure a minimum run ticket history of 6 years for each storage tank.

Lessees/operators are reminded that while MMS will, under the appropriate circumstances, approve pits for temporary or emergency use or for water disposal purposes, it does not approve pits for the storage of crude oil, regardless of its condition. Thus, lessees/operators are expected to keep their approved pits reasonably free of crude oil accumulations at all times through the use of appropriately sized equipment and good operating practices.

It is recognized, despite the exercise of due care and diligence by the lessees/operators, that events will occur which result in crude oil accumulations on approved pits or at spill sites. In those circumstances, lessee/operators are expected to make every reasonable effort to recover the crude oil, place it in a marketable condition, and return it to appropriate storage tank(s) for sale. If the crude oil is not treatable using existing or portable facilities and chemicals, the lessee/operator will be expected to arrange for its sale by other means and to pay an appropriate royalty based on the sales price. Lessees/operators must notify and obtain the approval of the appropriate District Oil and Gas Supervisor, MMS, prior to any such sale from a pit or spill site. Such notification is to be given in sufficient time to permit an MMS representative to witness the sale; however, the sale may proceed at the appointed date and time whether an MMS representative is present or not.

Any oil which is removed from a jurisdictional lease, communitized tract, or unit participating area in violation of these requirements will (1) be considered as having been illegally removed, (2) result in the issuance of an incident of noncompliance, and (3) the initiation of further appropriate action.

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DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 6

Final Regulations Implementing the Equal Access to Justice Act

AGENCY: Treasury Department.

ACTION: Final rule.

SUMMARY: The Equal Access to Justice Act (Pub. L. No. 96-481, October 21, 1980) provides for the award of attorney's fees and other expenses against the United States in certain specified situations. The Act directs each agency, after consultation with the Chairman of the Administrative Conference of the United States, to "establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses." (5 U.S.C. 504(c)(1)).

These final regulations, based on model regulations issued by the Administrative Conference on June 18, 1981, identify the Treasury Department proceedings to which the Act applies and establish uniform procedures among the affected Treasury Department agencies for submission and consideration of applications for awards.

EFFECTIVE DATE: June 14, 1982.

FOR FURTHER INFORMATION CONTACT: James R. Alliston, Office of the Assistant General Counsel (Enforcement and Operations), Room 2308, Main Treasury Building, 1500 Pennsylvania Ave., NW., Washington, D.C. 20220 (202/566-8261) or Stephanie J. Dick, Office of the Assistant General Counsel (Enforcement and Operations), Room 2000, Main Treasury Building, 1500

Pennslyvania Ave., NW., Washington, D.C. 20220 (202/566-9947).

SUPPLEMENTARY INFORMATION:

Background

Section 202(c)(1) of the Equal Access to Justice Act states that its purpose is "to diminish the deterrent effect of seeking review of, or defending against governmental action by providing in specified situations an award of attorney fees, expert witness fees, and other costs against the United States * * *" Accordingly, whenever an agency conducts an adversary adjudication under 5 U.S.C. 554 (unless specifically excluded by the Act), it may be liable to the prevailing party for the payment of attorney fees and other expenses unless the agency's position is found to have been substantially justified or special circumstances would make an award unjust.

The Act directs each agency, after consultation with the Chairman of the Administrative Conference of the United States, to "establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses." (5 U.S.C. 504(c)(1)).

In addition to identifyng the proceedings of Treasury agencies which are governed by 5 U.S.C. 554, and to which the Act therefore applies, the final regulations include a description of types of applicants who are eligible for awards, standards for awards, the kind of fees and expenses which are allowable, and a description of the information which must be contained in applications for awards under the Act.

The Treasury Department's regulations implementing the Equal Access to Justice Act were published in the **Federal Register** on October 28, 1981 (46 FR 53025) as a temporary rule with request for comments. Interested parties were given until November 27, 1981 to submit comments. Two comments were received, and although both were received after November 27, 1981, they were considered and a discussion appears below. In addition, further review took place within the Department based upon guidelines issued by the Justice Department, "Award of Attorney Fees and Other Expenses in Judicial Proceedings Under the Equal Access to Justice Act," and recommendations made by the Office of Management and Budget. After review of the comments, the Justice Department guidelines, and the OMB recommendations, the Treasury Department is adopting a modified version of the regulations published on October 28, 1981.

Discussion of Comments

The Treasury Department received two comments on its temporary regulations implementing the Equal Access to Justice Act. Both commentors objected to § 6.5(a) of the proposed regulation, which stated that "(n)o presumption arises that the agency's position was not substantially justified simply because the agency did not prevail," and one commentor also objected to § 6.8(a), which stated that the prevailing party's "application shall state the basis for the applicant's belief that the agency position was not substantially justified." The commentors argued that these provisions might be read as an attempt to place on the applicant the burden of showing that the agency position was not substantially justified. The Treasury Department believes that whether an agency position is "substantially justified" in a specific case must be decided in the context of each case and be based upon all the circumstances of that case. The regulation does not attempt to deal with the burden of persuasion issue or have the effect of imposing such burden on an applicant prevailing party. The fact that no presumption arises based on the agency's failure to prevail does not relieve the agency of the necessity to show that its position was substantially justified. In addition, the statement that no presumption arises based on the agency's failure to prevail is fully supported in the legislative history, S. Rept. No. 96-253 (July 20, 1979), p. 7; H. Rept. No. 96-1418 (Sept. 26, 1980), p. 11. The requirement that the applicant state the basis for its belief that the agency's position was not substantially justified helps to frame the issues for decision; it does not alter or even address the question of the burden of persuasion as between the parties.

Both commentors objected to § 6.6(a) of the proposed regulation because it merely repeated the Act's ceiling of $75 per hour for attorney or agent fees, without providing for exceptions to such rates. Both commentors also objected to the documentation requirements on fees and expenses, one specifically mentioning separate billing as required by § 6.6(a) and the other mentioning daily time sheets.

The Treasury Department believes that the $75 ceiling should be left intact because it accurately reflects Congress' decision in section 203 of the Act; because Congress can review the ceiling if warranted, particularly during the course of considering the Act for renewal in 1984; and because at this time there is no basis for believing that $75 per hour is not an appropriate ceiling amount. The Treasury Department will of course consider the ceiling question at such time as it may appear that "an increase in the cost of living or special factor, such as the limited availability of qualified attorneys or agents for the proceedings involved," justify a higher fee in particular classes of cases. However, we note that in response to recommendations from the Office of Management and Budget, §§ 6.6 and 6.10 have been replaced with language identical to that contained in corresponding sections of the final regulations published by the Justice Department on April 13, 1982 (47 FR 15774).

One commentor suggested that the regulation should specifically recognize the right of an eligible party prevailing on some, but not all, issues to recover attorney fees on these issues. Whether a party has prevailed in a particular proceeding will depend upon the facts and circumstances of that proceeding. Developing case law will perhaps provide some guidance. However, we note that the definition of "prevailing party" is primarily a substantive issue. Treasury's regulations are intended to be procedural in nature, in accordance with the Act's directive that each agency establish "uniform procedures" for the consideration of applications for awards. Therefore, the Treasury Department does not believe it is necessary, desirable or practicable to attempt to codify in its regulation a description of "prevailing party" that goes beyond the express terms of the Act.

One commentor suggested that the regulation ought to contain a deadline for payment of an award. The Treasury Department does not believe such a deadline is necessary or appropriate in the regulation, which is primarily designed to establish the ground rules and procedures for applications and adjudications leading to an award. Congress could have legislated a deadline if it had believed that agencies would not act in good faith in particular cases of awards.

In its guidelines on the Equal Access to Justice Act, the Justice Department included a discussion on specific issues in determining eligibility of applicants for awards and concluded that governmental bodies cannot be eligible parties under the Act. Based on the Treasury Department's analysis of the legislative history cited in support of this conclusion, it has been determined that the final rule should be revised to remove any reference to proceedings conducted by the Office of Revenue

Sharing as being covered by the Act. Since the ony applicants for awards under the Act in proceedings conducted by the Office of Revenue Sharing would be state governments or units of local government, it would be misleading to retain reference to those proceedings and create the false impression that these governmental entities could be considered as eligible applicants. Accordingly, § 6.3(c) of the temporary regulations has been omitted from the final rule, and amendments have been made to §§ 6.7 and 6.9 to remove references to the Director of the Office of Revenue Sharing and to state governments and units of local government.

Finally, minor editorial changes have been made in §§ 6.3 and 6.5 to conform more closely to the statutory language.

Authority

These regulations are promulgated under the authority of Section 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Executive Order 12291

It has been determined that this final rule does not meet the criteria for "major rules", set forth in Executive Order 12291 (February 17, 1981) in that it will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local 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.

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 final rule because the regulations will not have a significant economic impact on a substantial number of small entities. The final 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 has certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the regulations will not have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author or this document was Stephanie J. Dick, Office of the General Counsel, Department of the Treasury. However, personnel from other Treasury offices participated in its development.

List of Subjects in 31 CFR Part 6

Equal access to justice, Claims, Lawyers.

Promulgation of Regulations

Part 6, Treasury Regulations (31 CFR Part 6) is promulgated as set forth below.

Dated: May 4, 1982.

Peter J. Wallison,

General Counsel.

PART 6—APPLICATIONS FOR AWARDS UNDER THE EQUAL ACCESS TO JUSTICE ACT

Subpart A—General Provisions

Sec.

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Authority: Sec. 203(a)(1). Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

Subpart A—General Provisions

§ 6.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before agencies of the Government of the United States. An eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Treasury Department will use to make them.

§ 6.2 When the act applies.

The Act applies to any adversary adjudication pending before an agency at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981, if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs.

§ 6.3 Proceedings covered.

The Act applies to adversary adjudications required to be conducted by the Treasury Department under 5 U.S.C. 554. Within the Treasury Department, these proceedings are:

(a) Bureau of Alcohol, Tobacco and Firearms: (1) Permit proceedings under the Federal Alcohol Administration Act (27 U.S.C. 204); (2) Permit proceedings under the Internal Revenue Code of 1954 (26 U.S.C. 5171, 5271, 5713); (3) License and permit proceedings under the Federal Explosives Laws (18 U.S.C. 843).

(b) Comptroller of the Currency:

All proceedings conducted under 12 CFR Part 19, Subpart A.

§ 6.4 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this subpart and has complied with the requirements in Subpart B of this part.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C.

1141(a)) with not more than 500 employees, or

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the matter in controversy is primarily related to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual or group of individuals, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares of another business, or controls in any manner the election of a majority of that business's board of directors, trustees, or other persons exercising similar functions, will be considered an affiliate of that business for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the afffiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 6.5 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with the *final* disposition of a proceeding, unless (1) the position of the agency was substantially justified, or (2) special circumstances make the award unjust. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 6.6 Allowable fees and other expenses.

(a) The following fees and other expenses are allowable under the Act:

(1) Reasonable expenses of expert witnesses;

(2) Reasonable cost of any study, analysis, engineering report, test, or project which the agency finds necessary for the preparation of the party's case;

(3) Reasonable attorney or agent fees.

(b) The amount of fees awarded will be based upon the prevailing market rates for the kind and quality of services furnished, except that

(1) Compensation for an expert witness will not exceed the highest rate paid by the agency for expert witnesses; and

(2) Attorney or agent fees will not be in excess of $75 per hour.

§ 6.7 Delegations of authority.

The Director, Bureau of Alcohol, Tobacco and Firearms and the Comptroller of the Currency are authorized to take final action on matters pertaining to the Equal Access to Justice Act, 5 U.S.C. 504, in proceedings listed in § 6.3 under the respective bureau or office. The Secretary of the Treasury may by order delegate authority to take final action on matters pertaining to the Equal Access to Justice Act in particular cases to other subordinate officials.

Subpart B—Information Required From Applicants

§ 6.8 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the agency in the proceeding that the applicant alleges was not substantially justified. The application shall state the basis for the applicant's belief that the position was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall itemize the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the agency to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer with respect to the eligibility of the applicant and by the attorney of the applicant with respect to fees and expenses sought. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 6.9 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization, or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 6.4(f)) when the proceeding was initiated. In the case of national banking associations, "net worth" shall be considered to be the total capital and surplus as reported, in conformity with the applicable instructions and guidelines, on the bank's last Consolidated Report of Condition filed before the initiation of the underlying proceeding.

(b) The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

§ 6.10 Documentation of fees and expenses.

(a) The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, engineering report, test, or project, for which an award is sought.

(b) The documentation shall include an affidavit from any attorney, agent, or expert witness representing or appearing in behalf of the party, stating the actual time expended and the rate at which fees and other expenses were computed and describing the specific services performed.

(1) The affidavit shall state the services performed. In order to establish the hourly rate, the affidavit shall state the hourly rate which is billed and paid by the majority of clients during the relevant time periods.

(2) If not hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide information about two attorneys or agents with similar experience, who perform similar work, stating their hourly rate.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided.

(d) The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 6.11 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding but in no case later than 30 days after the agency's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an appplicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

Subpart C—Procedures for Considering Applications

§ 6.12 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding.

§ 6.13 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought shall file an answer to the application.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 60 days and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer supporting affidavits.

§ 6.14 Decision.

The adjudicative officer shall issue an initial decision on the application within 60 days after completion of proceedings on the application. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust.

§ 6.15 Agency review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the agency may decide to review the decision on its own initiative. If neither the applicant nor agency counsel seeks a review and the agncy does not take review on its own initiative, the initial decision on the application shall become a final decision of the agency 30 days after it is issued. Whether to review a decision is a matter within the discretion of the agency. If review is taken, the agency will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

§ 6.16 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 6.17 Payment of award.

An applicant seeking payment of an award shall submit to the agency a copy of the agency's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. An applicant shall be paid the amount awarded unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

[FR Doc. 82-13129 Filed 5-13-82; 8:45 am]
BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

38 CFR Part 3

Increase in Pension Rates and Income Limitations

AGENCY: Veterans Administration.

ACTION: Final regulation changes.

SUMMARY: The Veterans Administration has amended its regulations setting forth the annual rates of improved pension and parents' dependency and indemnity compensation (DIC), the annual income limitations applicable to receipt of section 306 pension, old-law pension and parents' DIC, and the annual amount of a spouse's income that is excludable from a veteran's annual income under the section 306 pension program. The need for this action results from the forthcoming social security cost-of-living increase. The effect of this action is to increase the rates and income limitations by the same percentage that social security will be changed.

DATES: These regulation changes are effective June 1, 1982, the effective date of the social security cost-of-living increase.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005)

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 3112 the Veterans Administration is required to increase the rates of improved pension and parent's dependency and indemnity compensation (DIC), the income limitations applicable to section 306 pension, old-law pension and parents' DIC, and the amount of a spouse's income that is excludable from the amount of a veteran's annual income under the section 306 pension program whenever there is a social security cost-of-living increase. The benefits are to be increased by the same percentage as social security benefits are increased and at the same time.

The Social Security Administration reports that there will be a cost-of-living increase of 7.4 percent in social security benefits effective June 1, 1982. Accordingly, we are amending 38 CFR 3.23, 3.24, 3.25, 3.26 and 3.262(b)(2) to implement this increase.

Pursuant to 38 CFR 1.12(b) the Veterans Administration finds that prior publication of these changes for public

notice and comment is unnecessary, contrary to public interest and pointless. The Veterans Administration has no discretion in this matter. The statute requires that we increase our benefits by the percentage amount determined by the Social Security Administration and at the same time as the social security increase is effective. Consequently, a proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, since they do not come within the term "rule" as defined in that Act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these regulation changes are nonmajor for the following reasons:

(1) They will not have an effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to complete with foreign-based enterprises in domestic or export markets.

List of subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program numbers are 64.104, 64.105, and 64.110)

Approved: May 10, 1982.

By direction of the Administrator.

Charles T. Hagel,

Deputy Administrator.

PART 3—ADJUDICATION

Part 3 of Title 38 CFR is amended as follows:

1. In § 3.23, paragraphs (a) and (c) are revised to read as follows:

§ 3.23 Improved pension rates.

(a) *Maximum annual rates of improved pension*—(1) *Veterans permanently and totally disabled (38 U.S.C. 521).*

(i) Veteran with no dependents, $5,328.

(ii) Veteran with one dependent, $6,980.

(iii) For each additional dependent, $903.

(2) *Veterans in need of aid and attendance.*

(i) Veteran with no dependents, $8,524.

(ii) Veteran with one dependent, $10,176.

(iii) For each additional dependent, $903.

(3) *Veterans who are housebound.*

(i) Veteran with no dependents, $6,513.

(ii) Veteran with one dependent, $8,165.

(iii) For each additional dependent, $903.

(4) *Two veterans married to one another; combined rates.*

(i) Neither veteran in need of aid and attendance or housebound, $6,960.

(ii) Either veteran in need of aid and attendance, $10,176.

(iii) Both veterans in need of aid and attendance, $13,371.

(iv) Either veteran housebound, $8,165.

(v) Both veterans housebound, $9,350.

(vi) One veteran housebound and one veteran in need of aid and attendance, $11,360.

(vii) For each dependent child, $903.

(5) *Surviving spouse alone and with a child or children of the deceased veteran in custody of the surviving spouse (38 U.S.C. 541).*

(i) Surviving spouse alone, $3,570.

(ii) Surviving spouse and one child in his or her custody, $4,677.

(iii) For each additional child in his or her custody, $903.

(6) *Surviving spouses in need of aid and attendance.*

(i) Surviving spouse alone, $5,712.

(ii) Surviving spouse with one child in his or her custody, $6,817.

(iii) For each additional child in his or her custody, $903.

(7) *Surviving spouses who are housebound.*

(i) Surviving spouse alone, $4,365.

(ii) Surviving spouse and one child in his or her custody, $5,469.

(iii) For each additional child in his or her custody, $903.

(See § 3.24 for entitlement criteria and rate applicable to a child of a deceased veteran not in custody of a surviving spouse who has basic eligibility to receive improved pension. The term "basic eligibility to receive improved pension" is defined in § 3.24)

* * * * *

(c) *Mexican border period and World War I veterans.* The applicable maximum annual rate payable to a Mexican border period or World War I veteran under this section shall be increased by $1,202. (38 U.S.C. 521(g))

* * * * *

2. In § 3.24, paragraphs (b) and (c) are revised to read as follows:

§ 3.24 Improved pension rates; surviving children.

* * * * *

(b) *Child with no personal custodian or in the custody of an institution.* In cases in which there is no personal custodian, i.e., there is no person who has the legal right to exercise parental control and responsibility for the child's welfare (See § 3.57(d)), or the child is in the custody of an institution, pension shall be paid to the child at the annual rate of $903 reduced by the amount of the child's countable annual income.

(c) *Child in the custody of person legally responsible for support*— (1) *Single child.* Pension shall be paid to a child in the custody of a person legally responsible for the child's support at an annual rate equal to the difference between the rate for a surviving spouse and one child under § 3.23(a)(5)(ii), and the sum of the annual income of such child and the annual income of such person. The amount payable, however, may not exceed the amount by which $903 exceeds the child's countable annual income.

(2) *More than one child.* Pension shall be paid to children in custody of a person legally responsible for the children's support at an annual rate equal to the difference between the rate for a surviving spouse and an equivalent number of children (but not including any child who has countable annual income equal to or greater than $903) and the sum of the countable annual income of the person legally responsible for support and the combined countable annual income of the children (but not including the income of any child whose countable annual income is equal to or greater than $903). The combined amount payable, however, may not exceed the amount by which $903 times the number of eligible children exceeds the sum of the children's countable annual income. (38 U.S.C. 542)

3. In § 3.25, paragraphs (a), (c), (d) and (e) are revised to read as follows:

§ 3.25 Parents' dependency and indemnity compensation rates.

Dependency and indemnity compensation (DIC) shall be paid monthly to parents of a deceased veteran in the following amounts. (38 U.S.C. 415)

(a) *One parent.* Except as provided in paragraph (b) of this section, if there is only one parent the monthly rate of DIC paid to such parent shall be $248 reduced on the basis of the parent's annual income according to the following formula:

FOR EACH $1 OF ANNUAL INCOME

The $248 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$800
.06	800	900
.07	900	1,000
.08	1,000	6,060

No DIC is payable under this paragraph if annual income exceeds $6,060.

* * * * *

(c) *Two parents not living together.* The rates in this paragraph apply to (1) two parents who are not living together, or (2) an unremarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be $176, reduced on the basis of each parent's annual income, according to the following formula:

FOR EACH $1 OF ANNUAL INCOME OF EACH PARENT

The $176 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$800
.03	800	900
.04	900	1,000
.06	1,000	1,000
.07	1,100	1,300
.08	1,300	6,060

No DIC is payable under this paragraph if annual income exceeds $6,060.

(d) *Two parents living together or remarried parents living with spouses.* (1) The rates in this paragraph apply to: (i) Each parent living with another parent; and (ii) Each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be $166, reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

FOR EACH $1 OF COMBINED ANNUAL INCOME

The $154 monthly rate shall be reduced by	Which is more than	But not more than
$0.00	$0	$1,000
.02	1,000	1,300
.03	1,300	1,900
.04	1,900	2,400
.05	2,400	2,900
.06	2,900	3,400
.07	3,400	4,000
.08	4,000	8,149

No DIC is payable under this paragraph if combined annual income exceeds $8,149.

(2) The rates in this paragraph are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in paragraph (a) of this section for one parent.

(e) *Aid and attendance.* The monthly rate of DIC payable to a parent under this section shall be increased by $130 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

* * * * *

4. Section 3.26 is revised to read as follows:

§ 3.26 Section 306 and old-law pension annual income limitations.

(a) *Section 306 pension income limitations.*

(1) Veteran or surviving spouse with no dependents, $6,060.

(2) Veteran with no dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $6,560.

(3) Veteran or surviving spouse with one or more dependents, $8,149.

(4) Veteran with one or more dependents in need of aid and attendance (38 U.S.C. 521(d), as in effect on December 31, 1978), $8,649.

(5) Child (no entitled veteran or surviving spouse), $4,952.

(b) *Old-law pension income limitations.*

(1) Veteran or surviving spouse without dependents or an entitled child, $5,304.

(2) Veteran or surviving spouse with one or more dependents, $7,651.

5. In § 3.262, paragraph (b)(2) is revised to read as follows:

§ 3.262 Evaluation of income.

* * * * *

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant.

* * * * *

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under section 306(a) of Pub. L. 95–588, to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,930 ($1,797 after May 31, 1981 and before June 1, 1982) or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him or her may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements. (38 U.S.C. 521(f); Sec. 306(a)(2)(B) of Pub. L. 95–588 (92 Stat. 2497)

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[FR Doc. 82-13235 Filed 5-13-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL-2094-3]

Approval and Promulgation of Implementation Plans; Schedules of Compliance for Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is withdrawing certain conditions previously specified for the Texas Plan for nonattainment areas. The conditions being removed pertain to Subchapters 131.07.60.102 (now 115.192) and 131.07.62 (now 115.212) of Texas Regulation V. On March 25, 1980 (45 FR 19231) EPA conditionally approved the Texas Plan for attaining the ozone standard, to require, among other things, that the State submit compliance schedules for can coating sources which had requested extensions of the final compliance date to December 31, 1985, and for those sources previously exempt from the requirements of Regulation V. The compliance schedules were submitted to EPA but they failed to meet certain procedural requirements. Since Subchapters 131.07.60.102 (now 115.192) and 131.07.62 (now 115.212) already contain approvable final compliance dates for all sources, EPA is withdrawing the condition on its approval of these subchapters.

DATE: This action is effective on July 13, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments on this action may be submitted to the following address: Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270, ATTN: Estela Wackerbarth.

The State's submittal is available for inspection during normal business hours at the following locations: Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, SW., Washington, D.C. 20460, and the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington,

D.C., and at the EPA Region 6 Office, address above.

FOR FURTHER INFORMATION CONTACT: Estela Wackerbarth, Implementation Plan Section, Environmental Protection Agency, Region 6 Office, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On March 25, 1980 (45 FR 19231), EPA conditionally approved certain portions of the Texas SIP, including Subchapters 131.07.60.102 (now 115.192) and 131.07.62 (now 115.212) of Texas Air Control Board (TACB) Regulation V which limits volatile organic compound emissions. The conditions pertaining to these rules required the State to submit certain compliance schedules for sources affected by these Subchapters.

The State submitted schedules in compliance with the deadlines in the conditions of approval. EPA has determined that the schedules are substantively approvable. However, since the State failed to meet certain procedural requirements in the Clean Air Act concerning notice and hearing,[1] EPA cannot approve the schedules.

EPA has decided to remove the two conditions which required submittal of the schedules and take no action on the schedules themselves. EPA finds that this action will have no adverse impact on air quality because subchapters 131.07.06.102 (now 115.192) and 131.07.62 (now 115.212) already contain final compliance dates which the affected sources must meet. Therefore, EPA is withdrawing the two conditions, which required the submittal of interim dates, and is approving these two subchapters in full. EPA notes that the interim dates remain effective under State law for all sources subject to these rules.

The public should be advised that this action will be effective July 13, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

[1] EPA Evaluation Report on Texas Compliance Schedules; February, 1982.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (sixty days from this date). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

This notice of rulemaking is issued under the authority of sections 110 and 172 of the Clean Air Act as amended.

Dated: April 30, 1982.

Anne M. Gorsuch,

Administrator.

List of Susjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

§ 52.2275 [Amended]

1. Section 52.2275 is amended by removing paragraphs (a)(1) and (a)(2) and redesignating paragraphs (b), (c), and (d), as (a), (b), and (c) respectively.

[FR Doc. 82-13109 Filed 5-13-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL-2106-6]

Ohio: Revision: ARCO Pipeline Company Variance: Pipeline Working Tank, Clinton, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On August 27, 1981, the State of Ohio submitted a revision of its ozone State Implementation Plan (SIP) to the U.S. Environmental Protection Agency (EPA). The SIP revision is a variance for the Pipeline Working (SLOP) Tank, a fixed roof storage tank, located at the ARCO Pipeline Refinery in Summit County, Ohio, a primary nonattainment area for ozone. EPA has reviewed this variance and has determined that the affected county will attain the National Ambient Air Quality Standards (NAAQS) by December 31, 1982 and that reasonable further progress (RFP) is also demonstrated. Therefore, EPA approves this variance and announces final rulemaking today on this revision.

DATE: This action is effective July 13, 1982 unless notice is received by 30 days from date of publication that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of additional information are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Library Systems Branch, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

State of Ohio, Environmental Protection Agency, Box 1049, 361 East Broad Street, Columbus, Ohio 43216.

Request for comments on this final proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine McMahan, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–0396.

SUPPLEMENTARY INFORMATION: On August 27, 1981, the State of Ohio submitted a revision to its ozone SIP. The SIP revision is for the Pipeline Working (SLOP) Tank, a fixed roof storage tank, located at the ARCO Pipeline Company in Summit County (Akron Urban Area), Ohio, a primary nonattainment area for ozone. The variance is to operate the fixed roof storage tank without controls.

Ohio's ozone SIP for this county was approved on October 31, 1980 (45 FR 72122). According to the ozone SIP, Summit County will attain the ozone NAAQS by December 31, 1982.

The August 27, 1981 SIP revision is in the form of a variance from Ohio Rule (3745–21–09(L)) Storage of Petroleum Liquids in Fixed Roof Tanks. This rule requires the installation of an internal floating roof or equivalent control.

ARCO, however requests this variance to operate at status quo emission levels, without controls, on the basis that compliance with the control requirements is economically unreasonable. ARCO estimates that the annual uncontrolled rate of emissions from this source is 1.00 ton per year and with an internal floating roof the controlled rate of emission would be 0.14 tons/year. As a result, the cost effectiveness of installing reasonably

available control technology (RACT) would be $2250/ton of VOC removed. The State believes that the installation of an internal floating roof is economically unreasonable, since the emission reductions would be small, and the control costs would be relatively high. Because of this, the State has concluded that for this specific source, RACT is no controls.

EPA has reviewed this variance, and the State's documentation concerning RACT for this source and concurs with the State's conclusion. In addition, EPA has reviewed the existing ozone SIP for Summit County and determined that it contains a growth margin of over 19000 tons and that RFP towards attainment by December 31, 1982 is demonstrated. Based on this information, EPA approves this variance.

This is being done without prior proposal because the revision affects only one source and will not affect attainment of the standard. The public should be advised that this action will be effective July 13, 1982. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, a subsequent notice will withdraw this final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate curcuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Note.—Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1981.

(Section 110 and 172 of the Act as amended (42 U.S.C. 7410 and 7502))

Dated: April 30, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52 is amended as follows:

Subpart KK—Ohio

1. Section 52.1870(c) is amended by adding paragraph (35) as follows:

§ 52.1870 Identification of the plan.

* * * * *

(c) * * *

* * * * * *

(35) On August 27, 1981, the State of Ohio submitted a variance for the Pipeline Working Tank at the ARCO Pipeline Refinery in Summit County, Ohio.

* * * * *

[FR Doc. 82-13201 Filed 5-13-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL-2114-5]

Approval and Promulgation of Revisions to Oklahoma State Implementation Plan Regarding Intergovernmental Consultation, Interstate Pollution Abatement, Public Notification, and Composition of State Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking

SUMMARY: The purpose of this notice is to approve various minor revisions to the Oklahoma State Implementation Plan (SIP) that were submitted by the Governor on April 2, 1979, in fulfillment of the Clean Air Act Amendments of 1977. The Environmental Protection Agency (EPA) conditionally approved plan revisions on February 13, 1980, that were submitted to meet the requirements of Part D (Plan Requirements for Nonattainment Areas) of the Act. The revisions being acted on today are specific new non Part D requirements and relate to intergovernmental consultation, interstate pollution abatement, public notification, and composition of the State Board of Health. In reviewing the State's submittal, EPA assessed the ability of the revisions to meet the new requirements of the 1977 amendments.

EFFECTIVE DATE: This action is effective on July 13, 1982 unless notice is received by 30 days from date of publication that someone wishes to submit adverse or critical comments.

ADDRESSES: A copy of the State submittals and incorporation by reference materials are available for review during normal business hours at the following locations:

Environmental Protection Agency, Air Branch, Region 6, 1201 Elm Street, Dallas, Texas 75270

Environmental Protection Agency, Public Information Reference Unit (PM-213), EPA Library, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NE., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John R. Hepola, Chief, State Programs Section, Air Branch, Air and Waste Management Division, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270. Phone (214) 767-2742.

SUPPLEMENTARY INFORMATION: On April 2, 1979, the Governor of Oklahoma submitted minor revisions to the Oklahoma SIP in fulfillment of the Federal Clean Air Act Amendments of 1977. These revisions relate to non Part D requirements for intergovernmental consultation, interstate pollution abatement, public notification, and composition of the State Board of Health. EPA has reviewed the State's submittals and developed an Evaluation Report [1] which describes the new 1977 requirements and evaluates the State's efforts to satisfy those requirements. This evaluation report is available for review during normal business hours at the addresses listed above.

The Oklahoma State Department of Health (OSDH) has revised the Oklahoma State Implementation Plan to include the following requirements:

Intergovernmental Consultation

Section 121 of the Clean Air Act requires intergovernmental consultation and coordination among State and local officials in the achievement of national air quality planning and management. As the lead agency responsible for statewide air pollution control and abatement, the OSDH has developed and implemented a State process for consultation and planning with relevant local governmental organizations having responsibility for any SIP revision process. The OSDH has entered into

[1] Evaluation Report for Revisions to the Oklahoma State Implementation Plan as Required by the 1977 Clean Air Act Amendments, March 1982.

formal agreements with designated metropolitan planning organizations for air quality planning in their respective areas of the State.

Interstate Pollution Abatement

Section 126(a)(1) requires each major proposed *new* or modified stationary source to provide written notice to all States in which the air pollution level will be adversely affected by such source. Section 126(a)(2) requires the State to identify all major *existing* stationary sources which may adversely affect the air pollution level in neighboring States, and to provide the identity of these sources to all affected States. The Air Quality Service (AQS) of the OSDH has agreed to conduct the *new* major stationary source notification required by Section 126(a)(1) in a letter of commitment dated March 31, 1982, from the Acting Chief of the AQS to EPA. The State has also identified those *existing* major stationary sources under Section 126(a)(2) which may have an impact upon the air quality of another State, and has provided the identity of those sources to the affected States and EPA in letters dated November 9, 1977 from the Chief of the AQS.

Public Notification

Section 127 requires the States to notify the public of: exceedances of any national primary ambient air quality standard, the health hazards associated with such pollution, measures which can be taken to prevent such exceedances, and ways for participation in regulatory processes to improve air quality. The OSDH has developed and implemented formal procedures for public notification. These procedures are described in a Public Notification Workplan submitted to EPA in January 1980.

State Boards

Section 128(a)(1) requires that any board, body, or entity which approves permits or enforcement orders must contain a majority of members who represent the public interest, and do not derive any significant portion of their income from persons or businesses subject to the board, body, or entity's permits of enforcement orders. Section 128(a)(2) requires the members of such board, body, or entity to adequately disclose any potential conflicts of interest.

Permits and enforcement orders within Oklahoma are issued by the Oklahoma Commissioner of Health; therefore, these public interest requirements apply only to the Commissioner of Health. Section 1402 of the Oklahoma Code of Ethics for State Officials and Employees [Okla. Stat. Ann. title 74, § 1401 *et seq.* (West)] declares it is the policy of the State of Oklahoma that no officer or employee shall have any interest, financial or otherwise, or engage in any business or transaction of any nature, which is in substantial conflict with the proper discharge of his/her public duties or with the public interest. This provision satisfies the "public interest" requirement in the *first* part of Section 128(a)(1). Section 1401 of the Oklahoma Code of Ethics is an absolute prohibition against any State officer or employee: (1) Soliciting or accepting any compensation which could influence such employee in the proper discharge of the public duties, (2) using an official position to secure special privileges or exemptions not generally available to others, (3) receiving any compensation that would impair efficiency or independence of judgement, or (4) accepting other employment which would impair efficiency or independence of judgement in the performance of public duties. These prohibitions satisfy the "significant portion of their income" requirement in the *second* part of Section 128(a)(1). Also, these prohibitions are interpreted by the Oklahoma State Department of Health as requiring the disclosure of potential conflicts of interest. This satisfies the "disclosure" requirements in Section 128(a)(2)

The revisions included in this approval notice are considered minor in nature and noncontroversial. EPA is approving them without prior proposal. This action is effective July 13, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. Section 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities.

Incorporation by reference of the State Implementation Plan for the State of Oklahoma was approved by the Director of the Federal Register on July 1, 1981. This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxides, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons.

Dated: May 7, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart LL—Oklahoma

1. In § 52.1920, paragraph (c) is amended by adding paragraph (17) as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(17) Revisions to the plan for intergovernmental consultation, interstate pollution abatement, public notification, and the State Board were submitted by the Governor on April 2, 1979; a letter of commitment for new source notification was submitted by the Acting Chief of the Oklahoma Air Quality Service on March 31, 1982; a Public Notification Workplan was submitted by the Chief of the Oklahoma Air Quality Service on January 14, 1980; the Oklahoma Code of Ethics for State Officials and Employees, with a clarification letter, was submitted by the Oklahoma Commissioner of Health on March 9, 1982; and a clarification letter was submitted by the Acting Chief of the Oklahoma Air Quality Service on February 23, 1982.

[FR Doc. 82-13207 Filed 5-13-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-9-FRL-2117-3]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designation; Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action revises the sulfur oxides (SO_x) attainment status designation for portions of the Steptoe Valley Hydrographic Region in Nevada. As requested by the Governor of Nevada and being consistent with requirements of the Clean Air Act, the SO_x designation is changed from nonattainment to unclassifiable for all of Steptoe Valley except the central portion. The designation for the central portion of the Valley, including the cities of Ely and McGill, remains nonattainment for SO_x.

DATE: This action is effective June 14, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Air Programs Branch (A-2-3), Air Management Division, EPA Region 9, 215 Fremont Street, San Francisco, CA 94105, Tele: (415) 974-8061.

SUPPLEMENTARY INFORMATION: On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act, as amended, EPA promulgated attainment status designations for all states (43 FR 8962). The Steptoe Valley Hydrographic Region of Nevada was designated nonattainment for SO_x due to measured ambient air quality violations. Under Paragraph 107(d)(5) of the Clean Air Act, a state may revise its designations of attainment status and submit them to EPA for consideration and promulgation.

A study entitled, "Technical Support Document—Redesignation of Steptoe Valley, Nevada," was prepared for the State by the consulting firm of Dames and Moore. The study used dispersion modeling and showed that the nonattainment area for SO_x should be smaller than the entire Steptoe Valley. As a result, the Nevada Division of Environmental Protection (NDEP) held a public hearing to consider revising the SO_x designation from nonattainment to unclassifiable for the northern and southern portions of the Valley.

In the interest of shortening the Federal review period, EPA proposed to redesignate these portions of Nevada prior to receiving a formal request from the State. The proposal, which was published on March 10, 1982 (47 FR 10243) provided a 30-day public comment period. No comments were received.

On March 30, 1982, the Governor of Nevada formally requested the redesignation of these portions of Steptoe Valley for SO_x. Since EPA's March 10 proposal is consistent with the Governor's request and since no comments were received on that action, today's notice takes final action to redesignate the northern and southern portions of the Steptoe Valley from nonattainment to unclassifiable for SO_x. The central portion of the Valley remains designated nonattainment for SO_x.

As a result of this redesignation, the State of Nevada is no longer subject to the requirements of Title I, Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act, as amended, for SO_x in the northern and southern portions of the Steptoe Valley Hydrographic Region.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Secs. 107(d) and 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d) and 7601(a)))

Dated: May 7, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designation

In § 81.329—*Nevada, the Steptoe Valley* is divided into three areas; the SO_2 designation (published March 3, 1978, 43 FR 9012) is amended by revising "Steptoe Valley" to read:

§ 81.329 Nevada.

* * * * *

NEVADA—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * *	*	*	*	*
Steptoe Valley (179) (10-29N, 61-67E):				
Central	X			
Northern (area which is north of Township 21 North and within the drainage basin of the Steptoe Valley).			X	
Southern (area which is south of Township 15 North and within the drainage basin of the Steptoe Valley).			X	
* * *	*	*	*	*

* * * * *

[FR Doc. 82-13208 Filed 5-13-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 123

[SW-7-FRL 2124-7]

Hazardous Waste Management Program: Phase I Interim Authorization for Nebraska

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Phase I interim authorization.

SUMMARY: The State of Nebraska has applied for interim authorization of its hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act and EPA guidelines for the approval of State hazardous waste programs (40 CFR Part 123). EPA has determined that the State's program meets all applicable statutory and regulatory requirements and is granting Phase I interim authorization to Nebraska to operate in its jurisdiction a hazardous waste program in lieu of Phase I of the Federal hazardous waste program.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, Chief, Waste Management Branch, U.S. EPA, Region VII, 324 East 11th Street, Kansas City, Missouri 64106 (Telephone 816/374-6531).

SUPPLEMENTARY INFORMATION:

I. Background

Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), requires EPA to establish a comprehensive Federal program to assure the safe management of hazardous waste. Once a Federal program is established, EPA is authorized under 3006 of RCRA to approve State hazardous waste programs to operate in lieu of the Federal program in their jurisdictions. Two types of State program approvals are authorized under RCRA. The first,

"final authorization", is a permanent approval which may be granted to States whose programs are "equivalent" to and "consistent" with the Federal program and provide adequate enforcement. The second, "interim authorization", is a temporary approval for States which might not meet the requirements of final authorization but whose programs are "substantially equivalent" to the Federal program. RCRA contemplates that States receiving interim authorization will use the interim authorization period to make the changes in their regulations and statutes necessary to qualify for final authorization.

On May 19, 1980, EPA published the first phase of the Federal hazardous waste program (40 CFR Parts 260–263 and 265) and guidelines for authorizing State hazardous waste programs under Section 3006 of RCRA (40 CFR Part 123). These guidelines set forth the requirements for interim authorization and the procedures which EPA will follow in acting on State applications for interim authorization. They also provide that EPA will grant interim authorization in two major phases (Phase I and Phase II), corresponding to the two major phases of the Federal program.

The State of Nebraska submitted a draft application for Phase I interim authorization on April 9, 1981. After detailed review, EPA transmitted comments to the State for consideration on June 25, 1981. Most of these comments were addressed in the final application submitted to EPA on January 12, 1982, which was determined to be complete. A February 11, 1982 **Federal Register** notice (47 FR 6297) announced the availability of the Nebraska interim authorization application for public review and gave notice of a March 16, 1982, public hearing.

After detailed review of the final Nebraska Phase I application, EPA transmitted comments to the State on February 17, 1982. The State responded to those comments in a February 26, 1982, letter. A copy of the EPA comments and the State's response may be obtained from the Regional Office upon request. Clarifications and/or amendments were obtained regarding several areas of which the following were of primary concern.

1. Nebraska Hazardous Waste Rule 34 allows existing hazardous waste management facilities to continue operation in Nebraska for a period of time prior to State compliance inspections provided that each facility complies with all "agreements, orders and understandings" between the facility and the State or EPA. If necessary, compliance schedules will be issued to facilities after a State inspection. In letters dated February 26, 1982, and March 10, 1982, the State clarified that Rule 34 does require existing hazardous waste management facilities to continue to comply with Federal interim status standards (40 CFR Part 265) in order to operate in Nebraska. This was further confirmed by the Nebraska Attorney General's Office on March 17, 1982.

2. Rule 16, which addresses State requirements for permits and licenses, originally was to become effective after the State received Phase II authorization. Since several other Nebraska Rules reference Rule 16, a regulatory amendment was obtained to make Rule 16 effective.

3. Nebraska Hazardous Waste Rule 5(1)(a) inadvertently excludes a mixture of domestic sewage and other wastes when treated in a privately-owned treatment works. As stated in the February 26, 1982, letter from the State and clarified at the March 16, 1982, public hearing, the State's intent is to exclude a mixture of domestic sewage and other wastes only when treated at a publicly owned treatment works. Although a State regulatory amendment is being pursued, the present impact is minimal since known privately-owned treatment works in Nebraska apparently handle only domestic sewage.

4. State regulatory amendments shall be pursued to clarify Nebraska requirements governing international shipments, waste accumulation in tanks and facilities which transport hazardous waste off-site.

5. The Nebraska Attorney General's Office has certified that the authorization plan, if carried out, would provide Nebraska with legal authority to meet the requirements for final Phase I authorization, rather than interim Phase I authorization.

II. Response to Public Comments

On February 11, 1982, a notice was published in the **Federal Register** (47 FR 6297) inviting the public to comment on the Nebraska application for Phase I interim authorization until March 31, 1982. EPA also held a public hearing in Lincoln, Nebraska on March 16, 1982. One person offered general comments at the public hearing which supported stringent management of hazardous waste, State authorization of the hazardous waste program and opportunities for public participation such as hearings. No further comments were received prior to the close of the public comment period.

III. Decision

EPA has reviewed the State of Nebraska's complete application for Phase I interim authorization and determined that the State program is "substantially equivalent", as defined in 40 CFR Part 123 Subpart F, to the Phase I Federal program. In accordance with Section 3006(c) of RCRA, the State of Nebraska is hereby granted interim authorization to operate a hazardous waste program in lieu of Phase I of the Federal hazardous waste program. The practical effect of this decision is that generators, transporters, and owners and operators of existing hazardous waste management facilities in Nebraska will be subject to the State of Nebraska hazardous waste program in lieu of the Federal hazardous waste program (40 CFR parts 260–263 and 265) and will not again be subject to Phase I of the Federal program unless (1) the State fails to obtain final authorization by the deadline specified in Section 3006(c) of RCRA and implementing regulations, or (2) authorization is withdrawn by EPA for cause, including failure to obtain State regulatory amendments as discussed above within 12 months of authorization.

IV. Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

V. Compliance with Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

VI. Authority

This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and

disposal, Waste pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: April 29, 1982.

John J. Franke, Jr.,

Regional Administrator.

[FR Doc. 82-13200 Filed 5-13-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6245

Alaska; Public Land Order No. 6199, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This document will correct two errors in a land description contained in Public Land Order No. 6199 of March 8, 1982, which corrected Public Land Order No. 6098 of December 14, 1981.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Beaumont C. McClure, Washington, D.C., (202) 343-6511.

By virtue of the authority contained in Subsection 204(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(a), and by Subsection 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1616(d)(1), it is ordered as follows:

PUBLIC LAND ORDER 6199—[CORRECTED]

The description of two parcels of land in Public Land Order No. 6199 of March 8, 1982 (which corrected Public Land Order No. 6098 of December 14, 1981), as published in FR Doc. 82-7157 appearing at pages 11517 and 11518 in the issue of Wednesday, March 17, 1982, is corrected as follows:

On page 11517, in the third column under T. 17 S., R. 23 E., the second line reads "Secs. 20 to 23 inclusive." It is hereby corrected to read "Secs. 20 to 29, inclusive."

On page 11518, in the first column under T. 17 S., R. 23 E., the fourth line reads, "Secs. 24 to 36, inclusive." It is hereby corrected to read "Secs. 23 to 36, inclusive."

Dated: May 6, 1982.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 82-13212 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 83

[PR Docket No. 79-336]

General Exemption From the Radiotelegraph Requirements; for U.S. Cargo Ships of 1,600 Gross Tons and Upward Navigated Solely on Domestic Voyages Along the East, West or Gulf Coasts of the Contiguous 48 States; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Commission is inserting text inadvertently omitted from its Report and Order granting a general exemption from the radiotelegraph requirements of the Communications Act to certain U.S. cargo ships. The insertion provides for a reserve source of energy.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Erratum

Released: April 30, 1982.

In the matter of amendment of Part 83 to grant a general exemption from the radiotelegraph requirements of Title III, Part II of the Communications Act to United States cargo ships of 1,600 gross tons and upward navigated solely on domestic voyages along the east, west or Gulf coasts of the contiguous 48 states, PR Docket No. 79-336.

In the Report and Order in the above-captioned matter, FCC 82-75, released February 24, 1982, published in the **Federal Register** March 10, 1982, 47 FR 10220, the following was inadvertently omitted from paragraph 40.

* * * signal generator. Finally, all of the above installations would be required to have an emergency and reserve source of energy.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-13117 Filed 5-13-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing, Northwest Atlantic Squid Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of squid reserves and joint venture amounts.

SUMMARY: Reserve amounts of Atlantic squid are reinstated at the beginning of each squid fishing year, as required by the fishery management plan for the squid fishery of the northwest Atlantic Ocean. In addition, the Assistant Administrator for Fisheries, NOAA, has determined that there are 800 mt each of *Illex* and *Loligo* squid that will not be used by domestic processors; this amount is available for joint ventures. This notice amends the total allowable level of foreign fishing, "TALFF Table" in the Code of Federal Regulations to reflect these adjustments.

EFFECTIVE DATE: May 14, 1982.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, State Fish Pier, Gloucester, MA, 617-281-3600.

List of Subjects in 50 CFR Part 611

Fisheries.

Dated: May 11, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. In § 611.20, Appendix I is amended by revising entry 1-D to read as follows:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

APPENDIX I—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED FISH (DNP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF); ALL IN METRIC TONS.

Species	Species code	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
1. Northwest Atlantic fisheries:								
D. Squid Fisheries								
Squid, *Loligo*	502	44,000	7,000	[*] 7,000	[*] 0		19,000	18,000
Squid, *Illex*	504	30,000	7,000	[*] 5,000	[*] 0		13,000	12,000

[*] The Assistant Administrator for Fisheries has determined that 800 mt each for *Illex* and *Loligo* will not be utilized by domestic processors and is available for joint ventures.

[FR Doc. 82-13246 Filed 5-13-82; 8:45 am]
BILLING CODE 3510-22-M

50 CFR Part 650

Atlantic Sea Scallop Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule, request for comments, and notice of approval and availability of fishery management plan.

SUMMARY: NOAA issues an emergency interim rule to implement the Fishery Management Plan for Atlantic Sea Scallops (FMP). The Assistant Administrator for Fisheries has approved the FMP, which specifies management measures intended to allow the fishery to attain optimum yield. Emergency implementation of the rule is required to address the urgent need to protect important incoming recruitment to the fishery. NOAA requests the public to comment on this rulemaking to assist in preparation of final rules.

DATES: These regulations will be effective from May 15, 1982, through June 28, 1982. Comments must be received by June 28, 1982.

ADDRESS: Comments on the FMP, the regulations, or supporting documents should be sent to Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930–3097. Mark the outside of the envelope "Comments on Sea Scallop Plan." Copies of the FMP and the initial Regulatory Impact Review/Regulatory Flexibility Analysis are available from Mr. Peterson on written request.

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls, Scallop Management Coordinator, 617–281–3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Atlantic Sea Scallops (FMP) was prepared by the New England Fishery Management Council (Council), in consultation with the Mid-Atlantic and South Atlantic Fishery Management Councils, and approved by the Assistant Administrator for Fisheries, NOAA, on April 26, 1982. The FMP establishes a management program for Atlantic sea scallops which: (1) Restricts the minimum size-at-harvest as a conservation measure; (2) Requires vessels fishing for Atlantic sea scallops to obtain a permit; and (3) Utilizes the provisions of the voluntary Three-Tier Fisheries Information Collection System to obtain management information about the fishery. An additional aspect of the FMP is that the Regional Director may, based on established criteria, alter the minimum size-at-harvest within the range from 40 to 25 meats to the pound, by as many as 5 meats to the pound per alteration. This procedure can only be exercised under limited circumstances and after the public has an opportunity to comment on the Regional Director's recommendation.

The FMP relies on a single basic conservation and management measure, size-at-harvest, to achieve optimum yield and protect the resource against overfishing. Achievement of the management objectives of the FMP, through utilization of this single measure, can be accomplished only if compliance with the measure and effective enforcement are assured. The FMP provides for enforcement of the minimum size-at-harvest through a comprehensive prohibition on the possession of non-conforming Atlantic sea scallops "up to and including the point of first transaction in the United States." Sea scallops are frequently mixed, sorted, or processed. Such operations could result in processed products that appear to be non-conforming even if scallops were harvested in compliance with these regulations. To provide for consistent application of the possession prohibition, in accordance with the intent of the FMP, all Atlantic sea scallops will be subject to inspection and enforcement up to and including the time and place of the first transaction in the United States. Scallops will be required to meet the specified minimum shell height or maximum meat count standards, unless such scallops are certified to have been taken under a management system that is found to be substantially consistent with these regulations and the conservation objectives of the FMP. The Regional Director is authorized to establish procedures for certification, and to make the finding as to substantial consistency required for certification.

For one year from the effective date of these regulations, Atlantic sea scallops may be retained only if they conform to a standard of 40 meats to a pound (40 meat count), or a shell height of 3¼ inches (83 mm). Thereafter, the meat count standard will be 30 meats to a pound, with a corresponding shell height standard of 3½ inches (89 mm), unless the Regional Director exercises his authority to alter these standards.

The Council originally intended that the FMP would establish and maintain a 30 meat count. However, after a public review period, during which industry representatives expressed a need for temporary measures to reduce the potential adverse effects of an immediate 30 meat standard, the Council chose to delay imposition of a 30 meat count, and provide for opportunity to alter the standard. The Council, therefore, adopted the 40 meat count standard for one year. A tolerance of ten percent (by number) for scallops landed in the shell by commercial operators also has been provided.

The Regional Director will review the status of the resource, the fishery, and the industry on a continuing basis. The minimum size-at-harvest standard may be temporarily altered if the Regional Director, after reviewing current information, determines that the size composition of the scallop population has changed significantly, or that domestic and foreign management

measures differ to the extent that the operations of domestic fishermen are placed at a demonstrable disadvantage. The specification of the standards will only be altered if it is determined that modification will better serve the objectives of the FMP. The Regional Director may alter the standard for the meat count by up to five meats to the pound (with equivalent alteration of shell size standard) within a range from 40 to 25 meats to the pound. There is no limit on the number of adjustments which may be made; however, action to alter the standard will be subject to full public review, and comments will be considered before any adjustment action is completed.

These regulations provide that fishermen who harvest scallops in quantities greater than five bushels or 25 pounds per trip must apply for a fishery permit, and keep the permit on board their vessels. Permit applications can be obtained from the Regional Director. The permit requirement does not establish standards of eligibility or limit entry into the Atlantic sea scallop fishery. Information provided in the permit application will enable the Regional Director to notify scallop fishermen, by direct mail, of any adjustments of the meat count and shell height standards.

The FMP provides for use of the voluntary Three-Tier Fisheries Information Collection System (Three-Tier System) for the sea scallop fishery. The first two tiers of that system—dealer and processor data, and vessel landing data—are in place and have been used to collect fishery information for some time.

The remaining tier of the Three-Tier System, which seeks to establish cooperative arrangements with vessel owners to collect additional specific tow-by-tow information from a rotating sub-sample of vessels, has not yet been implemented. Full implementation of the Three-Tier System for the sea scallop and other Atlantic fisheries is a separate action presently under review. Forms and the collection of information required for the permit procedure and for the applicable parts of the Three-Tier System have been approved by the Office of Management and Budget (OMB).

Implementation of the FMP is time critical. In the spring of 1981, a very large year-class of scallops (a large number of maturing juveniles) became available for harvest on Georges Bank, the center of sea scallop production. At that time, the scallops were extremely small, averaging 50 to 60 meats to the pound. Many scallops were taken that spring, by fishermen from both the United States and Canada, before they had an opportunity either to spawn or to grow to a size at which their meat yield approached its potential. Another large year-class is expected to be available this spring on the portion of Georges Bank which currently sustains the bulk of the fishery. Without implementation of the FMP, these immature scallops will be harvested this spring. These regulations are being implemented on an emergency basis under the powers granted the Secretary of Commerce by Section 305(e) of the Magnuson Fishery Conservation and Management Act to protect these scallops immediately, to allow them to grow to a size at which their yield can contribute to the fishery, and to enable them to enhance the fishery by spawning before being harvested. The emergency regulations will be in effect for 45 days, and may be extended for an additional 45-day period if necessary.

Public review and comment on the FMP and these regulations is invited. Any comments received will be considered by NOAA in preparing the final rulemaking.

Classification

The Council prepared a draft Environmental Impact Statement (EIS) which was filed with the Environmental Protection Agency (EPA) and made available to the public from April 3, 1981, to May 17, 1981 (46 FR 27147). Public hearings on the draft were conducted in: Wildwood Crest, New Jersey, on May 5, 1981; Norfolk, Virginia, on May 6, 1981; Manteo, North Carolina, on May 7, 1981; Ellsworth, Maine, on May 18, 1981; Portland, Maine, on May 19, 1981; and in New Bedford, Massachusetts, on May 21, 1981. The public comment period was extended through June 11, 1981 (46 FR 27147), and two additional public hearings were held in Manteo, North Carolina, on June 4, 1981, and Morehead City, North Carolina, on June 5, 1981. The final EIS incorporating written comments and statements from the public hearings was filed with EPA on May 7, 1982.

The Council prepared a Regulatory Impact Review (RIR) which is integrated with the EIS. The RIR supported a finding by the Administrator that this action is not a major rule under Executive Order 12291.

The Administrator has determined that these regulations will have a significant economic impact on a substantial number of small entities, and that therefore they are signficant under the Regulatory Flexibility Act. Implementation of these regulations will promote more effective conservation and efficient use of scallop resources resulting in substantial long-term economic benefits to the scallop fishery. An initial Regulatory Flexibility Analysis has been prepared (as part of the RIR and draft EIS) and is Except for applications for permits, the federal paperwork burden, as defined by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not increased at this time for any level of business. Information collection required for vessel permit application was considered and is approved under OMB 0648–0097. Information collection associated with tiers one and two of the voluntary Three-Tier System will utilize NOAA form 88–30, which is approved under OBM 0648–0013. Section 650.5, *Recordkeeping and Reporting Requirements*, has been reserved pending the full implementation of the provisions of the Three-Tier System to be utilized under this FMP.

List of Subjects in 50 CFR Part 650:

Fish, fisheries.

Dated: May 12, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR is amended by adding a new Part 650 to read as follows:

PART 650—ATLANTIC SEA SCALLOP FISHERY

Subpart A—General Provisions

Sec.

650.1 Purpose and scope.
650.2 Definitions.
650.3 Relation to other laws.
650.4 Vessel permits.
650.5 Recordkeeping requirements.
[Reserved]
650.6 Vessel identification.
650.7 Prohibitions.
650.8 Enforcement.
650.9 Penalties.

Subpart B—Management Measures

650.20 Meat-count and shell-height standards.
650.21 Compliance and sampling procedures.
650.22 Review of resource status; temporary modification of standards.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General

§ 650.1 Purpose and scope.

The purpose of this Part is to implement the Fishery Management Plan for Atlantic Sea Scallops, prepared and adopted by the New England Fishery Management Council in consultation with the Mid-Atlantic and

South Atlantic Fishery Management Councils, and approved by the Assistant Administrator for Fisheries (NOAA). These regulations govern fishing for Atlantic sea scallops within that portion of the Atlantic Ocean over which the United States exercises fishery management authority.

§ 650.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this Part have the following meanings:

Area of custody means any vessel, building, vehicle, pier, or dock facility where Atlantic sea scallops may be found.

Atlantic sea scallop or *scallop* means the species *Placopecten magellanicus* throughout its range.

Authorized officer means:

(a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State Agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or

(d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph 9(a) of this definition.

Catch, take, or harvest includes, but is not limited to, any activity which results in killing any fish, or bringing any live fish on board a vessel.

Council includes the New England, Mid-Atlantic, and South Atlantic Fishery Management Councils.

First transaction in the U.S. means the time and place at which Atlantic sea scallops:.

(a) After being landed in the U.S. in the shell, are shucked;

(b) After being landed in the U.S. shucked, are mixed, sorted, or processed in any way; or

(c) Are certified, through a procedure specified by the Regional Director, not to be "non-conforming" as defined by these regulations.

Fish includes Atlantic sea scallops (*Placopecten magellanicus*).

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line each point of which is 200 nautical miles from the baseline from which the territorial sea is measured.

Fishery Management Plan (FMP) means the Fishery Management Plan for Atlantic Sea Scallops, and any amendments thereto.

Fishing, or *to fish*, means any activity, other than scientific research conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to preparation, supply, storage, refrigeration, transportation, or processing.

Land means to begin off loading fish, to off load fish, or to arrive in port with the intention of off loading fish.

Magnuson Act means the Magnuson Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*

Meat means the retained part of the scallop adductor muscle.

Meat count means the number of scallop meats required to make one pound of meats. A meat count of thirty means that one pound of scallops contains thirty meats. As the average scallop size increases, the meat count declines.

Non-conforming Atlantic sea scallops means scallops which do not meet the standards specified in § 650.20 of these regulations, *unless* such scallops have been certified (through a procedure specified by the Regional Director) to have been taken under a management system which the Regional Director finds to be substantially consistent with the conservation objectives of the FMP and these regulations.

Official number means the documentation number issued by the U.S. Coast Guard or the certificate number issued by a State or the Coast Guard for undocumented vessels in accordance with the Federal Boating Safety Act of 1971 or the Vessel Documentation Act (46 U.S.C. 65).

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time, or voyage;

(c) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar agreement that bestows control over the destination, function, or operation of the vessel; or

(d) Any agent designated as such by any person in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Recreational fishing means fishing for Atlantic sea scallops for any use except sale, trade or barter.

Regional Director means the Regional Director, Northeast Region, National Marine Fisheries Service, NOAA, or a designee.

Shell height is a straight line measurement from the umbo on the hinge, or anterior wing of the shell, to the outermost part of the curve of the leading edge.

Shucking or *to shuck* means opening scallops and separating the meat from the shell.

Trip is the period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel begins to offload fish in port.

U.S. harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessel of the United States means:

(a) Any vessel documented or numbered by the U.S. Coast Guard under U.S. law; or

(b) Any vessel under five net tons, which is registered under the laws of any State.

§ 650.3 Relation to other laws.

All fishing activity, regardless of species sought, is prohibited under 15 CFR Part 924, in the U.S.S. Monitor Marine Sanctuary, which is located approximately 15 miles southwest of Cape Hatteras off the coast of North Carolina.

§ 650.4 Vessel permits.

(a) *General.* Any vessel of the United States harvesting Atlantic sea scallops in quantities greater than five bushels or 25 pounds per trip shall have a permit

required by this Part on board the vessel.

(b) *Application.* An application for a fishing vessel permit under this section shall be submitted and signed by the vessel owner on an appropriate form which may be obtained from the Regional Director. The application shall be submitted to the Regional Director and shall contain the following information:

(1) The name, mailing address, and telephone number of the applicant and the vessel's master;

(2) The name of the vessel;

(3) The vessel's official number;

(4) The home port, gross tonnage, and net tonnage of the vessel;

(5) The engine horsepower of the vessel;

(6) The approximate fish-hold capacity of the vessel in pounds of meats or shellstock, as appropriate;

(7) The type, quantity and size of fishing gear used by the vessel, including a statement as to whether all scallops harvested will be shucked at sea, or a portion of the catch will be landed as shellstock; and

(8) The size of the crew, which may be stated in terms of a range.

(c) *Issuance.* (1) Upon receipt of a completed application, the Regional Director must issue a permit within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director will notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within ten days following the date of notification, the application must be considered abandoned.

(d) *Expiration.* A permit expires when the owner or name of the vessel changes.

(e) *Duration.* A permit is valid until it expires or is revoked, suspended, or modified under 50 CFR Part 621.

(f) *Alteration.* Any permit which has been altered, erased, or mutilated is invalid.

(g) *Replacement.* Replacement permits may be issued. An application for a replacement permit will not be considered a new application.

(h) *Transfer.* Permits issued under this Part are not transferable or assignable. A permit is valid only for the vessel for which it is issued.

(i) *Display.* Any permit issued under this Part must be carried on board the fishing vessel at all times. The permit must be prominantly displayed for inspection in the pilot house of the vessel, or in another appropriate place.

(j) *Sanctions.* Subpart D of 50 CFR Part 621 governs the imposition of sanctions against a permit issued under this Part. As specified in that Subpart D, a permit may be revoked, modified, or suspended if the vessel for which the permit is issued is used in the commission of an offense prohibited by the Magnuson Act or by this Part; or if a civil penalty or criminal penalty imposed under the Magnuson Act has not been paid.

(k) *Fees.* No fee is required for any permit under this Part.

(l) *Change in application information.* Any change in the information specified in paragraph (b) of this section, such as the vessel owner or gear configuration, must be reported to the Regional Director within 15 days of the change.

§ 650.5 Recordkeeping requirements. [Reserved]

§ 650.6 Vessel identification.

(a) *Official number.* Each fishing vessel subject to this Part over 25 feet in length must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above.

(b) *Numerals.* The official number must be permanently affixed to each vessel subject to this Part in contrasting block Arabic numerals at least 18 inches in height for vessels over 65 feet, and at least 10 inches in height for all other vessels over 25 feet in length. The length of a vessel, for purposes of this section, is that length set forth in U.S. Coast Guard or State records.

(c) *Duties of operator.* The operator of each vessel subject to this Part shall:

(1) Keep the vessel name and official number clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging, its fishing gear, or any other object obstructs the view of the official number from an enforcement vessel or aircraft.

§ 650.7 Prohibitions.

It is unlawful for any person:

(a) To possess, at or prior to the first transaction in the United States, any non-conforming Atlantic sea scallops. All Atlantic sea scallops will be subject to inspection and enforcement for non-conformity, in accordance with the compliance and sampling procedures specified in § 650.21, up to and including the first transaction in the United States.

(b) To use any vessel for taking, catching, harvesting, or landing of any Atlantic sea scallops unless the vessel has a valid permit issued under this Part, and the permit is on board the vessel;

(c) To make any false statement in connection with an application under § 650.4; or to fail to report to the Regional Director, within 15 days, any change in the information contained in a permit application for a vessel;

(d) To make any false statement, oral or written, to an Authorized Officer, concerning the taking, catching, harvesting, landing, purchase, sale, or transfer of any Atlantic sea scallops;

(e) To possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import or export any Atlantic sea scallops in violation of the Magnuson Act, this Part, or any other regulation under the Magnuson Act.

(f) To fail to affix and maintain permanent markings as required by § 650.6;

(g) To refuse to permit an Authorized Officer to board a fishing vessel, or to enter an area of custody, subject to such person's control, for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this Part, or any other regulation or permit under the Magnuson Act;

(h) To forcibly assault, resist, oppose, impede, intimidate, threaten or interfere with any Authorized Officer in the conduct of any search or inspection described in paragraph (g) of this section;

(i) To resist a lawful arrest for any act prohibited by this Part;

(j) To interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this Part;

(k) [Reserved]

(l) To interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcing this Part;

(m) To fail to comply immediately with enforcement and boarding procedures specified in § 650.8;

(n) To transfer directly or indirectly, or attempt to so transfer, any U.S. harvested fish to any foreign fishing vessel within the FCZ unless the foreign vessel has been issued a permit which authorizes the receipt by such vessel of U.S. harvested fish of the species concerned;

(o) To violate any other provision of this Part, the Magnuson Act, or any other regulation promulgated under the Magnuson Act.

§ 650.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this Part shall immediately comply with instructions issued by an Authorized

Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for purposes of enforcing the Magnuson Act and this Part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" means "You should stop your vessel instantly,"

(2) "SQ3" means "You should stop or heave to; I am going to board you," and

(3) "AA AA AA etc.," is the call to an unknown station, to which the signaled vessel must respond by illuminating the vessel identification required by § 650.6(a).

(c) *Boarding.* The operator of a vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way so as to permit the Authorized Officer and the boarding party to come aboard;

(2) Provide a safe ladder for the Authorized Officer and the boarding party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line, and illumination for the ladder; and

(4) Take such other actions as the Authorized Officer deems necessary to ensure the safety of the Authorized Officer and the boarding party and to facilitate the boarding.

§ 650.9 Penalties.

Any person or fishing vessel found to be in violation of this Part will be subject to the civil and criminal penalty provisions and forfeiture provisions of the Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and other applicable Federal law.

Subpart B—Management Measures

§ 650.20 Meat count and shell height standards.

(a) For one year from the effective date of these regulations, the average meat count for shucked Atlantic sea scallops shall not exceed 40 meats per pound; the corresponding minimum shell height for Atlantic sea scallops landed in the shell is 3¼ inches (83 mm). Thereafter, except as provided in paragraph (b) of this section, the average meat count for shucked Atlantic sea scallops shall not exceed 30 meats per pound; the corresponding minimum shell height for Atlantic sea scallops landed in the shell is 3½ inches (89 mm).

(b) The Regional Director may temporarily adjust the meat count and shell height standards in accordance with the procedures and criteria provided in § 650.22.

§ 650.21 Compliance and sampling procedures.

Compliance with the specified meat count and shell height standards will be determined by inspection and enforcement up to and including the first transaction in the United States as follows:

(a) *Shucked meats.* The Authorized Officer shall take one-pound samples at random from the total amount of scallops in possession. The person in possession of the scallops may request that as many as ten one-pound samples be examined as a sample group. A sample group fails to comply with the standard if the total number of meats in any three one pound samples exceeds the standard, or if the averaged meat count for the entire sample group exceeds the standard. The total amount of scallops in possession will be presumed in violation of this regulation and subject to forfeiture if the sample group fails to comply with the standard.

(b) *Scallops in the shell.* The Authorized Officer shall take samples of forty scallops each at random from the total amount of scallops in possession. The person in possession of the scallops may request that as many as ten samples (400 scallops) be examined as a sample group. A sample group fails to comply with the standard if more than ten percent of the number of scallops in the sample group are less than the shell height specified by the standard. The total amount of scallops in possession will be presumed in violation of this regulation and subject to forfeiture if the sample group fails to comply with the standard.

§ 650.22 Review of resource status; temporary modification of standards.

(a) *Review of resource status.* The Regional Director shall review the status of the Atlantic sea scallop resource on a continuing basis, and shall, at least annually, prepare a report concerning the status of the fishery and possible changes in the resource, fishery, or industry which might require adjustment of the management program, or amendment of the FMP. The Council may, at any time, request that such a report be prepared within sixty days.

(b) *Temporary modification of standards.* (1) The Regional Director may recommend that the standards contained in § 650.20 be adjusted, if he makes the finding required by paragraph (c) of this section after considering the information specified in paragraph (d), of this section.

(2) The standards can be adjusted only within a range from 25 to 40 meats per pound (with appropriate and consistent shell height adjustment), and may be adjusted by no more than 5 meats per pound by any one adjustment.

(3) The Regional Director will solicit and consider any recommendation of the Council regarding adjustment of standards, and, with the Council, will provide for public notice and comment, and hold a public hearing on the recommendation in conjunction with the Council meeting at which the recommendation is discussed.

(4) The Regional Director may modify his recommendation on the basis of comments from the Council or the public. After consideration of the full record the Regional Director may adjust the standards contained in § 650.20, and shall publish in the **Federal Register** notice of such change and the date when the adjusted standard will revert to a 30 meat count. Notice of any such adjustment will be mailed to each holder of a permit issued under § 650.4.

(5) Adjustments of the meat count and shell height standards may remain in effect for up to twelve months. No later than twelve months after the implementation of the most recent adjustment to the meat count and shell height standards, the Regional Director must review such adjustments. The Regional Director may renew the adjustment upon making a finding consistent with § 605.22 (c).

(c) *Criteria.* The Regional Director may adjust the standards specified in section 650.20 if he finds that:

(1) The objective of the FMP would be achieved more readily, or would be better served through an adjustment of the prevailing standards;

(2) The recommended alteration in the standards would not reduce expected catch over the following year by more than 5% from that which would have been expected under the prevailing standard;

(3) The recommended standards for meat count and shell height are consistent with each other; and

(4) Inconsistencies exist in the management measures applied to sea scallop stocks in areas harvested by both domestic and foreign fishermen, and those inconsistencies can be demonstrated to adversely affect the domestic fishery; or analysis of the size distribution of sea scallops shows that more than 50% of the harvestable sea scallop biomass is at sizes smaller than

those consistent with the prevailing standards and that a temporary relaxation of the standards would not jeopardize future recruitment to the fishery.

(d) *Sources of information.* The Regional Director shall consider all available resource and assessment information, especially the most recently completed survey and assessment, when preparing any report or recommendation under this section. The Regional Director shall also consider: reports and records maintained by fishermen and made available as a part of the fishery statistics program; other fishery statistics; and any other available information which increases understanding of prevailing conditions of the stock, the fishery, and the industry.

[FR Doc. 82-13284 Filed 5-12-82; 1:50 pm]
BILLING CODE 3510-22-M

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50 CFR Part 651

Atlantic Groundfish (Cod, Haddock and Yellowtail Flounder)

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Extension of emergency interim rule.

SUMMARY: An emergency interim rule is in effect through May 14, 1982, implementing the Interim Fishery Management Plan for Atlantic Groundfish (Interim Plan). NOAA extends this emergency interim rule from May 15, 1982, through June 28, 1982. This extension will continue the management provided by the Interim Plan, to protect the resource while providing greater flexibility and fishing opportunity.

DATES: Emergency interim rule effective from May 15, 1982 through June 28, 1982.

FOR FURTHER INFORMATION CONTACT: Frank Grice, Chief, Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930–3097, telephone 617–281–3600.

SUPPLEMENTARY INFORMATION: The Interim Plan was approved by the Assistant Administrator for Fisheries, NOAA, and a proposed rule with request for public comment was published on March 11, 1982 (47 FR 10605). The proposed rulemaking included a discussion of the reasons for the development of the Interim Plan and of its provisions. The comment period closed on April 26, 1982. After publication of the proposed rule, the Secretary of Commerce determined that implementing regulations should be effective as soon as practicable under authority of Section 305(e) of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Accordingly, the emergency interim rules were published March 30, 1982, effective March 31, 1982 (47 FR 13357). As stated in the emergency interim rule, these regulations are effective for 45 days, through May 14, 1982, and may be repromulgated for an additional 45 days period as provided in Section 305(e) of the Magnuson Act. This action extends emergency interim regulations through June 28, 1982. Public comments received on the proposed rules will be considered in preparation of the final rulemaking.

The NOAA Administrator determined on March 11, 1982 (47 FR 10605), that these regulations are non-major under Executive Order 12291 (E.O. 12291); and on March 30, 1982 (47 FR 13357) that the emergency provisions of Section 8 of E.O. 12291 apply to this rulemaking.

List of Subjects in 50 CFR Part 651

Fish, Fisheries.

(16 U.S.C. 1801 *et seq.*)

Dated: May 11, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-13283 Filed 5-12-82; 1:51 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 47, No. 94
Friday, May 14, 1982

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.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

[Bulletin 345-83]

Public Information; Appendix A—REA Bulletins PE-80, REA Specification for Gas Tube Surge Arresters

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A—REA Bulletins by issuing an addendum to the REA Telephone Bulletin 345–83, REA Specification for Gas Tube Surge Arresters, PE–80. A minor relaxation of the impulse transverse voltage requirements applied to three-electrode gas tube surge arresters to permit the use of less costly devices without significantly reducing the level of protection provided is the purpose of this change.

DATE: Public comments must be received by REA no later than July 13, 1982.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–8667. The draft Regulatory Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A by issuing an addendum to Bulletin 345–83. This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as not major. A Regulatory Flexibility Analysis is not required and an OMB Circular A–95 review is not applicable to this action.

While tubes are available which meet the existing requirement, they are significantly more costly than several newer designs with slightly inferior performance with respect to impulse transverse voltage. As experience in the field has not substantiated the need for the higher level of performance, the specification will be relaxed to permit use of the lower cost devices.

If the existing specification was withdrawn rather than revised there would be no REA specification which manufacturers would be required to meet. Unacceptable equipment could be sold to REA borrowers which would result in the loss of telephone system effectiveness, a hazard to human safety, and a threat to REA loan security. As a result, revision of the document along the proposed lines was considered to be in the best interest of the program.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

List of Subjects in 7 CFR Part 1701

Administrative practice and procedure, Loan programs—communications, Telecommunications, Telephone.

Dated: April 30, 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-13049 Filed 5-13-82; 8:45 am]

BILLING CODE 3410-15-M

7 CFR Part 1701

Proposed Addendum to PE-29, REA Specification for Voice Frequency Repeater Equipment

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by issuing Addendum 1 to Bulletin 345–69, REA Specification for Two-Wire Voice Frequency Repeater Equipment, PE–29. The proposed addendum relaxes the stability and return loss requirements on PE–29. This action, without reducing performance quality, increases the variety of voice frequency repeaters available to REA telephone borrowers and produces a more competitive market place.

DATE: Public comments must be received by REA no later than July 13, 1982.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: C. F. Buster, Jr., Chief, Transmission Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1367, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382–8665. The draft Regulatory Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue Addendum 1 to Bulletin 345–69, REA Specification for Two-Wire Voice Frequency Repeater Equipment, PE–29. 7 CFR Part 1701, Appendix A—REA Bulletins, will be amended to include the proposed Addendum to REA Bulletin 345–69 upon its issuance as a final rule. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action is not subject to the Regulatory Flexibility Act or to OMB Circular A–95

review requirements. This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

The amendment is necessary to provide relief from unduly severe stability and return loss requirements. Such harsh requirements were warranted by chronic problems resulting from moisture in cables during the late 60s and early 70s. Moisture in cables causes drastic changes in their transmission characteristics and may cause repeater instability. The advent of filled cable greatly reduced the moisture problem. Therefore such severe operating requirements are no longer necessary.

Copies of the draft Addendum are available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Lists of Subjects in 7 CFR Part 1701

Administrative practice and procedure, Loan programs—communications, Telecommunications, Telephone.

Dated: May 3, 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-12949 Filed 5-13-82; 8:45 am]

BILLING CODE 3410-15-M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

Correction

In FR Doc. 82-11597 appearing at page 18508 in the issue of Thursday, April 29, 1982, on page 18517, middle column, eighth line from bottom of page, "not" should be changed to read "now".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34-18710; File No. S7-709]

Minimum Qualification Requirements for Registered Nonmember Brokers and Dealers and Their Associated Persons

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: In June 1977, the Commission proposed to adopt a rule establishing minimum qualification requirements for all registered brokers and dealers and their associated persons. Based in part on the comments received in response to the proposed rule, the Commission is now publishing a revised proposed rule for further comment. Unlike the 1977 proposal, the proposed rule would provide qualification requirements only for registered brokers and dealers which are not members of a registered national securities association and their associated persons.

DATE: Comments must be received on or before July 1, 1982.

ADDRESSES: All communications on the proposed rule should refer to File No. S7-709 and should be sent with six copies to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kathleen McGann, Esq., (202) 272-2855, Senior Special Counsel, Office of Self-Regulatory Oversight, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On June 27, 1977, the Commission published for public comment proposed Rule 15b7-1 (17 CFR 240.15b7-1) (the "1977 Proposal") under the Securities Exchange Act of 1934 (the "Act"), as amended, which would have established minimum qualification requirements for all registered brokers and dealers and their associated persons.[1] In addition, the 1977 Proposal would have established general and specialized categories of qualification for principals and representatives. In response to the proposed rule, the Commission received 18 letters of comment from interested persons. Based in part on the comments received in response to the proposed rule, the Commission has revised proposed Rule 15b7-1, and is republishing the proposed rule, as revised, for further public comment.[2]

I. Background

In enacting the Securities Acts Amendments of 1975 (the "1975 Amendments"),[3] the Congress, among other things, reexamined the standards for securities industry qualification examinations. Concerned that qualification examinations were not standardized and did not cover certain essential topics, the Congress amended Section 15(b)(7) to authorize the Commission to establish standards of training, experience, competence and other qualifications for all broker-dealers and their associated persons, thereby enabling the Commission "to prescribe uniform examinations for persons in the securities industry."[4] Prior to the enactment of the 1975 Amendments, the Act authorized the Commission to prescribe qualification standards only for SECO broker-dealers.[5]

The impetus for the amendments to Section 15(b)(7) was the findings of the Commission and several Congressional committees that the qualification standards for persons entering the brokerage industry should be strengthened and improved.[6] In particular, one Congressional study following the failure of brokerage firms in the paperwork crisis of the late 1960's found that many firms had failed due to inexperience, lack of knowledge of rules and regulations, and a lack of crucial skills, such as bookkeeping, on the part of the firms' associated persons. It also found that the examinations then given to principals and registered representatives by the NASD and the Commission were relatively simple and did not test adequately a comprehensive knowledge of the securities industry. The Demise Study stated, "We further believe that the shortcomings of these examinations were directly related to the causes of failures of a number of brokerage firms."[7]

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[1] *See* Securities Exchange Act Release No. 13679 (June 27, 1977), 42 FR 34328 (July 5, 1977) the ("June 1977 Release").

[2] The Commission plans, if the revised rule is adopted, to rescind the present Rule 15b7-1 and Rule 15b8-1 (17 CFR 240.15b7-1 and 240.15b8-1). Present Rule 15b7-1 contains procedural requirements to be followed by the Commission in administrative proceedings against broker-dealers. The rule, which applies only to proceedings instituted prior to August 20, 1964 unless the Commission otherwise directs, was adopted prior to 1964, when the Commission was not authorized to bring administrative proceedings directly against persons associated with broker-dealers.

[3] Pub. L. No. 94-29 (June 4, 1975).

[4] H. Rep. No. 94-123, 94th Cong., 1st Sess. at 76 (1975).

[5] The term SECO broker-dealers refers to registered brokers and dealers which are not members of a national securities association.

[6] Securities and Exchange Commission, Report of the Special Study of the Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963) ("Special Study"); Review of SEC Records of the Demise of Selected Broker-Dealers, Staff Study of the Special Subcommittee on Investigations, 92nd Cong., 1st Sess. (July, 1971) ("Demise Study"); Securities Industry Study, House Report of the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce, H. Rep. 92-1519, 92nd Cong., 2d Sess. 22 (1972).

[7] Demise Study at 23.

Rule 15b7–1 was proposed by the Commission to implement the Congressional directive in the 1975 Amendments. The rule, as originally proposed: *Provided,* That no registered broker or dealer could engage in any securities transactions, except transactions in exempted securities, commercial paper, bankers' acceptances, commercial bills or municipal securities, unless the broker-dealer and its associated persons were qualified under the rule. The proposal, however, contained a complete exemption for NASD members who were in compliance with the NASD's qualification rules. The 1977 Proposal would have required a broker-dealer to have minimum number of principals and, with certain exceptions, a Financial and Operations Principal. That proposal also would have established general and specialized categories of qualification for principals and representatives, and required persons acting in a specialized category to be designated by the broker-dealer and to be qualified by passing an examination. The proposal also contained several grace periods, exemptions, and "grandfather" clauses. The examinations prescribed for each category were to be administered by the NASD.[8]

Commentators on the 1977 Proposal generally did not object to the creation of specialized categories of qualification, and several expressed approval of Commission action to upgrade and make uniform qualification examinations.[9] While some commentators objected to the inclusion of certain persons in some of the categories, only technical questions were raised with respect to most of the various grace periods, exemptive provisions, and filing requirements included in the proposed rule. The New York Stock Exchange, however, objected to the disparate treatment in the proposed rule between NASD member firms in compliance with NASD rules, which were completely exempted and exchange member firms, all of which were not exempted. Commentators also objected to the proposed selection of the NASD to administer the examinations prescribed by the rule.

In addition to considering the comments received on the 1977 Proposal, the Commission has considered other developments initiated by the Commission and by the self-regulatory organizations ("SROs") in the past years. The SROs have, for the most part, updated their qualification standards and examinations to meet new developments and securities products in the industry.[10] The SROs have also taken the initiative in working together to develop new examinations to remove duplicative qualification requirements.[11] The Commission is satisfied with those qualification standards, and has determined not to include most broker-dealers that are members of SROs within the scope of the revised rule. The revised rule, for the most part, would provide qualification standards parallel to those of the NASD.

In addition, since publication of the June 1977 Release, the Commission has given extensive attention to exchange-traded options. It has also considered the Report of the Special Study of the Options Market (the "Options Study"),[12] which contains several recommendations concerning the qualification of options principals and representatives. Based on the comments received on proposed Rule 15b7–1 and other developments since it was originally publishing for comment, the Commission has revised the proposed rule (the "revised rule") and is publishing it for further public comment.

II. Description of the Revised Rule

The revised rule, for the most part, maintains the general structure of the original proposal, but is limited in application to SECO broker-dealers.[13] As noted above, the Commission has determined not to include broker-dealers that are members of the NASD and most exchange members within the scope of the revised rule. The revised rule would not exempt exchange members who are not members of the NASD and who carry customer accounts or receive an annual gross income from securities transactions effected otherwise than on the exchange of which the broker-dealer is a member exceeding $1000, since such activities would not necessarily be covered by exchange regulations. This exemption is the same as that currently in Rule 15b8–1.[14]

The revised rule would differ from Rule 15b8–1, the current SECO qualification rule, in that it establishes specialized categories of qualification for persons who limit their securities activities to certain securities products. In addition, the revised rule would alter the kinds of securities activities which require an associated person to pass a qualification examination. For example, non-supervisory persons engaged in research, advertising and public relations would no longer be required to pass an examination. Similarly, supervisory and non-supervisory associated persons engaged in hiring and recruiting would not be required to qualify. The revised rule would maintain the current filing requirement for associated persons, but would add a new filing requirement upon the termination of an associated person's employment. In addition, the revised rule, unlike Rule 15b8–1, would require a SECO broker-dealer to have a minimum number of principals and would codify certain staff interpretations.

As in the 1977 Proposal, the revised rule would establish general qualification standards for principals and representatives, as well as specialized qualifications standards. The revised rule would permit persons who limit their securities activities to specialized securities (investment company as variable contracts products or direct participation programs) to qualify in a specialized category by

[8] The 1977 Proposal also contained proposed amendments to Rule 15b10–4 which would require a SECO broker-dealer to designate, in its written supervisory procedures, which principal has the specific responsibility to supervise all firm personnel involved in research, advertising and public relations and to approve, prior to use, all research material and advertising. No comments were received on the proposed amendments, and the Commission will consider their adoption in connection with the comments received on this revised proposal.

[9] *See* Comment letters of the American Stock Exchange, Inc., (the "Amex") (January 18, 1978) and Mr. Charles Cullen (August 4, 1977).

[10] *See, e.g.,* Securities Exchange Act Release No. 15883 (May 30, 1979), 44 FR 33203 (June 8, 1979); Securities Exchange Act Release No. 16936 (June 6, 1980), 45 FR 45441 (July 3, 1979); Securities Exchange Act Release No. 16940 (June 27, 1980), 45 FR 45990 (July 8, 1980); and Securities Exchange Act Release No. 18069 (August 28, 1981), 46 FR 5833 (December 1, 1981).

[11] The SORs have recognized that branch office managers are subject to duplicative and sometimes unnecessary regulation. Since the rule was originally proposed, various self-regulatory organizations became concerned that branch office managers associated with firms that were members of more than one self-regulatory organization were required to take more than one qualification examination. Consequently, the self-regulatory organizations developed a qualification examination for branch office managers and other intermediate level supervisors, which was approved by the Commission on December 7, 1981. Securities Exchange Act Release No. 18316 (December 7, 1981) (46 FR 60694, December 11, 1981). The revised rule would create this category for SECO broker-dealers.

[12] H. Comm. Print No. 96–IFC3, 96th Cong., 1st Sess. (December 1978).

[13] For a general outline of the principal requirements of the revised rule, the 1977 Proposal and Rule 15b8–1, *see* chart at the end of this release.

[14] In response to the Special Study, the Act was amended to authorize the Commission to impose qualification examinations on SECO broker-dealers and their associated persons. Pub. L. No. 88–467 (August 20, 1964). Pursuant to this authority the Commission adopted Rule 15b8–1, which requires every associated person of a SECO broker-dealer to pass a general securities examination. Securities Exchange Act Release No. 7697 (Sept. 7, 1965), 30 FR 11675 (Sept. 9, 1965).

passing an examination specifically tailored to their securities activities. These categories of qualification are: Limited Principal for Investment Company and Variable Contracts Products, Limited Principal for Direct Participation Programs, Investment Company and Variable Contracts Representative and Direct Participation Programs Representative. The creation of these specialized examinations may ease barriers to entry into the securities industry since persons engaged in these limited activities will not be required to demonstrate a more generalized knowledge of the securities business. Such examinations may provide greater investor protection by helping to ensure better qualified principals and representatives, since they enable applicants to take an examination designed to test in greater depth the aspects of business with which they should be most familiar.

The revised rule, unlike the 1977 Proposal, establishes a category of principal qualification, General Securities Sales Supervisor, for persons whose supervisory responsibilities are limited to certain sales or research activities. Persons qualifying as General Securities Sales Supervisors would generally be intermediate level supervisors or branch office managers. In two other categories, the revised rule would require specialized qualification.[15] Principals who supervise options transactions would be required to qualify as Registered Options Principals. The 1977 Proposal did not contain this category. In accordance with the recommendations of the Options Study and consistent with NASD and exchange requirements, these persons will be required to demonstrate a detailed knowledge of options by passing a specialized options examination. The revised rule would also contain a requirement for most firms to have a separately qualified Financial and Operations Principal to supervise the preparation of a broker-dealer's financial statements and books and records. The creation of this category responds, in large part, to the recommendations of the Congress that broker-dealers have principals who are qualified to supervise the financial operations of the firm and who have passed an examination containing questions on bookkeeping and the maintenance of records.

The provisions of the revised rule are described in more detail below.

A. Qualification Requirements for Principals

1. Definition of Principal. In the 1977 Proposal, the term "principal" was definexd to include any associated person engaged, directly or indirectly, in the management, direction or supervision of the securities business of the broker or dealer. Some commentators suggested that this definition would impose unjustified burdens on firms by requiring principal qualification for nominal officers and other officers and directors not responsible for, or actively engaged in, matters related to securities business of such firms.[16] In response to these comments, the rule has been revised specifically to exempt persons who are nominal corporate officers or who are officers or partners solely to provide capital for the firm and also to exempt persons not actively engaged in the investment banking or securities business.

In addition, the Commission received a number of comments suggesting that the proposed rule would require the principal qualification of persons engaged only in some "occasional, minor or technical supervisory role."[17] Those commentators maintained that the proposed rule represented a substantial departure from historical industry standards, which they stated require only persons responsible for the overall supervision of a particular aspect of a firm's securities business to qualify as principals.[18] In this connection, commentators stated that the Congress, in adopting Section 15(b)(7) of the Act, did not intend that the categories of persons to which particular qualification standards applied be broadened, but instead focused on the inadequacy of existing examinations.[19] It was asserted that the proposed rule would prove "acutely burdensome" to the individuals and firms affected,[20] lead to internal compliance problems, and cloud otherwise clearly defined lines of authority.[21]

Since the 1977 Proposal may have contained certain ambiguities with regard to the scope of the principal examination and qualification requirements, the definition of "principal" in the revised rule has been changed to include only associated persons engaged in a management or supervisory role on a "regular or continuous basis." While certain intermediate level supervisors who are not currently principal-qualified would be required to qualify as principals under the proposal,[22] this result is consistent with Congressional intent. There is no indication in the legislative history of the 1975 Amendments that the Congress intended to limit the classes of persons that could be subject to examination standards,[23] and the specific language of the statute authorizes the Commission to establish qualification standards for partners, officers, and supervisory employees, including branch managers, engaged in the management of the broker-dealer, and to require such persons to pass examinations that include questions on the management of the firm.[24] Since the legislative history of Section 15(b)(7) strongly supports the upgrading of industry qualification standards, especially for principals of firms,[25] the Commission believes that qualification requirements for persons who exercise regular or continual supervision of other associated persons are appropriate and necessary to ensure that such persons are able to demonstrate knowledge of the securities laws and of supervisory procedures.

2. Intermediate Level Supervisors. Several commentators sought clarification of whether the term "principal" would include branch office managers, because of their concern that principal qualification requirements might be inappropriately imposed on firms with a large number of branch offices each containing only a few

[15] The Commission requests public comment on whether a person who effects transactions in direct participation programs should be required, as opposed to permitted, to qualify as Limited Principal for Direct Participation Programs or as Direct Participation Program Representative. The Commission notes that the general securities examinations for principals and representatives do not contain many questions on this area. Because of the nature and complexity of direct participation programs, and the concomitant potential for abusive sales practices, it may be necessary to require persons to qualify in this area for the same reasons as principals are required to qualify in the options area.

[16] *See* comment letters of the NASD at 6–8 (August 10, 1977); and the American Council of Life Insurance ("ACLI") at 2–6 (August 9, 1977). *Cf.* comment letter of the NYSE at 7 (August 22, 1977).

[17] *See* comment letter of the ACLI at 5 (August 9, 1977). *See generally* comment letters of the NASD at 6 (August 10, 1977); and the NYSE at 7, 10–11 (August 22, 1977).

[18] *See* comment letters of the ACLI at 3 (August 9, 1977) and the NASD at 6 (August 10, 1977).

[19] *See* comment letter of the ACLI at 3–4 (August 9, 1977). *See generally* comment letter of the NASD at 6 (August 10, 1977).

[20] *See* comment letter of the ACLI at 5 (August 9, 1977).

[21] *Id.*

[22] *See* discussion, *infra*, on qualification as General Securities Sales supervisor for persons acting as intermediate level supervisors.

[23] *See* H. Rep. No. 123, 94th Cong., 1st Sess. at 76 (1975); H. Rep. No. 229, 94th Cong., 1st Sess. at 105 (1975).

[24] Section 15(b)(7)(B) of the Act.

[25] *See, e.g.*, Demise Study at 23.

employees.[26] In addition, the NASD requested clarification concerning whether an individual who operates out of his home must qualify as a principal.[27]

The Commission has carefully considered the comments and suggestions with respect to this provision, and has sought to balance the Congressional directive that branch office managers be included within the definition of supervisory employees with the possible hardships that such an approach might impose on broker-dealers. In particular, the Commission has carefully reviewed the possible impact of the proposed rule on firms with large numbers of offices staffed by just a few persons. The Commission believes that, while supervisory persons should be required to qualify as principals, the present principal qualification examinations contain many questions that may be irrelevant to intermediate level supervisors' securities activities.[28] Therefore, the Commission has created in the revised rule a category of specialized principal qualification, General Securities Sales Supervisor. Any principal whose supervisory responsibilities are limited to sales activities, the training of sales and supervisory personnel, and the maintenance of certain records, would be permitted to qualify as a General Securities Sales Supervisor. Generally, persons performing such functions would be branch office managers or other intermediate level supervisors.

3. Minimum Principal Requirements. The revised rule would require each SECO firm to have at least one person qualified to act as a principal in each area of the firm's securities activities, such as investment company and variable contracts products, direct participation programs, and options. In addition, at least two persons would be required to be qualified to act as principals in any area in which more than ten associated persons engage in securities transactions for the firm. If a firm's securities activities are not limited to investment company and variable contracts products, direct participation programs, or options, at least one person would be required to qualify as a General Securities Principal. If the firm has more than ten associated persons who engage in securities activities other than in the limited areas, at least two persons would be required to be designated and qualified as General Securities Principals. This provision is similar to the provisions in the 1977 Proposal.

Only one commentator, the NYSE, objected to this requirement, on the ground that it would interpose "organizational specifics upon the self-structuring of a firm."[29] The revised rule would not mandate any particular organizational structure for the firm, and the Commission does not believe that the requirement is unnecessarily burdensome. In fact, the NASD requires all its members, except for sole proprietors, to have two principals. The purpose of this proposed requirement is to ensure that firms of a particular size have more than one person qualified to function in a principal capacity, regardless of the internal structure of such firms, in order to ensure continued supervision of other associated persons in the event one of their principals leaves or is temporarily absent.

The revised rule also would contain a definition of "branch office" as an office in which certain specified securities activities are carried out. This functional definition includes those significant securities activities which should be under the supervision of a principal heading the office. The revised rule would provide that each branch office shall have at least one principal qualified to supervise the securities activities of the branch. In some cases, a General Securities Sales Supervisor could supervise the activities of a branch office. In addition, if the securities activities of the branch office were limited to the specialized types of securities, a limited principal qualified in one of those areas could supervise the activities of the branch office.

4. Limited Principles with General Securities Firms. Under the 1977 Proposal, only principals associated with broker-dealers that limited their securities activities to either investment company and variable contracts products or direct participation programs were permitted to be qualified as limited principals. The 1977 Proposals, however, provided a different treatment for representatives. Representatives qualified in the specialized categories would have been permitted under the 1977 Proposal to become associated with general securities firms.

The NASD objected to the approach taken in the 1977 Proposal, pointing out that many full service firms have specialized departments in which a limited principal can function while still under the supervision of the firm's General Securities Principal. After careful review, the Commission believes that it may be appropriate to modify the rule in the manner suggested by the NASD. Consequently, under the revised rule, it would no longer be necessary for all the securities activities of a SECO broker-dealer to be limited to certain areas before principals are eligible for "limited" qualification. Under the revised rule, persons qualified as limited principals associated with SECO general securities firms would be permitted to function in the limited areas for which they were designated and qualified.

B. Qualification of Representatives

1. Definition of Representative. The term "representative" would be defined in the revised rule as any associated person, other than a principal, who is engaged in sales, trading, underwriting or private placements, or who is engaged in training persons associated with a member for any such activities. This definition would mark a change from the 1977 Proposal, in which the term representative was not defined, and conforms with a recommendation by the NASD that the term be defined. The proposed definition in the revised rule would not include persons engaged in hiring or recruiting or non-supervisory persons engaged in advertising, public relations or research.

One category of representative qualification contained in the 1977 Proposal, the Securities Trader Representative, has been deleted. This category would have permitted a person whose activities are limited solely to exercising discretionary authority in trading securities or to effecting market making securities transactions otherwise than on a national securities exchange to qualify by passing a specialized qualification examination. At present such a category does not appear to be necessary, and none of the SROs have developed a specialized examination for this category. If, however, there are a substantial number of persons in the SECO Program who would benefit from such a limited category, the Commission may reconsider this deletion.

2. General Securities Transactions by Limited Representatives. The revised rule would retain the provisions in the 1977 Proposal permitting limited representatives to effect securities transactions only in the limited area in which they are qualified. Two commentators suggested that certain representatives be allowed to effect

[26] *See* comment letters of the NASD at 7–8 (August 10, 1977), Edward D. Jones & Co. at 1–2 (July 29, 1977). *Accord* Goldstein Shames Hyde Wirth Bezahler & Cahill at 4 (October 31, 1977). Section 15(b)(7)(B) of the Act employs the term "branch manager" without providing a definition.

[27] *See* comment letter of the NASD at 8 (August 10, 1977).

[28] *See* note 11, *supra.*

[29] *See* comment letter of the NYSE at 4–5 (August 22, 1977).

"occasional, unsolicited" general securities transactions.[30] These commentators argued that limited representatives need such flexibility in order to accommodate customers, particularly in rural areas, who may need the proceeds from sales of other types of securities in order to purchase investment company and variable contracts products. The NASD argued that the potential for abuse of the limited exception would exist whether or not limited representatives were expressly permitted to engage in occasional or unsolicited general securities transactions.

The revised rule has not been modified in this manner for several reasons. It is imperative, if representatives are to be allowed to qualify by passing examinations restricted to specified limited areas, that those representatives understand that they are only qualified to do business in, and make investment recommendations concerning, securities in those limited areas. If these representatives were permitted to accept purchase or sale orders for securities other than mutual fund shares or variable contracts they might be inclined to offer, and their clients might expect, advice with respect to other types of securities, even though those representatives would not be qualified to give such advice. An "occasional and unsolicited" transaction or similar standard would also appear to be difficult to monitor and interpret.

C. Qualification of Associated Persons Engaged in Specialized Areas

1. Qualification of Options Personnel. The revised rule would establish a category of qualification for options principals that was not included in the original proposal. Unlike other specialized categories, where qualification is permissive, qualification as an options principal would be mandatory for persons supervising transactions in options. A person acting in a supervisory capacity in a branch office or in an intermediate level supervisory position could qualify as a General Securities Sales Supervisor and, as such, would be qualified to supervise options activities, provided such person passed an examination containing a separately graded portion concerning options.[31]

The creation of this category responds in part to the recommendations of the Options Study that only principals who pass an options qualifying examination that tests a thorough knowledge of options and applicable options rules be permitted to supervise options transactions.[32] The proposed options principal requirements approximate those already in effect at the NASD, the NYSE and the options exchanges, with one major difference. The Commission understands that the options exchanges have interpreted their options principal examination rules so as not to require options principals to be qualified as general securities representatives unless they perform sales functions in addition to supervisory activities. The revised rule would require that options principals successfully complete the examination requirements for general securities representatives and, if their supervisory responsibilities were not limited to options activites, for general securities principals as well.

2. Municipal Securities Professionals. The revised rule requires SECO broker-dealers whose business is limited solely to municipal securities or SECO broker-dealers who act as municipal securities broker-dealers to file and keep current form U–4s on all persons engaged in municipal securities transactions. Such associated persons are not, however, otherwise subject to the examination and reporting requirements of the rule. These provisions are the same as those currently applicable in Rule 15b8–1 to broker-dealers engaged in municipal securities activities.

A comprehensive program for examination of Municipal Securities Principals and Municipal Securities Representatives is already in place under the rules of the Municipal Securities Rulemaking Board ("MSRB").[33] The MSRB's rules require Municipal Securities Representatives, Municipal Securities Principals, and Financial and Operations Principals to pass specialized examinations, but provide exemptions for representatives or Financial and Operations Principals who have qualified in a general securities capacity with the Commission, the NASD or a national securities exchange. Accordingly, it does not appear necessary or appropriate at this time to subject persons whose securities activities are limited solely to municipal securities transactions who are associated with SECO firms to the proposed qualification examination requirements.

The revised rule would not, however, exempt SECO broker-dealers from the Form U–4 filing requirement for associated persons engaged solely in municipal securities activities. MSRB rule G–7(b) requires municipal securities brokers and municipal securities dealers to obtain several items of information from their associated persons. It provides that a completed Form U–4 satisfies that requirement, but provides that that information need only be filed with the Commission (in the case of SECO broker-dealers) if the Commission by rule imposes such a filing requirement. Rule 15b8–1(d) currently requires SECO broker-dealers to file and keep current Form U–4s on municipal securities professionals associated with them. The revised rule is designed to maintain that requirement.

3. Qualification Requirements for Research Personnel. The 1977 Proposal would have imposed qualification requirements on supervisory research personnel, but not on non-supervisory research personnel. In addition, the June 1977 Release solicited comments on the form a qualification examination for research personnel should take.

Currently, all research personnel associated with SECO broker-dealers are subject to the qualification examination requirements of Rule 15b8–1. The research personnel of municipal securities brokers and municipal securities dealers are also subject to the MSRB's examination requirements.[34] The Commission understands, however, that neither the NASD nor the exchanges interpret their rules to require the qualification of non-supervisory research personnel of their member firms.[35]

In commenting on the 1977 Proposal, the NASD indicated that a broker-dealer's research and investment advisory functions should be under the overall supervision of a qualified principal, but it expressed serious reservations regarding the imposition of specialized examination requirements on other research personnel.[36] Other commentators, most of whom opposed the imposition of specialized examination requirements for research

[30] *See* comment letter of the NASD at 3 (August 10, 1977); and American General Capital Planning, Inc. (August 10, 1977). The NASD also urged that Securities Trader Representatives, who would have been permitted by the 1977 Proposal only to exercise investment discretion in securities transactions or to act in a market making capacity, be allowed to effect occasional, unsolicited securities transactions with the public.

[31] The General Securities Sales Supervisor examination given by the NASD is graded so that an applicant must obtain a passing score both on the options and the non-options portions of the examination.

[32] Options Study, *supra*, at 298–301.

[33] *See* MSRB rule G–3, MSRB Manual (CCH) ¶3511 (1981).

[34] *See* MSRB rule G–3(a)(iii).

[35] *See e.g.*, comment letters of the NASD at 13 (August 10, 1977), and the NYSE at 10 (August 22, 1977).

[36] *See* comment letter of the NASD at 13 (August 10, 1977).

personnel, generally did not distinguish between supervisory and non-supervisory personnel.[37]

Several commentators contended that the Commission had demonstrated no need for the imposition of a specialized examination requirement, given the research industry's competitiveness,[38] its overall level of education and experience,[39] the voluntary examination program of the ICFA,[40] and the lack of an express statutory mandate.[41] Some commentators also suggested that imposing specialized examination requirements for research personnel would result in unequal regulation, since most persons engaged in securities research and advisory activities are not associated with broker-dealers.[42] In addition, it was asserted that such Commission requirements would undermine the voluntary examination program of the ICFA.[43]

While the Commission does not necessarily find the reasons advanced by commentators to be persuasive, it has determined not to propose at this time the imposition of specialized examination requirements for SECO broker-Dealer research personnel. At the same time, the Commission does not believe that it would be appropriate to exempt all SECO broker-dealer research personnel from the rule as noted in the June 1977 Release, research personnel may have "a substantial influence on investors and the securities markets, even though they have no direct contact with the public customers."[44] Accordingly, the Commission has determined to retain the requirement in the 1977 Proposal that persons who supervise the research and investment advisory activities of a firm must qualify as principals, but has determined not to continue to impose an examination on non-supervisory persons. Supervisory persons in the research and investment advisory area could qualify as a General Securities Sales Supervisor or in the General Securities Principal categories. Principals who supervise research activities in one of the specialized areas could also qualify in that area, and in the options area would be required to so qualify. This requirement will not result in the imposition of new obligations on SECO broker-dealer research personnel, who are already required to pass a qualification examination by Rule 15b–8.[45] The revised rule would delete the examination requirement for non-supervisory SECO research associated persons, and would make the proposed rule parallel to the requirements of all of the SROs, except the MSRB, which requires the qualification of all associated persons engaged in research activities.

4. Persons Engaged in Hiring, Recruiting and Training. Under the 1977 Proposal, associated persons, whether supervisory or non-supervisory, engaged in hiring, recruiting, and training activities on behalf of a broker-dealer would have been subject to qualification requirements. That approach was consistent with Rule 15b8–1 under the Act, which requires qualification of associated persons of SECO broker-dealers engaged in hiring, recruiting, and training activities. The rules of the NASD apparently require supervisory and non-supervisory persons engaged in securities related training activities to become qualified, although its registration requirements do not cover persons engaged in hiring or recruitment.[46] The rules of the exchanges do not require the qualification of personnel performing any of these functions.

In response to a specific request for comments on the imposition of qualification requirements on persons engaged exclusively in hiring, recruiting or training of securities salespeople, only one commentator supported the imposition of any qualification examination requirements. The NASD suggested that persons engaged in training that is related to sales functions be under the supervision of a qualified principal, although, as noted above, its rules currently appear to contemplate the qualification of both supervisory and non-supervisory training personnel.[47] The NYSE opposed any examination requirements in this area, especially at the non-supervisory level. It asserted that the examination for representatives, the "Series 7 examination", was particularly inappropriate, and perhaps illegal, for the testing of hiring, recruiting and training personnel, since the examination is a "precise instrument" aimed solely at determining if a candidate possesses the minimum amount of knowledge needed to be a registered representative.[48]

The Commission agrees with the commentators who assert that qualification of persons engaged in hiring or recruiting of sales personnel or persons who supervise such hiring and recruiting is unnecessary. Accordingly, the proposal has been revised so that such persons would not be covered by the rule.

The Commission continues to believe, however, that persons engaged in training of principals or representatives, and the persons who supervise such training, should be qualified by passing a general securities examination. The revised rule would require associated persons engaged in training representatives to be qualified as representatives, and associated persons who are engaged in training principals or who supervise training activities to be qualified as principals. Since training programs may involve emphasis on selling techniques regulated by Commission rules, the Commission believes that trainers and supervisors of trainers should be able to demonstrate a comprehensive knowledge of the securities laws and Commission rules. In addition, since training programs usually emphasize the characteristics of different kinds of securities, the Commission believes that it is essential

[37] The Institute of Chartered Financial Analysts ("ICFA") distinguished between supervisory and non-supervisory research personnel, and suggested that, if the Commission chose to mandate specialized examinations, distinct examination standards which would be equivalent to alternate counterparts in ICFA's current voluntary examination program should be imposed on supervisory and non-supervisory research personnel. *See* comment letter of the ICFA at 6–7 (August 5, 1977). Two other commentators supported some form of Commission mandated minimum qualification examination requirements for broker-dealers' research personnel. *See* comment letters of Mr. Charles Cullen (August 4, 1977); and Mr. David Bell of Herzfeld & Stern (August 10, 1977).

[38] *See* comment letters of the NASD at 14 (August 10, 1977); the Financial Analysts Federation ("FAF") (August 9, 1977); and the New York Society of Security Analysts ("NYSSA") at 1 (October 13, 1977).

[39] *Id.* In a survey of research personnel conducted in 1978 on behalf of the FAF, 96% of those responding held college degrees, 69% advanced degrees. Almost 90% of those surveyed had at least 5 years experience. *See* comment letter of the FAF, Attachment at 7 (September 29, 1978).

[40] *See* comment letters of the ICFA (August 5, 1977); the NASD at 14 (August 10, 1977); and the NYSSA at 2 (August 19, 1977).

[41] *See* comment letters of the FAF (August 9, 1977); and ACLI at 10 (August 9, 1977).

[42] The NASD estimated that only about 30% of the persons engaged in securities research activities are associated with broker-dealers, a figure supported by an ICFA survey of its membership. *See* comment letters of the NASD at 13 (August 10, 1977); and the ICFA at 5 (August 5, 1977).

[43] *See* comment letters of the NYSSA at 2 (August 19, 1977); and the FAF (August 9, 1977).

[44] June 1977 Release, 42 FR at 34331.

[45] According to one commentator, most research personnel in the securities industry have passed one or more qualification examinations. Approximately 82% of the research personnel responding to the September 1978 FAF survey stated they had passed either principal or representative qualification examinations. *See* comment letter of the FAF (September 29, 1978).

[46] *See* Parts I and II of Article I Schedule C of the NASD By-Laws, NASD Manual (CCH) ¶ 1102A (1981).

[47] *See* comment letter of the NASD at 6–7 (August 10, 1977).

[48] *See* comment letter of the NYSE at 9 (August 22, 1977).

that persons involved in training be able to demonstrate a comprehensive knowledge of securities products.[49] For this reason, the Commission disagrees with the assertion that the skills required of a trainer are totally dissimilar to those required of a securities salesman. However, since the revised rule would apply only to associated persons engaged in training activities, persons who are not employees of the firm, but merely guest lecturers, or persons whose functions are solely clerical or ministerial [50] would not be covered by the revised rule.

5. Advertising and Public Relations Personnel. The revised rule, with technical modifications, would retain the requirement that associated persons engaged in the supervision of a firm's advertising and public relations activities be qualified as principals. Non-supervisory personnel engaged in advertising and public relations activities would not be required to be qualified under the rule. This approach does not depart substantially from current requirements of the self-regulatory organizations, although it liberalizes the current qualifications for SECO broker-dealers. Rule 15b8–1 under the Act currently requires the qualification of all securities-related advertising and public relations personnel of SECO broker-dealers. The NASD requires these activities to be under the overall supervision of a firm principal.[51]

Commentators generally did not object to the imposition of qualification examination requirements on supervisory personnel in this area, although several commentators urged that these requirements not be extended to non-supervisory personnel, particularly in light of the absence of any similar requirements for advertising and public relations personnel not associated with broker-dealers.[52] The Commission has, for the time being, determined that the supervision by qualified principals of all advertising and related activities by SECO broker-dealers should provide sufficient public protection.

D. Grace Periods and Exemptions

The revised proposal would include grace period and exemptive provisions similar to the 1977 Proposal. Among these would be 90-day grace periods for SECO firms to replace terminated principals and for persons seeking to qualify as a principal in a new category, in order to allow a person promoted to a principal position adequate time to take a principal examination.

As in the 1977 Proposal, the revised rule would exempt SECO broker-dealers who are exchange members if they carry no customer accounts and do not have an annual gross income exceeding $1,000 derived from securities transactions effected otherwise than on a national securities exchange of which such broker-dealer is a member, not including securities transactions effected with of through another broker or dealer. Simiarly, an associated person whose securities activities are confined to areas without the jurisdiction of the United States and who does not deal with or act for any United States resident or national would be exempt from the requirements of the revised rule, except for the requirement to file Form SECO–2F and Form U–4. The revised rule also would exempt any associated person not engaged in the investment banking or securities business or whose functions are related solely and exclusively to the SECO broker's or dealer's need for nominal corporate officers or for capital participation. Thus, limited partners whose sole function is to provide capital or directors who serve in that role solely for state law requirements would not be required to be qualified under the revised rule.

E. "Grandfather" Provisions

Paragraph (g) of the revised rule would permit, with one exception, persons who are already functioning in a principal or representative category to continue to function in the categories of Investment Company and Variable Contracts Products or Direct Participation Programs without further examination.[53] Supervisory persons associated with SECO firms would be qualified in the these limited categories of principal qualification; non-supervisory associated persons would be qualified in the categories of representative qualification. The one exception involves persons associated with SECO firms transacting a general securities business. Since these persons are experienced in most kinds of securities products, the Commission believes that they should be grandfathered in the general securities categories, and as Registered Options Principals, if they have acted as principals for options transactions. The "grandfather" provisions would apply to all persons who were functioning as of the effective date of the rule, with the exception of persons qualified as, or who performed the function of, a Financial and Operations Principal. These persons would be grandfathered as Financial and Operations Principals only if they were qualified as, or performed the functions of, a Financial and Operations Principal on the date the revised rule is proposed.[54]

F. Experience and Training Requirements

The revised rule would not establish any experience or training requirements. In the June 1977 Release, the Commission requested public comment on what further objective standards would be appropriate in connection with the imposition of experience or training requirements as qualification standards.[55]

All three commentators who responded to this question either objected to the imposition of any training or experience requirements or opposed the establishment of objective standards to evaluate training or experience. The NASD noted that, while it had previously included an experience requirement in its 1975 filing of proposed amendments to Schedule C of its By-Laws containing the NASD's qualification criteria,[56] these requirements were reconsidered and subsequently deleted from the proposal by the Board of Governors at its May 1979 meeting. The NASD stated that the Board had determined that the quality of experience acquired by candidates could not be measured adequately by fixed time periods, particularly in an industry as diverse as the securities business. The NASD also expressed the same view towards the establishment of training standards, whether framed in

[49] If a person's training activities are limited to one of the specialized areas, such person could qualify as a limited principal or representative.

[50] Persons whose functions are solely clerical or ministerial are excluded from the definition of "associated person" and, consequently, would not be required to qualify under the revised rule.

[51] *See* comment letter of the NASD at 13 (August 10, 1977).

[52] *See* comment letters of the NASD at 14 (August 10, 1977); the NYSE at 10 (August 22, 1977).

[53] The vast majority of persons associated with SECO firms restrict their securities activities to one of these kinds of securities products.

[54] This grandfather clause would apply as of the date the rule is proposed, rather than the date it becomes effective, in order to prevent a firm from changing the duties of an associated person before the effective date of the rule so as to qualify him or her as a Financial and Operations Principal without passing an examination

[55] The American Stock Exchange, Inc., the Chicago Board Options Exchange, Inc., as well as the NYSE currently impose some form of undefined training or experience requirements. *See* Amex Rule 341, CBOE Rule 93, and NYSE Rule 342. In addition, the Commission approved the MSRB's Rule G–3(h) which specified a 90-day "apprenticeship" period requirement for candidates seeking to become associated with municipal securities brokers or dealers.

[56] Notice of the filing given in Securities Exchange Act Release No. 11889 (December 1, 1975), 40 FR 57533 (December 10, 1975). File No. SR–NASD–75–6.

terms of fixed time periods or specified training materials. In the NASD's view, establishing a fixed training period as a qualification requirement would not allow the Commission to take into consideration differences in candidates' learning abilities or educational backgrounds. In addition, the NASD asserted that imposition of such requirements could have severe economic consequences for small broker-dealers, which do not have the financial resources necessary to maintain formal training programs internally.

Finally, The NASD stated that involvement of the NASD or the Commission in accrediting training programs and/or training materials might prove too costly in light of the benefits to be derived. The NASD suggested that a more workable approach would be to ensure the continued validity of the examination programs themselves. In the NASD 's view, this alone would provide the most economical and objective measure of the quality of training received by candidates.

The NYSE stated that it continues to believe that qualification standards should encompass requirements consisting of a training period ending in satisfactory completion of an examination. However, the NYSE objected to the Commission's making judgments on the merits of particular training programs. The NYSE specifically opposed the establishment of objective standard to evaluate the effectiveness of firm training programs for the following reasons: (1) The employing firm itself is the best judge of what training a candidate should receive, whether it be an in-house program, an outside program, on-the-job training, or a combination thereof; (2) the only objective measure of effectiveness of a training program is the number of candidates who pass the examination, and any other method would be sujective and would increase regulatory costs; and (3) unlike in-house broker-dealer training programs, private training schools would not be subject to regulation by any self-regulatory organization.

Mr. Buehler, who at the time of his comment letter was serving on certain NYSE examination committees, and had served on the NASD 's Qualification Committee, maintained that the time frames for training periods (*e.g.*, 90 days for sales representatives under the MSRB rules and 4 months under the NYSE rules) are arbitrary and serve no meaningful purpose.[57] He stated that a well-constructed, vigorously-graded examination that competently measures a predetermined knowledge level, such as the "Series 7 examination", is a preferable qualification standard. He noted that such examinations are sufficiently comprehensive and difficult to pass as to require at least several months of study time on the part of candidates. Mr. Buehler also noted that certain studies conducted by industry groups in consultation with the Educational Testing Service seemed to indicate that the Series 7 examination has accomplished the purposes it was designed to serve.

The Commission has considered these comments and believes that it is not appropriate at the present time to impose objective training or experience requirements as part of a qualification rule. Nevertheless, the Commission strongly supports training programs, whether required by the rules of a self-regulatory organization or administered by broker-dealer firms for their own personnel. Given the strong Congressional support for training and experience requirements as part of the qualification of broker-dealer personnel, the Commission urges broker-dealers to continue to provide adequate training programs for their associated persons.[58]

G. Commission Selection of Qualification Examinations

The 1977 Proposal would have delegated to the NASD, subject to Commission oversight and review, the responsibility for developing and administering all examinations under the Rule. The Commission proposed this delegation since the examinations were expected to be relatively specialized and the NASD was then in the process of developing new examinations for some of the categories of principals and representatives included in that proposal. Many of the commentators reviewing the proposal criticized this approach. Several commentators suggested that such delegation might conflict with the intent of Congress, citing the language of section 15(b)(7) and the legislative history of the 1975 Amendments.[59]

The revised rule does not specify the procedures to be used by the Commission in selecting qualification examinations for each of the categories. As envisioned in Section 15(b)(7) of the Act, the Commission plans to work with the SROs in devising and selecting the examinations, which it anticipates will be administered by SROs.

Examinations for each category of qualification would be selected by the Commission and identified in an appendix to the rule.[60] The Commission contemplates that, in designating an examination for a category of qualification, it would use the summary rulemaking procedures specified in the Administrative Procedure Act (5 U.S.C. 553) and would not solicit public comments on the selection.

H. Filing of Forms U–4 and U–5

The revised rule would contain requirements for the filing of Forms U–4s and U–5s with the Commission for SECO broker-dealers. These provisions are substantially unchanged from the 1977 Proposal. A broker-dealer would be required to file a Form U–4 for each associated person engaged in securities activities and to designate on the form the categories for which the associated person is qualified. If that associated person's association with the broker or dealer is terminated, the broker-dealer must file a Form U–5 no later than 30 days after the termination.

The Form U–5, the "Uniform Termination Notice for Securities Industry Registration," was developed by the NASD and the NYSE, in cooperation with the North American State Securities Administrators' Association, and is currently being utilized by the NASD, the various national securities exchanges, and most of the states. The general concerns which motivated the development of the Form U–4, *i.e.*, the desire to devise uniform forms for the registration of broker-dealers and their agents in order to alleviate a particularly burdensome duplication of reports submitted by firms registering with more than one governmental agency or self-regulatory organization, are the same as those which led to the implementation of the Form U–5 by the self-regulatory organizations and the states. Also, like the Form U–4, the Form U–5 information would assist the Commission in discharging its regulatory and investigative responsibilities.

The Form U–5 would contain 14 items designed to elicit much of the same information sought on the Form U–4, such as the terminated individual's involvement, if any, in investigations,

[57] Mr. Buehler, of Blyth, Eastman, Dillon and Co., submitted his comments in an individual capacity, and not on behalf of his firm (August 10, 1977).

[58] Demise Study, *supra*, at 20; Securities Industry Study, *supra*, at 22–23.

[59] *See* Amex comment letter at 2 (January 18, 1978); NYSE comment letter at 2–4 (August 22, 1977).

[60] If the revised rule is adopted, the Commission would no longer recognize state qualification examinations as a satisfactory examination for qualification for SECO personnel.

disciplinary proceedings, or court actions, including those resulting in his conviction for any felony or misdemeanor, during his employment with the reporting firm. However, the Form U–5 would also require disclosure of the reason for the termination, including full details if the individual was "permitted to resign," "discharged", or terminated for reasons other than his voluntary resignation or death. Thus, proposed Rule 15b7–1 would require a Form U–5 to be filed with the Commission whenever a person associated with a SECO firm is terminated for any reason.

The proposed adoption of Form U–5 under Rule 15b7–1 would make this filing requirement applicable for the first time to SECO broker-dealers.[61] Unlike present Rule 15b8–1, proposed Rule 15b7–1 would specify that the Form U–5 be filed promptly after the termination of an associated person or employee becomes effective, but in no event later than 30 days thereafter. In effect, therefore, SECO broker-dealers would have to file more detailed information on the Form U–5 and on a more current basis than is presently the case under Rule 15b8–1.

III. Conclusion

The Commission does not believe that proposed Rule 15b7–1 and proposed Form U–5 impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. By establishing specialized categories of qualification and examinations, the Commission believes that the proposed rule may remove burdens on competition and make it easier for many persons to become associated with SECO firms. Persons who limit their securities activities to certain specialized areas would also be subject to a lesser regulatory burden in that they may choose to be tested on that area of their business and would not be required to demonstrate a detailed knowledge of other areas.

While the revised rule would upgrade the qualification requirements applicable to SECO broker-dealers, this result is necessary to help ensure that persons associated with SECO broker-dealers are qualified to enter the securities industry and that SECO broker-dealers and NASD members are subject to comparable regulation. In addition, the revised rule would clarify and, in some cases, reduce the number of associated persons required to qualify by passing examinations. For the reasons discussed above, the Commission finds that this is necessary for the protection of investors. The Commission also believes that proposed Form U–5 would not impose an unnecessary or inappropriate burden on competition since it revises the current filing requirement for SECO broker-dealers in Rule 15b8–1. While Form U–5 will be required to be filed in a more timely fashion and would require more detailed information, the Commission does not believe that this would constitute an inappropriate burden on SECO broker-dealers.

BASIC SECO QUALIFICATION STANDARDS

Qualification standards for SECO broker-Dealers	1982 Proposal	1977 Proposal	Rule 15b8–1
A. Broker-dealer requirements:			
1. Financial and operations principal (FINOP)	All firms must have a FINOP, unless firm is exempt from Rule 15c3–1 pursuant to paragraph (b)(2), or meets requirements of Rule 15c3–1(a)(2) or (a)(3).	Same as 1982 Proposal	No such requirement.
2. Minimum number of principals:			
(a) General securities firms	If firm has 10 or fewer associated persons, it must have 1 General Securities Principal; if more than 10 associated persons, it must have 2 General Securities Principals.	...do	Do.
(b) Firm which limits its activities to either investment company/variable contracts products or direct participation programs.	Firm must have 1 principal qualified to supervise each area with 10 or fewer associated persons; firm must have 2 principals qualified to supervise each area with more than 10 associated persons.	...do	Do.
3. Supervision of branch offices	Firm must have 1 principal qualified to supervise branch office.	No such requirement	Do.
B. Associated person requirements:			
1. Persons engaged in sales, trading, underwriting, private placements or training.	If engaged directly in regular or continual management, direction or supervision must qualify as principal all others must qualify as representative.	Same as 1982 proposal except not limited to apply only to regular or continuous management, direction or supervision.	Persons engaged in these activities must pass qualification examination. The terms principal and representative not defined.
2. Persons engaged in hiring or recruiting	Not required to qualify	Principals and representatives required to qualify.	Both supervisory and non-supervisory persons required to qualify.
3. Persons engaged in research or investment advice.	Only principals required to qualify	Same as 1982 Proposal	Do.
4. Persons engaged in advertising or public relations.	...do	...do	Do.
5. Persons engaged in options transactions	Only principals required to take separate examination.	No such requirement	No such requirement.
C. Filing requirements:			
1. Form U–4	Must file Form U–4 for each principal and representative.	Same as 1982 Proposal	Same as 1982 Proposal.
2. Form U–5	Must file Form U–5 no later than 30 days after termination of each principal and representative.	...do	Required to file list annually, but not on a specific form.

IV. Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 603.

(1) *Reasons for Proposed Action.* The Commission is reproposing for comment Rule 15b7–1 under the Securities Exchange Act of 1934 (the "Act"). The proposed rule is intended to revise the qualification standards applicable to broker-dealers that are not members of a national securities association,[62] also known as "SECO broker-dealers." SECO broker-dealers are currently

[61] Present Rule 15b8–1 requires every SECO broker-dealer to file with the Commission on or before July 31 of each year a list of associated persons with respect to whom a Form U–4 has been filed with the Commission and who have been terminated during the preceding year ending June 30. However, up to now the Commission has not specified the use of a standard form for purposes of satisfying this reporting requirement.

[62] The National Association of Securities Dealers, Inc. ("NASD") is the only national securities association.

subject to Rule 15b8–1 under the Act, which requires associated persons of the broker-dealer to pass qualification examinations and requires the SECO broker-dealer to file a Form U–4 for each associated person and to file a list once annually of the persons who have ceased to be associated persons during the preceding year.

The purpose of the proposed rule is to upgrade the qualification standards applicable to SECO broker-dealers and to make those standards parallel to those of the NASD. SECO broker-dealers are currently subject to less rigorous qualification requirements than broker-dealers that are members of the NASD, in spite of the Congressional directive that regulation by the Commission of SECO broker-dealers should be comparable to that by the NASD of its members.[63] If the Commission does not take any action in the area of improving SECO qualification requirements, SECO qualification requirements will continue to diverge from those of the NASD, which may result in lessened investor protection for their customers.

(2) *Objectives.* The proposed rule would set forth minimum standards for SECO broker-dealers, which are comparable to those required by the exchanges and the NASD. The proposed rule would require all SECO broker-dealers and their associated persons to meet these minimum requirements before entering the securities business in an effort to ensure the competence and qualifications of newcomers to the securities business.

(3) *Legal Basis.* The Commission is reproposing for public comment Rule 15b7–1 pursuant to Sections 15(b), 17 and 23 of the Act.

(4) *Small Entities Subject to the Rule.* Proposed Rule 15b7–1, as revised, would apply to all SECO broker-dealers and their associated persons.[64] As such, it would necessarily cover all SECO broker-dealers from the largest full service firms to the smallest sole proprietor. A number of requirements will be imposed on firms which may be considered as "small businesses" for the purposes of the initial regulatory flexibility analysis ("IRFA").

In concluding that the proposed rule may affect a "small business" for the purposes of the IRFA, the Commission is using its own definitions of "small business".[65] With respect to broker-dealers, the Commission has defined in 17 CFR 240.0–10 the term "small business" or "small organization" as a broker or dealer which (1) had total capital of less than $500,000 on the date in the preceding fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a–5(d) or, if not required to file such statements, on the last business day of its preceding year; and (2) is not affiliated with any person (other than a natural person) that is not a small business or small organization as defined in that rule.

Specifically, the proposed rule would require that all SECO broker-dealers, unless otherwise exempt, have one person qualified as a Financial and Operations Principal. While under the Commission's definitions some small entities would be required to have a Financial and Operations Principal, SECO firms exempt from the net capital rule or which meet certain exceptions from the net capital rule would not be required to have a Financial and Operations Principal. The rule would also provide that firms having 10 or fewer associated persons must have at least one person qualified as a principal for each area in which the firm does business; firms with more than 10 associated persons would be required to have at least two persons qualified as principals for each area in which more than ten associated persons effect transactions for the firm. The proposed rule would also require all principals and representatives to pass qualifications examinations, but will "grandfather" into specialized categories of qualification persons who have previously qualified. Therefore, most persons currently associated with small entities would be grandfathered under the proposed rule and would not be required to take further qualifications examinations.

(5) *Reporting, Recordkeeping and Other Compliance Requirements.* The proposed rule would amend a reporting requirement currently in Rule 15b8–1. The proposed rule would change a procedural requirement with regard to the time a registered broker-dealer has to give notice to the Commission of any termination of the association between the broker-dealer and an associated person. Previously, the Commission has allowed such broker-dealers up to one year to give notice to the Commission of such termination. The proposed rule would require that the broker-dealer give notice to the Commission on Form U–5 within 30 days after the termination. Form U–5 is a one page form which will not require any professional skills to complete.

(6) *Overlapping or Conflicting Federal Laws.* The proposed rule would not duplicate, overlap or conflict with any existing federal rules. The rule would, to some extent, duplicate state law with respect to qualification requirements for broker-dealers and their associated persons.

(7) *Significant Alternatives.* (i) The Commission has attempted to consider the resources available to small businesses in proposing the rule. specifically, most of the provisions of the proposed rule, as explained below, will be inapplicable to small businesses already registered as SECO broker-dealers on the date the rule is proposed. The associated persons of such broker-dealers will continue to be qualified to effect transactions in investment company and variable contracts products and direct participation programs without being required to pass a new examination. Associated persons who have transacted a general securities business will be grandfathered into general categories of qualification without being required to take a new qualification examination. Persons who have acted as Financial and Operations Principals since the date this rule is proposed, will also be "grandfathered" in that category.

(ii) The alternative of clarification, consolidation or simplification of compliance and reporting requirements under the rule for small entities is inapplicable to the proposed Rule;

(iii) The proposed rule incorporates performance standards rather than design standards since it would require associated persons of SECO broker-dealers to pass qualification examinations and does not impose any experience or training requirements on such persons.

(iv) The alternative of an exemption from coverage of the rule or any part thereof for small entities is inconsistent with the stated objectives of the proposed rule and the statutory objectives the proposed rule is designed to accomplish.

(8) *Solicitation of Comments.* The Commission always encourages the submission of public comments with respect to any aspect of a proposed rule. In addition, the Commission would like to encourage the submission of comments with respect to any aspect of the IRFA. Any comments received will be considered in the preparation of the Final Regulatory Flexibility Analysis when the proposed rule is adopted. Any public comments received by the

[63] (1964) U.S. Code Cong. and Ad. News 3013, 3024–3025.

[64] As of the end of fiscal year 1981, 360 SECO broker-dealers had filed a Form SECO–4–81.

[65] Securities Exchange Act Release No. 18452 (January 28, 1982), 47 FR 5215 (February 4, 1982).

Commission will be placed in the same public file as that of the proposed rule.

V. Statutory Basis

Proposed Rule 15b7–1 and Form U–5 would be adopted under the Act, 15 U.S.C. 78a *et seq.*, and particularly Sections 15, 17, and 23(a), 15 U.S.C. 780, 78q and 78w(a).

List of Subjects in 17 CFR Parts 240 and 249

Reporting requirements, Securities.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES AND EXCHANGE ACT OF 1934

On the basis of the above discussion and analysis, the Commission is proposing to amend Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

1. By revising § 240.15b7–1 to read as follows:

§ 240.15b7–1 Minimum qualification standards for nonmember brokers and dealers and associated persons.

(a) *Definitions.* For purposes of this section:

(1) The term "nonmember broker or dealer" means a registered broker or dealer not a member of a registered national securities association.

(2) The terms "associated person" and "person associated with a broker or dealer" have the same meaning as in Section 3(a)(18) of the Act, as that section applies to Section 15(b) of the Act, except that those terms shall include only natural persons.

(3) The term "principal" means any person associated with a nonmember broker or dealer engaged, directly or indirectly, (i) in the management, direction or supervision on a regular or continuous basis on behalf of such broker or dealer of the following securities activities: sales, training, research, investment advice, underwriting, private placements, advertising, public relations, trading, maintenance or books and records, or financial operations; or (ii) in the training of persons associated with such broker or dealer for the management, direction or supervision, on a regular or continuous basis of such activity.

(4) The term "branch office" means each office in which one or more of the following activities, on behalf of a nonmember broker or dealer, are carried on:

(i) Order execution or market making commitments;

(ii) Structuring of underwritings;

(iii) Custody of firm customers' funds or securities;

(iv) Supervisory responsibility for the acceptance of new accounts;

(v) Supervisory responsibility for the review and approval of customers' orders;

(vi) Supervisory responsibility for approving advertising or sales literature, including the authorization of the use of such material developed by an organization other than the nonmember broker-dealer;

(vii) Supervisory responsibility for the review and endorsement of all correspondence of associated persons pertaining to the solicitation or execution of any securities transaction; or

(viii) Maintenance of records of orginal entry or ledger accounts.

(5) The term "Financial and Operations Principal" means a principal whose responsibilities on behalf of a nonmember broker or dealer include:

(i) Final approval and responsibility for preparation of the broker's or dealer's financial statements, supporting schedules, computations concerning net capital and the maintenance of basic reserves with respect to cash held for or owed to customers of such broker or dealer, the determination of securities required to be in the possession or control of such broker or dealer, and the maintenance of books and records related to the foregoing;

(ii) Supervision of persons who assist in the preparation of such reports;

(iii) Supervision of persons who are involved in the actual maintenance of the books and records from which such reports and determinations are derived;

(iv) Supervision of persons who are involved in the administration and maintenance of the safekeeping functions of such broker of dealer;

(v) Supervision of persons who are involved in the administration and maintenance of the processing and clearing functions of such broker or dealer; or

(vi) Supervision of any other financial operations.

(6) The term "General Securities Sales Supervisor" means any principal whose supervisory activities are limited to securities sales activities of a nonmember broker or dealer, including the training of sales and sales supervisory personnel and the maintenance of records of original entry or ledger accounts of such broker or dealer required to be maintained by the Act and rules thereunder, but whose securities activities do not include:

(i) Supervision of the origination and structuring of underwritings;

(ii) Supervision of market making commitments;

(iii) Final approval of advertisements;

(iv) Supervision of the custody of firm or customer funds and/or securities for purposes of 17 CFR 240.15c3–3; or

(v) Supervision of overall compliance with financial responsibility rules for broker-dealers promulgated pursuant to the provisions of the Act.

(7) The term "representative" means any associated person other than a principal who is engaged in any of the following securities activities: sales, trading, underwriting, or private placements, or who is engaged in training of persons associated with such broker or dealer for any such activities.

(8) The term "options contract" means a put or call issued by a registered clearing agency and traded on a national securities exchange.

(9) The term "variable contract" means a contract providing for benefits or values which may vary according to the investment experience of any separate or segregated account or accounts maintained by an insurance company.

(10) The term "direct participation program" means a program which provides flow-through tax consequences regardless of the structure of the legal entity or vehicle for distribution and regardless of the industry represented by the program, including, but not limited to, oil and gas programs, real estate syndications, agricultural programs, cattle programs, condominium securities, Subchapter S corporate offerings and all other programs of a similar nature, or any combination thereof. The term does not include real estate investment trusts, tax qualified pension and profit sharing plans under Sections 401 and 403(a) of the Internal Revenue Code, (26 U.S.C. 401, 403(a)(1976)), individual retirement plans pursuant to Section 408 of that Code, tax sheltered annuities pursuant to Section 403(b) of that Code and any company, including separate accounts, registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq. (1975)).

(b) *General Requirement.* No nonmember broker or dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, banker's acceptances or commercial bills) unless such broker or dealer meets the minimum qualification standards set forth in this section, and all principals and representatives associated with such broker or dealer are appropriately designated pursuant to paragraph (j)(1) of this section and qualified, except as set forth in paragraphs (f), (g), and (h) of this section, by passing an appropriate

examination selected by the Commission.

(c) *Minimum Number of Principals.* (1) Unless its securities activities are limited to the areas specified in paragraphs (d)(3) or (d)(4) of this section, each nonmember broker or dealer having ten or fewer associated persons shall have at least one General Securities Principal and each nonmember broker or dealer having more than ten associated persons shall have at least two General Securities Principals. If the securities activities of a broker or dealer are limited to the areas specified in paragraph (d)(3) or (d)(4), of this section, such broker or dealer shall have at least one person qualified to act as a principal in each of the areas in which ten or fewer associated persons effect securities transactions for the firm and at least two persons qualified to act as principals in each of the areas in which more than ten associated persons effect securities transactions for the firm.

(2) Each nonmember broker or dealer, except one which is exempt from § 240.15c3–1 (17 CFR 240.15c3–1) pursuant to paragraph (b)(2) thereof, or which meets the requirements of paragraph (a)(2) or (a)(3) thereof, shall have least one principal qualified as a Financial and Operations Principal.

(3) Each branch office of a nonmember broker or dealer shall have at least one principal qualified to supervise the securities activities of the branch office.

(d) *Qualification of principals.* (1) Each principal, except a principal qualified pursuant paragraphs (d)(2) through (d)(5) of this section, shall qualify as a General Securities Principal and as a General Securities Representative.

(2) Each Financial and Operations Principal shall qualify as such.

(3) Each person who acts as a principal with respect to the purchase or sale of options contracts shall qualify as a Registered Options Principal and as a General Securities Representative, unless qualified pursuant to paragraph (d)(5) of this section.

(4) Each person who acts as a principal solely with respect to the securities activities enumerated below may qualify as follows:

(i) A principal whose activities involve securities registered pursuant to the Investment Company Act of 1940 or variable contracts and insurance premium funding programs registered pursuant to the Securities Act of 1933 may qualify as a Limited Principal for Investment Company and Variable Contracts Products and as an Investment Company and Variable Contracts Products Representative.

(ii) A principal whose activities involve direct participation programs may qualify as a Limited Principal for Direct Participation Programs and as a Direct Participation Program Representative.

(5) Each General Securities Sales Supervisor of a nonmember broker or dealer may qualify as such and as a General Securities Representative.

(e) *Qualification of representatives.* (1) Each representative, except a representative qualified pursuant to paragraph (e)(2) of this section, shall qualify as a General Securities Representative.

(2) Each representative whose activities are limited solely to the securities activities enumerated below may qualify as follows:

(i) A representative whose activities involve securities registered pursuant to the Investment Company Act of 1940 or variable contracts products and insurance premium funding programs registered pursuant to the Securities Act of 1933 may qualify as an Investment Company and Variable Contracts Products Representative.

(ii) A representative whose activities involve direct participation programs may qualify as a Direct Participation Programs Representative.

(f) *Grace periods.* (1) A nonmember broker or dealer that no longer meets the requirements of paragraph (c) of this section because of the termination of a principal shall not be required to comply with that paragraph for 90 days: *Provided, however,* That at all times such broker or dealer shall have associated with it at least one person qualified as a principal in each of the areas in which the firm effects securities transactions, or induces or attempts to induce the purchase or sale of securities.

(2) Any representative whose duties are changed so as to require qualification as a principal, including qualification as a Financial and Operations Principal, and any principal whose change of duties requires qualification in any other principal category shall not be required to comply with the qualification requirements of paragraph (d) of this section for a period of 90 days following the change in such person's duties. The provisions of this paragraph shall not be used to extend the grace periods contained in paragraph (f)(1) of this section. Any principal who does not pass the required examination within the 90 day period specified in paragraph (f)(1) of this section may no longer function in such capacity without having first passed such examination.

(g) *Waiver of examinations.* (1) Unless the associated person's most recent association has been terminated for a period of more than two years, (i) any associated person who performed the functions of a principal on or before (the effective date of this rule) shall be deemed to be qualified pursuant to paragraph (d)(4) only hereof; (ii) any associate person qualified as or who, on or before (the date this revised rule was proposed), performed the functions of a Financial and Operations Principal shall be deemed to be qualified as a Financial and Operations Principal; and (iii) any associated person who performed the functions of a representative on or before (the effective date of this rule) shall be deemed to be qualified pursuant to paragraph (e)(2) only hereof; *Provided, however,* That any person who is associated with a nonmember who transacted a securities business outside the areas of investment company and variable contracts products or direct participation programs shall be deemed to be qualified pursuant to paragraph (d)(1) of this section if such person acted in a principal capacity, or paragraph (e)(1) of this section if such person acted in a representative capacity. Such person shall be qualified pursuant to paragraph (d)(3) of this section only if such person acted in a principal capacity with a nonmember broker or dealer which transacted a business in options.

(2) Any person previously qualified under paragraphs (d) of (e) of this section, whose most recent association has not been terminated for a period of more than two years, shall be exempt from the qualification examination or examinations prescribed by the Commission for the category or categories for which such person is designated.

(h) *Exemptions.* (1) Any nonmember broker or dealer which is a member of a national securities exchange shall be exempt from this section if such broker of dealer (i) carries no customer accounts and (ii) does not have an gross income exceeding $1,000 derived from securities transactions effected otherwise than on a national securities exchange of which such broker or dealer is a member, not including securities transactions effected for its own account through another registered broker or dealer.

(2) Any associated person not engaged in the investment banking or securities business or whose functions are related solely and exclusively to the broker or dealer's need for nominal corporate officers or for capital

participation shall be exempt from this section.

(3) Any associated person whose securities activities are confined to areas without the jurisdiction of the United States and who does not deal with or act for any United States resident or national shall be exempt from all provisions of this section except paragraph (j)(2) of this section.

(4)(i) Except as provided in paragraph (h)(4)(ii) of this section, the provisions of this section shall not apply to any person who is required to register as a broker or dealer solely by reason of acting as a municipal securities broker or municipal securities dealer, or to any other broker or dealer insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer.

(ii) No nonmember broker or dealer who is required to register as a broker or dealer solely by reason of acting as a municipal securities or municipal securities dealer, and no other nonmember broker of dealer, insofar as such broker or dealer acts as a municipal securities broker or municipal securities dealer, shall effect any transaction in, or induce the purchase or sale of, any municipal security unless such nonmember broker or dealer meets all the following conditions:

(A) Such a nonmember broker or dealer shall have filed with the Commission a Form U–4 with respect to each principal and representative engaged directly or indirectly in municipal securities activities, before such person engages in any such activities on behalf of such nonmember broker or dealer;

(B) Such nonmember broker or dealer shall file promptly information making accurate or complete a Form U–4 on behalf of any principal and representative whenever the information filed previously on behalf of such person is or becomes inaccurate or incomplete for any reason; and

(C) Such nonmember broker or dealer shall have filed with the Commission a Form U–5 no later than 30 days after the termination of any associated person with respect to whom a Form U–4 has been filed with the Commission.

(5) The Commission may exempt a nonmember broker or dealer from any provision of this section, upon written application, in exceptional cases and where good cause is shown. Such a determination shall be based on all the facts concerning both the individual and the type of business of such broker of dealer and may include factors such as a physical infirmity or extensive experience in a field closely related to the investment banking and securities business, although neither of these factors standing alone would necessarily justify an exemption.

(i) *Commission selection of qualification examinations.* The appropriate qualification examination for each category shall be designated by the Commission and identified in an appendix to this section.

(j) *Completion of Form U–4 and Form U–5.* (1) A nonmember broker or dealer shall file Form U–4 with the Commission for each principal and representative engaged directly or indirectly in securities activities on behalf of such broker or dealer, before such person engages in any such activities, and shall designate on Form U–4 the category for which the principal or representative is seeking qualification. The principal or representative may be designated in every category for which such person is seeking qualification.

(2) A nonmember broker or dealer shall file an accompanying Form SECO–2F with Form U–4 for each associated person whose activities are confined to areas without the jurisdiction of the United States and who does not deal with or act for any United States resident or national.

(3) Each nonmember broker or dealer required to file Form U–4 information with the Commission pursuant to paragraph (j)(1) hereof shall file promptly with the Commission information making accurate or complete a Form U–4 filed after October 1, 1975, on behalf of any associated person whenever information filed previously on behalf of such associated person is, or becomes, inaccurate or incomplete for any reason. A broker or dealer who, before October 1, 1975, filed a Form SECO–2 on behalf of any associated person shall file promptly a completed Form U–4 for such associated person when the information contained in the Form SECO–2 is or becomes inaccurate or incomplete for any reason.

(4) Each nonmember broker or dealer required to file Form U–4 information with the Commission pursuant to paragraph (j)(1) of this section shall file with the Commission a Form U–5 no later than 30 days after the termination of association between such broker or dealer and any associated person.

(5) Information supplied to the Commission on Form U–4 and Form U–5 shall be non-public but will be made available as required by law or to any person to whom the Commission authorizes disclosure in the public interest.

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

2. By adding § 249.511 to Subpart F as follows:

Subpart F—Forms for Registration of Brokers or Dealers Transacting Business on Over-the-Counter Markets

* * * * *

§ 249.511 Form U–5, uniform termination notice for securities industry registration.

BILLING CODE 8010-01-M

UNIFORM TERMINATION NOTICE FOR SECURITIES INDUSTRY REGISTRATION

(1) INDIVIDUAL'S NAME (0100) — LAST NAME	FIRST NAME	FULL MIDDLE OR MAIDEN NAME (SPECIFY IF NONE)	(2) REGISTERED OR APPROVED CAPACITY (1000)

(3) SOCIAL SECURITY NO. (0200)	(4) FIRM NAME (0110)	(5) FIRM I.D. NO. (0120)

(6) FIRM MAIN ADDRESS (0170) STREET _____ CITY _____ STATE _____ ZIP _____

(7) OFFICE OF EMPLOYMENT ADDRESS (0180) STREET _____ CITY _____ STATE _____ ZIP _____

(8) TO BE TERMINATED WITH THE FOLLOWING

EXCHG

☐ ASE 0370	☐ ACE 0375	☐ BSE 0380	☐ CBOE 0390	☐ CSE 0400	☐ MSE 0410	☐ NASD 0350	☐ NYFE 0355	☐ NYSE 0420	☐ PHLX 0440	☐ PSE 0430	☐ SECO 0360	OTHER (SPECIFY) ☐ _____ 0448 ☐ _____ 0449

JURISDICTIONS

☐ AL 0450	☐ CA 0490	☐ DC 0530	☐ ID 0570	☐ KS 0610	☐ MD 0650	☐ MS 0690	☐ NV 0730	☐ NY 0770	☐ OK 0810	☐ SC 0850	☐ UT 0890	☐ WV 0930
☐ AK 0460	☐ CO 0500	☐ FL 0540	☐ IL 0580	☐ KY 0620	☐ MA 0660	☐ MO 0700	☐ NH 0740	☐ NC 0780	☐ OR 0820	☐ SD 0860	☐ VT 0900	☐ WI 0940
☐ AZ 0470	☐ CT 0510	☐ GA 0550	☐ IN 0590	☐ LA 0630	☐ MI 0670	☐ MT 0710	☐ NJ 0750	☐ ND 0790	☐ PA 0830	☐ TN 0870	☐ VA 0910	☐ WY 0950
☐ AR 0480	☐ DE 0520	☐ HI 0560	☐ IA 0600	☐ ME 0640	☐ MN 0680	☐ NE 0720	☐ NM 0760	☐ OH 0800	☐ RI 0840	☐ TX 0880	☐ WA 0970	☐ PR 0960

(9) DATE TERMINATED (4500) _____

(10) REASON FOR TERMINATION CHECK ONE ☐ VOLUNTARY (4510) ☐ PERMITTED TO RESIGN* (4520) ☐ DECEASED (4530) ☐ DISCHARGED* (4540) ☐ OTHER* (4550)

*FURNISH FULL DETAILS ON REVERSE SIDE FOR ANY ANSWER WHICH IS MARKED BY AN ASTERISK.

(11) WHILE EMPLOYED BY OR ASSOCIATED WITH YOUR FIRM, WAS THE INDIVIDUAL THE SUBJECT OF

		YES	NO	
A.	any investigation or proceeding conducted by any governmental agency or self-regulatory body which has jurisdiction over the securities, insurance, banking, real estate or commodities industry?	☐	☐	4560
B.	a refusal of registration, censure, suspension, expulsion, fine or any disciplinary action by any governmental agency or self-regulatory body, having jurisdiction over the securities, insurance, banking, real estate or commodities industry?	☐	☐	4570
C.	any major complaint or any legal proceeding by a customer of your firm?	☐	☐	4580
D.	any conviction of a felony or misdemeanor (other than minor traffic violations)?	☐	☐	4590

(12) Is there reason to believe that the individual while employed by or associated with your firm, may have violated any provision of any securities law or regulation or any agreement with or rule of any governmental agency or self-regulatory body, or engaged in conduct which may be inconsistent with just and equitable principles of trade? YES ☐ NO ☐ (4600)

FURNISH FULL DETAILS, ON REVERSE SIDE, FOR ANY 'YES' ANSWER.

_____ DATE _____ TYPE NAME OF APPROPRIATE SIGNATORY _____ SIGNATURE OF APPROPRIATE SIGNATORY

PERSON TO CONTACT FOR FURTHER INFORMATION _____

TELEPHONE NUMBER ( ) _____

SUPPLEMENTAL STATE REQUIREMENTS

A. AGENT'S LICENSE, CARD OR CERTIFICATE ENCLOSED _____
Required by: AL, AK, AR, CO, FL, GA, HI, ID, IN, KS, KY, LA, MN, MT, NH, NC, ND, OH, OK, OR, PA, RI, SC, SD, TX, UT, VT, WV

B. SIGNATURE OF AGENT TO BE TERMINATED _____ DATE _____
Required by: AL, AK, CT, DE, DC, IN, LA, MO, NE, OK, TN, VA, WY

Rev. Form U-5 11/80

BILLING CODE 8010-01-C

By the Commission.
George A. Fitzsimmons,
Secretary.
May 4, 1982.
[FR Doc. 82-12966 Filed 5-13-82, 8:45 am]
BILLING CODE 8010-01-M

RAILROAD RETIREMENT BOARD

20 CFR Part 260

Requests for Reconsideration and Appeals Within the Board From Decisions Issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board proposes to revise Part 260 of its regulations which establishes the procedures for appeals within the agency from decisions issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts. The proposed regulation provides for a three-stage review and appeals process within the agency and shortens the amount of time currently allowed within which requests for reconsideration and appeal may be filed. In addition, the proposed regulation sets forth time periods within which reconsideration requests and appeals should be handled by the agency. These proposed changes are intended to expedite the review and appeals process.

DATES: Comments must be received on or before July 13, 1982.

ADDRESS: Comments may be mailed to: Mr. James E. Lanter, Director of Hearings and Appeals, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Mr. James E. Lanter, Director of Hearings and Appeals, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4791 (FTS 387-4791).

SUPPLEMENTARY INFORMATION: The Board's regulations as currently in effect do not provide any time limits or guidelines concerning the time within which reviews and appeals must be handled. In addition, the regulations currently provide that an appeal to the Bureau of Hearings and Appeals from an initial decision may be filed up to one year after the initial decision. The lack of time guidelines for handling cases and the long appeal period have sometimes resulted in an unacceptable lengthy period for handling administrative reviews and appeals. This has caused problems for the Board in handling appeals especially in disability cases since in such cases a claimant's condition could very well have deteriorated during the duration of the appeal rendering him disabled where he would not have been disabled at the time of the initial decision on his claim.

The proposed revision to Part 260 is primarily directed toward resolving the delays in handling appeals. To this end, the proposed revision provides that a request for reconsideration of an initial decision other than an erroneous payment decision must be filed within 60 days from the date the decision was mailed to the claimaint. An appeal from an adverse decision on reconsideration may be taken to the Bureau of Hearings and Appeals by filing an appeal form within 60 days from the date on which the decision was mailed. A further appeal to the Board is provided if the appropriate appeal form is filed within 60 days after the decision of the Bureau of Hearings and Appeals is mailed. In addition, the proposed revision would impose guidelines on the various decision-making bodies concerning the time periods within which cases should be handled. The procedures for erroneous payment decisions are not changed by the proposed revision.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. Moreover, the amendment impose no additional reporting burden on the public and the forms contemplated by the proposed regulation have been approved by the Office of Management and Budget.

List of Subject in 20 CFR Part 260

Administrative practice and procedure, Claims, Railroad retirement.

Title 20 CFR Chapter II, is proposed to be revised as follows:

1. The table of contents for Title 20, Chapter II, Railroad Retirement Board, Subchapter B, is proposed to be revised by changing the title of Part 260 from "Appeals within the Board from decisions issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts" to "Requests for Reconsideration and Appeals Within the Board From Decisions Issued by the Bureau of Retirement Claims and the Bureau of Data Processing and Accounts".

2. Part 260 is proposed to be revised as follows:

PART 260—REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD FROM DECISIONS ISSUED BY THE BUREAU OF RETIREMENT CLAIMS AND THE BUREAU OF DATA PROCESSING AND ACCOUNTS

Sec.

260.1 Initial decisions by the Bureau of Retirement Claims.
260.2 Initial decisions by the Bureau of Data Processing and Accounts.
260.3 Request for reconsideration of initial decision of the Bureau of Retirement Claims or Bureau of Data Processing and Account.
260.4 Request for waiver of recovery of an erroneous payment and/or for reconsideration of an initial erroneous payment decision of the Bureau of Retirement Claims.
260.5 Appeal from a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts.
260.6 Time limit for issuing a hearing decision.
260.7 Time limits for issuing a decision when a hearing is not held.
260.8 Pre-hearing case review.
260.9 Final appeal from a decision of the referee.
260.10 Determination of date of filing of appeal.

Authority: Sec. 7(b)(5) Pub. L. 93-445, 88 Stat. 1339 (45 U.S.C. 231f(b)(5)); Sec. 8 Pub. L. 93-445, 88 Stat. 1341 (45 U.S.C. 231g); Sec. 5(f) Pub. L. 75-722, 52 Stat. 1100 (45 U.S.C. 355(f)).

§ 260.1 Initial decisions by the Bureau of Retirement Claims.

(a) *General.* Claims shall be adjudicated and initial decisions made by the Bureau of Retirement Claims concerning:

(1) Applications for benefits under the Railroad Retirement Act;

(2) The withdrawal of an application;

(3) A change in an annuity beginning date;

(4) The termination of an annuity;

(5) The modification of the amount of an annuity or lump-sum benefit;

(6) The reinstatement of an annuity which had been terminated or modified;

(7) The existence of an erroneous payment;

(8) The recovery of the amount of an erroneous payment;

(9) The eligibility of an individual for a supplemental annuity or the amount of such supplmental annuity;

(10) Whether representative payment shall serve the best interest of an annuitant as a result of that individual's incapacity to manage his annuity payments; and

(11) Who shall be designated or continued as representative payee on behalf of an annuitant.

(b) *Adjudication of claim and the issuance of initial decision.* Adjudication of a claim and the issuance of an initial decision shall be in accordance with instructions issued by the Director of Retirement Claims and shall be made upon the basis of evidence submitted by the claimant and evidence otherwise available.

(c) *Recovery of erroneous payment.* A decision to recover the amount of an erroneous payment under § 260.1(a)(8) by suspension or reduction of a monthly benefit payable by the Board shall not be made prior to a date 30 calendar days after the date on which notice of the erroneous payment decision is sent to the beneficiary or payee of the benefit as provided in § 260.1(d)(6).

(d) *Notice of initial decision.* (1) In all cases except those described in §§ 260.1(d)(2)–(4) and § 260.1(d)(6), written notice of an initial decision shall be mailed by the Bureau of Retirement Claims to the claimant, annuitant or payee of an annuity at the individual's last known address within 30 calendar days after such decision is made. Such notice shall inform the claimant, annuitant or payee of an annuity of the reason(s) for the decision and such individual's right to reconsideration of such initial decision as provided in § 260.3.

(2) No notice of an initial decision by the Bureau of Retirement Claims shall be required when the death of an annuitant causes the entitlement to an annuity to cease.

(3) When an initial decision is made that an annuitant's entitlement to a disability annuity has ended because the annuitant has recovered from such annuitant's disability, written notice of that decision shall be mailed to the annuitant or payee of an anniuty at such annuitant's or payee's last known address. Such notice shall inform the annuitant or payee of an annuity:

(i) Of the date on which the recovery from disability is found to have occurred;

(ii) Of the reason(s) supporting such a finding of recovery;

(iii) That entitlement to the annuity ends on the last day of the second month after the month in which recovery from disability is found to have occurred;

(iv) That payment of the disability annuity will cease effective on the last day of the second month following the month in which recovery from disability is found to have occurred or on the 30th calendar day after the day the notice provided by this paragraph is sent by the Board, whichever date is later;

(v) That any annuity payments received after entitlement has ended will have to be repaid unless waiver of recovery is appropriate;

(vi) That prior to the termination date of the annuity the annuitant or payee of an annuity may submit to the Board any information in writing which the annuitant or payee desires to be considered by the Board in its review;

(vii) That if no information in writing is received by the Board before the termination date the annuity will be terminated as scheduled on that date; and

(viii) That the annuitant or payee has the right to reconsideration of such decision as provided in § 260.3.

(4) When an initial decision would result in the termination of an annuity for which there are competing claims or as a result of the receipt by the Board of information from a source other than the annuitant or payee of an annuity, written notice of the proposed decision shall be mailed to the annuitant or payee of an annuity at such annuitant's or payee's last known address. Such notice shall inform the annuitant or payee of an annuity:

(i) Of the reason(s) for the annuity termination;

(ii) That the annuitant or payee has 30 calendar days from the date of the notice to submit to the Board any information in writing which such annuitant or payee desires to be considered by the Board in its review;

(iii) That payment of the annuity will either cease or a decision to continue payment of such annuity shall be made after the Board has considered any information in writing which may be submitted to the Board within 30 calendar days from the date of the notice;

(iv) That if no information in writing is received within 30 calendar days from the date of the notice, payment of the annuity will cease at the end of the 30-day period; and

(v) That the annuitant or payee has the right to reconsideration of such decision as provided in § 260.3.

(5) Whenever the Board receives any significant information in writing from an annuitant or payee of an annuity as a result of mailing the notice described in § 260.1(d)(4), the Board shall forward a copy of such information to each of the individuals who have filed a competing claim for such annuity informing them that:

(i) The annuity will either be terminated at the specified time or a decision to continue payment of the annuity will be made by the Board; and

(ii) They may respond to such information and their response will be considered by the Board provided that it is received by the Board within a reasonable time. When the Board decision in such case is to continue payment of the annuity, the Board shall send notice of such initial decision to each of the competing claimants in accordance with § 260.1(d)(1).

(6) When an initial decision that an erroneous payment has been made to a beneficiary is made under § 260.1(a)(7), written notice of that decision shall be mailed to the beneficiary or payee of the benefit at such beneficiary's or payee's last known address within 30 calendar days after such decision is made. Such notice shall inform the beneficiary or payee:

(i) Of the reason(s) for the decision;

(ii) Of the methods by which recovery may be made;

(iii) Of the possibility of waiver of recovery of the erroneous payment;

(iv) Of the conditions which must be met before waiver of recovery could be granted;

(v) That the beneficiary may request waiver of recovery of the erroneous payment and/or reconsideration of the erroneous payment decision as provided in § 260.4; and

(vi) Of the possibility of an oral hearing with respect to the issues of waiver of recovery and reconsideration of the erroneous payment decision.

§ 260.2 Initial decisions by the Bureau of Data Processing and Accounts.

Within 30 days after receipt of a timely request by an employee for an amendment with respect to the amount of compensation credited to the employee by the Board under the Railroad Retirement Act and the Railroad Unemployment Insurance Act, the Director of Data Processing and Accounts shall appoint a qualified Board employee to make a determination with respect to such matter. The Board employee appointed by the director shall promptly render a decision. Written notice of such decision shall be communicated by the Director of Data Processing and Accounts to the employee within 30 days after such decision is made. Such notice shall include notification of the employee's right to reconsideration of the initial decision as provided in § 260.3. For purposes of this section, a timely request to amend an employee's record of compensation maintained under the Railroad Retirement Act shall be filed within four years after the date on which the return of compensation was required to be made to the Board by the employee's employer. For purposes of this section, a timely request to amend an employee's record of compensation maintained under the Railroad

Unemployment Insurance Act shall be filed within 18 months after the date on which the last return of compensation was required to be made covering any portion of the calendar year which includes the period during which the challenged payment was made.

§ 260.3 Request for reconsideration of initial decision of the Bureau of Retirement Claims or Bureau of Data Processing and Accounts.

(a) *Right to file request for reconsideration.* Every claimant shall have the right to file a request for reconsideration of an initial decision of the Bureau of Retirement Claims described in § 260.1(a) or an initial decision of the Bureau of Data Processing and Accounts described in § 260.2. *Provided, however,* that:

(1) An individual under age 18 shall not have the right to reconsideration of a finding of incapacity to manage his or her annuity payments, but shall have the right to contest the finding that he or she is, in fact, under age 18;

(2) An individual who has been adjudged legally incompetent shall not have the right to reconsideration of a finding of incapacity to manage his or her annuity payments, but shall have the right to contest the fact of his or her having been adjudged legally incompetent; and

(3) An individual shall not have the right to reconsideration of a denial of his or her application to serve as representative payee on behalf of an annuitant. Such request for reconsideration shall be filed and disposed of in the manner prescribed in this section, except that a request for reconsideration of an initial erroneous payment decision under § 260.1(a)(7) shall be filed and disposed of in the manner prescribed in § 260.4.

(b) *Written request for reconsideration.* A written request for reconsideration must be filed with the appropriate bureau within 60 days from the date upon which notice of the initial decision is mailed to the claimant. The claimant shall state the basis for the reconsideration request and provide any additional evidence which is available. No hearing will be provided by the bureau conducting the reconsideration.

(c) *Right to further review of initial decision.* The right to further review of an initial decision of the Bureau of Retirement Claims or Bureau of Data Processing and Accounts shall be forfeited unless a written request for reconsideration is filed within the time period prescribed in this section or good cause is shown by the claimant for failing to file a timely request for reconsideration.

(d) *Timely request for reconsideration.* In determining whether the claimant has good cause for failure to file a timely request for reconsideration the bureau director shall consider the circumstances which kept the claimant from filing the request on time and if any action by the Board misled the claimant. Examples of circumstances where good cause may exist include, but are not limited to:

(1) A serious illness which prevented the claimant from contacting the Board in person, in writing, or through a friend, relative or other person;

(2) A death or serious illness in the claimant's immediate family which prevented him or her from filing;

(3) The destruction of important and relevant records;

(4) A failure to be notified of a decision; or

(5) An unusual or unavoidable circumstance existed which demonstrates that the claimant would not have known of the need to file timely or which prevented the claimant from filing in a timely manner.

(e) *Impartial review.* The reconsideration of the initial decision shall be conducted by a person who shall not have any interest in the parties or in the outcome of the proceedings, shall not have directly participated in the initial decision which has been requested to be reconsidered and shall not have any other interest in the matter which might prevent a fair and impartial decision.

(f) *Timely review.* The director of the bureau to whom a request for reconsideration is directed shall make every effort to issue a decision upon reconsideration and send a copy of the decision to the claimant within 60 days of the date that the request for reconsideration is filed.

(g) *Right to appeal adverse decision.* If the reconsideration decision is adverse to the claimant, annuitant or payee, he or she shall be notified of his or her right to appeal the decision to the Bureau of Hearings and Appeals, as provided in § 260.5.

§ 260.4 Request for waiver of recovery of an erroneous payment and/or for reconsideration of an initial erroneous payment decision of the Bureau of Retirement Claims.

(a) *General.* A beneficiary who has been determined to have received an eroneous payment under § 260.1(a)(7) shall have the right, upon the filing of a timely request in accordance with the requirements of this section, to request waiver of recovery of the erroneous payment and/or reconsideration of the erroneous payment decision. The beneficiary shall have the right to an informal oral hearing on the issue of waiver of recovery and/or reconsideration of the erroneous payment decision, before an employee of the Board designated to conduct such a hearing, prior to commencement of recovery by suspension or reduction of a monthly benefit.

(b) *Request for waiver of recovery and/or reconsideration of an erroneous payment decision and for an oral hearing.* A request for waiver of recovery and/or reconsideration of an erroneous payment decision and for an oral hearing under this section shall be in writing and addressed to the district office of the Board set forth in the initial decision letter or to the Director of Retirement Claims. The request must be received by either the appropriate district office or the Director of Retirement Claims within 30 calendar days from the date on which notice of the erroneous payment decision was sent to the beneficiary. The beneficiary shall state in the request whether he or she elects to have an oral hearing. If the beneficiary does not elect to have an oral hearing with respect to his or her request for waiver of recovery or for reconsideration of the erroneous payment decision, he or she may, along with the request, submit any evidence and argument which he or she would like to present in support of his or her case.

(c) *Right to further review of an initial erroneous payment decision.* The right to further review of an initial erroneous payment decision of the Bureau of Retirement Claims shall be forfeited unless a written request for reconsideration is filed within the time period prescribed in this section or good cause is shown by the beneficiary for failing to file a timely request for reconsideration. Good cause for failure to file a timely request shall be determined by the Director of Retirement Claims in the manner prescribed in § 260.3(d).

(d) *Delay in the commencement of recovery of erroneous payment.* Where a timely request for waiver or reconsideration is filed as provided in this section, the Director of Retirement Claims shall not commence recovery of the erroneous payment by suspension or reduction of a monthly benefit payable by the Board until a decision with respect to such request for waiver or reconsideration has been made and notice thereof mailed to the claimant.

(e) *Impartial review.* Upon receipt of a timely request for an oral hearing under this section, the Director of Retirement Claims or his or her delegee shall

promptly arrange for the selection of a Board employee to conduct a hearing in the case. The employee designated to conduct a hearing under this section shall not have had any prior involvement with the initial erroneous payment decision and shall conduct the hearing in a fair and impartial manner. The employee designated to conduct a hearing under this section shall promptly schedule a time and place for the hearing and promptly notify the beneficiary of such.

(f) *Oral hearing.* The beneficiary shall upon request have the opportunity to review, prior to the hearing, his or her claim folder and all documents pertinent to the issues raised. A hearing conducted under this section shall be informal. At the hearing the beneficiary shall be afforded the following rights:

(1) To present his or her case orally and to submit evidence, whether through witnesses or documents;

(2) To cross-examine adverse witnesses who appear at the hearing; and

(3) To be represented by counsel or other person.

(g) *Preparation of recommended decision.* Upon completion of the hearing, the employee who conducts the hearing shall prepare a summary of the case including a statement of the facts, the employee's findings of fact and law, and a recommended decision. The summary of the case shall then be submitted to the Director of Retirement Claims.

(h) *Timely review.* The Director of Retirements Claims shall make every effort to render a decision with respect to the beneficiary's request for reconsideration of the initial erroneous payment determination and/or waiver of recovery and shall notify the beneficiary of that decision within 60 days of the date that the request for reconsideration is filed or the date that the summary of the case is received from the employee who conducts the hearing, whichever is later.

(i) *Right to appeal adverse decision.* If the Director of Retirement Claims renders a decision adverse to the beneficiary, he or she shall further notify the beneficiary of the basis for such determination and that the beneficiary may appeal the decision to the Bureau of Hearings and Appeals, as provided in § 260.5.

(j) *Repayment is not a bar to requesting waiver and/or reconsideration.* The fact that a beneficiary may have notified the Board with respect to the method by which he or she could choose to have the recovery made, or the fact that such beneficiary may have actually tendered to the Board a portion or all of the amount of the erroneous payment, shall in no way operate to prejudice his or her right to request reconsideration of the initial erroneous payment determinations or to request waiver of recovery.

§ 260.5 Appeal from a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts.

(a) *General.* Every claimant shall have a right to appeal to the Bureau of Hearings and Appeals from any reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts by which he or she claims to be aggrieved.

(b) *Appeal from a reconsideration decision.* Appeal from a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts shall be made by filing the form prescribed by the Board for such purpose. Such appeal must be filed with the Bureau of Hearings and Appeals within 60 days from the date upon which notice of the reconsideration decision is mailed to the claimant.

(c) *Right to review of a reconsideration decision.* The right to review of a reconsideration decision of the Bureau of Retirement Claims or the Bureau of Data Processing and Accounts shall be forfeited unless an appeal is filed in the manner and within the time prescribed in this section. However, when a claimant fails to file an appeal before the Bureau of Hearings and Appeals within the time prescribed in this section, the referee may waive this requirement of timeliness. Such waiver shall only occur in cases where the claimant has made a showing of good cause for failure to file a timely appeal. Good cause for failure to file a timely appeal will be determined by a referee in the manner described in § 260.3(d).

(d) *Impartial review.* Within 30 days after the claimant has filed a proper appeal, the Director of Hearings and Appeals shall appoint a referee to act on the appeal. The Director of Hearings and Appeals may, if the Bureau of Hearings and Appeals' caseload dictates, appoint a qualified Board employee, other than a referee assigned to the Bureau of Hearings and Appeals to act as referee with respect to a case. Such referee shall not have any interest in the parties or in the outcome of the proceedings, shall not have directly participated in the initial decision or the reconsideration decision from which the appeal is made, and shall not have any other interest in the matter which might prevent a fair and impartial decision.

(e) *Power of referee to conduct hearings.* In the development of appeals, the referee shall have the power to hold hearings, require and compel the attendance of witnesses by subpoena or otherwise in accordance with the procedures set forth in Part 258 of this chapter, administer oaths, rule on motions, take testimony, and make all necessary investigations.

(f) *Evidence presented in support of appeal.* The appellant, or his or her representative, shall be afforded full opportunity to present evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the referee, evidence not offered by the appellant is available and is relevant and material to the merits of the claim, the referee may obtain such evidence upon his or her own initiative. If new evidence is obtained subsequent to an oral hearing, other than evidence submitted by the appellant or his or her representative, the referee shall notify the appellant or his or her representative that such evidence was obtained and shall describe the nature of the evidence in question. In such event, the appellant shall have 30 days to submit rebuttal evidence or argument or to request a supplemental hearing to confront and challenge such new evidence. The appellant may move for an extension of time to submit rebuttal evidence or argument and the referee may grant the motion upon a showing of good cause. The referee shall protect the record against scandal, impertinence, and irrelevancies, but the technical rules of evidence shall not apply.

(g) *Submission of written argument in lieu of oral hearing.* Where the referee finds that no factual issues are presented by an appeal, and the only issues raised by the appellant are issues concerning the application or interpretation of law, the appellant or his or her representative shall be afforded full opportunity to submit written argument in support of the claim but no oral hearing shall be held.

(h) *Conduct of oral hearing.* (1) In any case in which an oral hearing is to be held pursuant to the provisions of this section, the referee shall schedule a time and place for the conduct of the hearing. The referee shall promptly notify the party or parties to the proceeding by mail as to said time and place for the hearing. The notice shall include a statement of the specific issues involved in the case. The referee shall make every effort to hold the hearing within

150 days after the date the appeal is filed.

(2) A party to the proceeding may object to the time and place of the hearing or as to the stated issues to be resolved by filing a written notice of objection with the referee. The notice of objection shall clearly set forth the matter objected to and the reasons for such objection, and, if the matter objected to is the time and place of the hearing, said notice shall further state that party's choice as to the time and place for the hearing. Said notice of objection shall be filed at the earliest practicable time, but in no event shall said notice be filed later than five business days prior to the scheduled date of the hearing.

(3) The referee shall rule on any objection timely filed by a party under this subsection and shall notify the party of his or her ruling thereon. The referee may for good cause shown, or upon his or her own motion, reschedule the time and/or place of the hearing. The referee also may limit or expand the issues to be resolved at the hearing.

(4) If neither a party nor his or her representative appears at the time and place scheduled for the hearing, that party shall be deemed to have waived his or her right to an oral hearing unless said party either filed with the referee a notice of objection showing good cause why the hearing should have been rescheduled, which notice was timely filed but not ruled upon, or, within 10 days following the date on which the hearing was scheduled, said party files with the referee a motion to reschedule the hearing showing good cause why neither the party nor his or her representative appeared at the hearing and further showing good cause as to why said party failed to file at the prescribed time any notice of objection to the time and place of the hearing.

(5) If the referee finds either that a notice of objection was timely filed showing good cause to reschedule the hearing, or that the party has within 10 days following the date of the hearing filed a motion showing good cause for failure to appear and to file a notice of objection, the referee shall reschedule the hearing. If the referee finds that the hearing shall not be rescheduled, he or she shall so notify the party in writing.

(i) *Preservation of evidence presented.* All evidence presented by the appellant and all evidence developed by the referee shall be preserved. Such evidence, together with a record of the arguments, oral or written and the file previously created in the adjudication of the claim, shall constitute the record on appeal. After an appeal is filed, the compilation of the record shall be initiated by the inclusion therein of the file created in the adjudication of the claim; the compilation of the record shall be kept up-to-date by the prompt addition thereto of all parts of the record subsequently developed. The entire record shall be available for examination by the appellant or his or her representative at any time during the pendency of the appeal.

(j) *Extension of time to submit evidence.* Except where the referee has determined that additional evidence not offered by the appellant at or prior to the hearing is available, the record shall be closed as of the conclusion of the hearing. The appellant may move for an extension of time to submit evidence and the referee may grant the motion upon a showing of good cause for failure to have submitted the evidence earlier. The extension shall be for a period not exceeding 30 days.

§ 260.6 Time limit for issuing a hearing decision.

(a) *General.* The referee shall make every effort to issue a decision within 45 days after the hearing is held.

(b) *Submission of additional evidence.* If the referee requests additional evidence, he or she shall do so within 30 days after the hearing is held and he or she shall make every effort to issue the hearing decision within 45 days after the additional evidence is received and the period for comment has ended. If the claimant wishes to submit additional evidence or written statements of fact or law, the referee shall make every effort to issue the hearing decision within 45 days after the written statements are received or the additional evidence is received and the period for comment has ended.

(c) *Supplemental hearing.* If on the basis of additional evidence the referee decides a supplemental hearing is necessary, the supplemental hearing will be held within 30 days after the receipt of the additional evidence and the referee shall make every effort to issue a decision within 30 days after the supplemental hearing is held.

(d) *Reassignment of case to another referee.* If, after a hearing has been held, it is necessary to reassign a case to another referee due to the unavailability of the original referee (e.g., resignation, retirement, illness), the case will be promptly reassigned. The new referee shall make every effort to issue a hearing decision within 30 days after the reassignment.

§ 260.7 Time limits for issuing a decision when a hearing is not held.

If a claimant waives his or her right to appear at a hearing and the referee does not schedule the case for hearing, or the evidence in the record supports a favorable decision without a hearing, or a hearing is not required pursuant to § 260.5(g), the referee shall make every effort to issue a decision within 90 days from the date the appeal is filed: *Provided, however,* that if the referee requests additional evidence it shall be requested within 45 days of the filing of the appeal and the referee shall make every effort to issue a decision within 30 days after the additional evidence is received and the appellant comments on the evidence, or if no comment is received after the close of the comment period.

§ 260.8 Pre-hearing case review.

(a) *General.* The referee assigned to a case may, prior to an oral hearing, upon his or her own motion, refer the case back to the bureau of the Board which issued the initial decision for the purpose of reconsideration of that decision, where the referee finds that:

(1) Additional evidence pertinent to the resolution of the issues on appeal was submitted by the appellant at the time the appeal was filed, or subsequent thereto; or

(2) Additional evidence pertinent to the resolution of the issues on appeal is available and should be procured; or

(3) There is some other indication in the record that the initial decision may be revised in a manner favorable to the appellant.

(b) *Referral of case for further review by initial adjudicating unit.* Where the referee finds that referral of a case back to the bureau which issued the initial decision for the purpose of reconsideration of that decision would be warranted, the referee shall give that bureau the reason for such referral, together with specific directions as to the handling of the case of reconsideration.

(c) *Reconsideration of case by initial adjudicating unit.* The bureau to which a case is referred shall promptly undertake any additional development required, and shall make a determination as to whether the initial determination may be revised in whole or in part in a manner favorable to the appellant. Upon issuance of its determination, the bureau in question shall return the case along with a copy of its decision to the referee.

(d) *Revision of initial decision in whole or in part.* Where the bureau to which a case is referred determines to revise its initial decision in whole or in part, that bureau shall notify the appellant of such determination. If the revised determination is wholly

favorable to the appellant, he or she shall be notified that the appeal to the Bureau of Hearings and Appeals will be dismissed by the referee assigned to the case. If the revised decision is partially favorable to the appellant, the notice shall inform the appellant that the referee will proceed with the portion of the appellant's case not revised in his or her favor, unless the appellant should request dismissal of the appeal.

(e) *Timely conduct of oral hearing.* The fact that a case on appeal has been referred back to the bureau which issued the initial decision in the case shall not delay the conduct of a hearing scheduled with respect to the appeal, unless the appellant agrees to a delay. If it appears that the bureau to which a case has been referred will not have completed its reconsideration of the case prior to the date of a scheduled hearing on an appeal and the appellant has not agreed to a delay in the conduct of the hearing, the referee shall proceed with the hearing and the handling of the case as though the case had not been referred back to the bureau.

§ 260.9 Final appeal from a decision of the referee.

(a) *General.* Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of a referee by which he or she claims to be aggrieved.

(b) *Appeal from decision of referee.* Final appeal from a decision of a referee shall be made by the execution and filing of the final appeal form prescribed by the Board. Such appeal must be filed with the Board within 60 days from the date upon which notice of the decision of the referee is mailed to the appellant at the last address furnished by him or her.

(c) *Timely filing.* The right to further review of a decision of a referee shall be forfeited unless formal final appeal is filed in the manner and within the time prescribed in § 260.9(b).

(d) *Submission of additional evidence.* Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* that if upon final appeal to the Board the Board finds that new or better evidence is available, the Board may obtain such evidence in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *Provided further,* that in the event that pursuant to the preceding proviso, material evidence is developed which tends to show facts contrary to those found by the referee, or in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the referee, the claim may be referred back to the referee. Thereupon, the referee shall develop additional evidence for inclusion in the record, review the entire case, and shall:

(1) Issue his or her decision on remand or

(2) Transmit the entire record to the Board together with his or her recommendation to the Board for final decision. All remand decisions are final intermediate level administrative decisions which dispose of the appeal before the Board and if an appellant is dissatisfied with a remand decision he or she must appeal that decision to the Board in the manner described in § 260.9(b).

(e) *Decision of the Board.* The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he or she has argument to present which for valid reasons he or she was unable to present at an earlier stage or in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

(f) *Issuance of decision.* The Board shall make every effort to issue a decision with 90 days after the later of:

(1) The date the final appeal is filed;

(2) The date new or better evidence is obtained in accordance with § 260.9(d) and the appellant has commented on it;

(3) The date new or better evidence is obtained in accordance with § 260.9(d) and after the close of the comment period;

(4) The date further argument submitted in accordance with § 260.9(e) is received; or

(5) The date the record is returned to the Board following referral back to the referee.

(g) *Review of decisions rendered prior to appeal to Board.* The Board may, on its own motion, review or cause to be reviewed any decision issued by a subordinate official or employee under this part.

§ 260.10 Determination of date of filing of appeal.

In determining whether an appeal has been made in accordance with the regulations in this part, the date of filing a duly executed appeal form prescribed by the Board shall be the date of its receipt at an office of the Board or the date of delivery for the purpose of transmission to the Board's main office in Chicago, Illinois, to any field agent specifically authorized by a regional director to receive custody thereof in the district where delivery is made, whichever date is earlier.

Dated: April 23, 1982.

By authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 82-13218 Filed 5-13-82; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-83-80]

Partial Exclusion of Dividends and Interest; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the partial exclusion of dividends and interest from gross income.

DATES: The public hearing will be held on June 22, 1982, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by June 8, 1982.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LRT (LR-83-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 116, 854, 857, and 1232 of the Internal Revenue Code of 1954, the proposed regulations

appeared in the **Federal Register** for Tuesday, February 9, 1982 (47 FR 5902).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by June 8, 1982. Each speaker will be limited to 10 minutes for oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Director, Legislation and Regulations Division.

[FR Doc. 82-13217 Filed 5-13-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-022]

Hazard Communication; Public Hearings

Note.—This document originally appeared in the **Federal Register** for Wednesday, May 12, 1982. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of proposed rulemaking; modification of hearing notice.

SUMMARY: On March 19, 1982, OSHA Published a notice of proposed rulemaking (NPRM) on hazard communication in the **Federal Register** (47 FR 12092). A notice announcing dates and locations for public hearings on the NPRM was published on April 16, 1982 (47 FR 16348).

The locations announced for the hearings were Washington, D.C., Houston, San Diego and Detroit. The selection of these sites was based primarily on geographical considerations. Interested parties have since suggested that participation on the West Coast could be significantly increased by moving the hearing site there from San Diego to Los Angeles. OSHA has agreed to this suggestion and is hereby announcing that the hearing originally scheduled for San Diego on July 20, 1982, will take place instead in Los Angeles at the address indicated below. The other hearings will take place on the dates and at the locations announced in the April 16th notice at 47 FR 16348. The hearings will be conducted in accordance with the procedures specified in the March 19th NPRM at 47 FR 12119.

In order to allow interested parties more opportunity to decide to participate in the regional hearings, OSHA is also hereby extending the time for submission of notices of intention to appear and statements for these regional hearings. Notices and statements for participants in the Washington, D.C. hearing are still due May 18, 1982, and June 1, 1982, respectively.

DATES: Notices of intention to appear at the regional hearings must be received on or before June 15, 1982. Statements and any documentary evidence to be presented at these hearings must be submitted by July 1, 1982.

The date each hearing will begin and the cities in which they will be held are as follows:

Date hearing begins	City
1. June 15, 1982	Washington, D.C.
2. July 13, 1982	Houston, Texas.
3. July 20, 1982	Los Angeles, California.
4. July 27, 1982	Detroit, Michigan.

ADDRESSES: Notices of intention to appear at the hearings, statements and documentary evidence should be submitted to Mr. Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitutuion Avenue, N.W., Room N3635, Washington, D.C. 20210, (202) 523-8024.

The address for the hearing on July 20, 1982 is:

Santa Barbara (A) Room, Western Bonaventure Los Angeles Hotel, Fifth and Figueroa Streets, Los Angeles, California.

Notices of intention to appear at the public hearings, as well as any other information gathered by the Agency during this rulemaking, will be available for inspection and copying in the Docket Office. Docket H-022, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room S6212, Washington, D.C. 20210; (202) 523-7894.

FOR FURTHER INFORMATION CONTACT:

Hearings: Mr. Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3635, Washington, D.C. 20210; (202) 523-8024.

Proposal: Ms. Jennifer Silk, Office of Special Standards, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N3663, Washington, D.C. 20210; (202) 523-7166.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Secs. 6(b), 8(c) and 8(g), Pub. L. 91-596, 84 Stat. 1593, 1599, 1600; 29 U.S.C. 655, 657; 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C., this 10th day of May 1982.

Thorne G. Auchter,

Assistant Secretary for Occupational Safety and Health.

[FR Doc. 82-12975 Filed 5-10-82; 12:03 pm]

BILLING CODE 4510-26-M

29 CFR Parts 1910, 1915-1918, and 1926

[Docket No. H-049]

Respiratory Protection

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice requests data, views, and arguments concerning possible revisions to OSHA standards on respiratory protection in 29 CFR 1910.134, 29 CFR 1915.82, 29 CFR 1916.82, 29 CFR 1917.82, 29 CFR 1918.102, and 29 CFR 1926.103 including the need to regulate, relevant alternatives, and economic impact.

DATES: Data, views and arguments should be submitted by September 13, 1982.

ADDRESSES: Written submissions in response to this notice should be submitted to the Docket Officer, Docket

No. H-049, Room S6212, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone 202-523-7894. All written submissions and documents mentioned in this notice will be available for inspection and copying at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Rm. N-3637, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone 202-523-8151.

SUPPLEMENTARY INFORMATION: Many thousands of employees are exposed to potentially hazardous concentrations of toxic materials in the workplace and must wear respirators to protect their health. The current regulations governing the use of respirators have been in effect since 1971. The general industry standard, 29 CFR 1910.134, was adopted in May 1971 from a national consensus standard (American National Standard Z88.2-1969, Practices for Respiratory Protection). The construction industry standard, 29 CFR 1926.103, was promulgated in April 1971. On February 9, 1979, 29 CFR 1910.134 was formally recognized as applicable to the construction industry (44 FR 8577). The maritime standards were originally promulgated in the nineteen sixties under a different codification in the CFR by agencies which preceded OSHA. The present code designations and their promulgation dates are, as follows: 29 CFR 1915.82, Feb. 20, 1960 (25 FR 1543); 29 CFR 1916.82, January 22, 1963 (28 FR 547); 29 CFR 1917.82, March 27, 1964 (29 FR 4052); and 29 CFR 1918.102, Feb. 20, 1960 (25 FR 1565).

Section 1910.134, which most clearly sets forth the requirements of a respiratory protection program, states that the employer shall provide the proper, approved respirator for the circumstance and is responsible for carrying out a respiratory protection program. The program is to contain written procedures and provide for proper cleaning, disinfection, storage, inspection and maintenance of the respirators. General provisions are set forth on fitting and training. Requirements are included for qualiity of breathing air, and practices to ensure that it is not contaminated. Provisons for emergencies and for communication and rescue in atmospheres immediately dangerous to life or health are specified. A color code for gas mask canisters is detailed and other provisions are included. The respiratory protection provisions in the other affected standards are more general.

Since the promulgation of these regulations, the field of industrial respiratory protection has advanced significantly. Newer, improved methods of qualitative fit testing are now available. Qualitative fit testing has been used for many years and checks the adequacy of fit of a respirator by relying on the subjective response of the wearer in detecting an odor or irritation from an airborne chemical introduced into the air near the respirator. Another method of respirator fit testing, called quantitative fit testing (QNFT), has been developed and made easily available. Quantitiative testing measures the efficacy of fit of a respirator by actually measuring and comparing the contaminant level inside and outside a respirator facepiece. In addition, the concept of assigned protection factors, a numerical indication of the effectiveness of a respirator, has become firmly established. Finally, the consensus of industry concerning what constitutes a reasonable, effective respirator program has changed, as demonstrated by the recent issuance of a revised edition of ANSI Z88.2.

The ANSI Z88.2-1980 standard, entitled "Practices For Respiratory Protection," is a revision of the 1969 ANSI standard. It is available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, and is also available for inspection at the Docket Office. The new edition is an extensive revision of the previous edition, incorporating the following changes:

- Oxygen deficiency is more thoroughly discussed.
- Quantitative fit testing is now included and described.
- Qualitative testing is more fully described.
- The concept of protection factors is introduced.
- Higher protection factors are assigned when quantitative fit testing is used.
- The section on respirator selection is expanded and now includes fit testing.
- The special problems section now includes a discussion of use in confined spaces.

Besides these developments, the demands on respiratory protection have also increased substantially since 1971. Levels of airborne contaminants allowed by recent OSHA health standards, such as arsenic, lead and cotton dust, are substanitally lower than previous standards. Levels of contaminants considered acceptable by non-regulatory authorities, such as the American Conference of Governmental Industrial Hygienists (ACGIH), have been lowered significantly for a great many substances. Providing respiratory protection against known or suspected carcinogens has become much more difficult and complex as more substances have been identified as carcinogens and as the degree of protection expected has increased.

Recent OSHA health standards have imposed respiratory related requirements not found in 29 CFR 1910.134. (See § 1910.1018(h), arsenic; § 1910.1025(f), lead; § 1910.1029(g), coke oven emissions; and § 1910.1043(f), cotton dust). These requirements include:

- Quantitative fit tests have been required both annually and semiannually.
- Employees have been given the privilege of using powered air purifying respirators (PAPR) upon request.
- Employees have been allowed to change the filter elements of a respirator whenever an increase in breathing resistance is detected.
- Employees have been allowed to wash their faces and respirator facepieces to prevent skin irritation associated with using respirators.
- Employers have been required to provide respirators that exhibit minimum facepiece leakage.
- Referral of an employee to a physician trained in pulmonary medicine has been required for an employee who exhibits difficuly breathing either at fit testing or during routine respirator use.

In addition, developments in microprocessor and other new technologies have made it possible to develop respirators with warning devices to indicate whether the respirator is providing appropriate protection while in use, and communication equipment so that employees can warn each other of safety hazards and coordinate their work activities in a safe manner. Improvements in cartridge technology may permit development of respirators for protection from chemicals for which there are not now any approved respirators. Further developments in powered air purifying respirators may permit their broader use to reduce fatigue factors, skin irritation problems, and breathing resistance difficulties sometimes created by negative pressure respirators. These possible improvements when taken together would make it possible to have a more effective respirator program.

Since current respiriator standards are based on older technologies,

respirator suppliers have claimed to be inhibited from developing improved respirators which do not fit into existing categories or which provide protection from chemicals not included in present approval criteria because of the time involved from respirator development to ultimate approval. Suggestions on regulatory or other changes to further encourage the development of improved respirators and to permit their approval are requested.

It has become evident to OSHA that there is a good deal of confusion among respirator users over the distinction between the "fit factor" as determined by QNFT and the true, effective "protection factor" which is the actual protection afforded by a respirator when in use. The manufacturers of quantitative fit test equipment have correctly emphasized that their equipment does not take account of the normal filter leakage and measures only the leakage around the face/sealing area of the mask plus any contribution from exhalation valve leakage.

In addition, it has become apparent that the laboratory type testing of QNFT may tend to overestimate how well a respirator fits when an employee wearing it is working at his job. Therefore there is uncertainty now about how high an apparent protection factor (actually fit factor) must be demonstrated by QNFT to insure that employees are properly protected on the job.

OSHA has also been evaluating the appropriateness of improved methods of qualitative fit testing as an alternative to the quantitative fit testing required by the lead standard (29 CFR 1910.1025). Although that issue is being dealt with in a separate rulemaking proceeding (see 46 FR 27358, May 19, 1981), the arguments and information involved are also relevant to this advance notice. Therefore the record of that rulemaking (docket no. H-049A) will also be placed in the record of this proceeding. One of the major questions involved in that rulemaking is whether qualitative fit testing (QLFT) can be so arranged and conducted as to properly determine whether a respirator is in fact adequate for a specific application.

Another important question is whether di-2-ethylhexyl phthalate (DEHP), the most widely used challenge agent for QNFT, should continue to be used for QNFT in view of the recent finding by the National Toxicology Program that DEHP caused cancer in rats and mice in a two year feeding study. This study is reported in "NTP Technical Report on the Carcinogenesis Bioassay of Di-2-ethylhexyl phthalate—CAS 117-81-7," DHHS Publn. No. NIH-81-1773, which is available in draft form (dated Oct. 15, 1980) in the OSHA docket office (Docket file H-049A, exhibit 12). There are several substitute challenge agents that can be used to conduct QNFT, thereby considerably reducing the importance of DEHP. Examples include corn oil and di-2-ethylhexyl sebacate.

All of these factors indicate to OSHA that existing standards related to respiratory protection should be reexamined in light of current knowledge and accepted industrial hygiene practice. If OSHA does not respond to this situation, many employees may be needlessly overexposed to a variety of airborne toxic materials because of inappropriate respirator programs. Such exposure could result in severe illness and disability. Alternatively, obsolete regulation may unnecessarily limit an employer's options in providing respiratory protection, or restrict innovation in respiratory protection devices. Inadequate regulations may also impose unnecessary costs.

Consequently, OSHA is interested in receiving data and views from all interested parties on a wide variety of issues related to the revision of OSHA's respiratory protection standards. These issues are presented in the form of questions to assist interested persons in developing their responses. These questions represent issues that have already been brought to the Agency's attention. Some are of general nature and others address specialized technical issues which may be principally of interest only to the technical community. Interested persons, of course, may wish to submit information and views on issues that are not addressed by the questions or to respond only to some of the questions of special interest to themselves.

Paragraph (a)(1) of § 1910.134 requires that engineering controls be used to reduce excessive employees exposures to airborne contaminants and permits the use of respirators only while feasible engineering controls are being installed or when such controls are not feasible. This requirement is the subject of continuing controversy in those situations where respiratory protection programs are thought to be more cost effective than engineering controls. This rulemaking on respiratory protection standards is a necessary prerequisite in addressing this policy. Although the agency is inviting comment on this subject (see question 30), OSHA regards the evaluation of the technical aspects of respirator adequacy and effectiveness, as well as respirator program requirements, to be an imporant and crucial first step in reexamining the broad policy of the priority of engineering controls over respirators. Rational decisions concerning when it is appropriate to use respirators must be based on prior knowledge of the effectiveness of respirators and respiratory protection programs. The factors that determine the performance levels of respirator programs are independent of decisions to employ respiratory protection in some particular situation. In a like manner, judgements as to cost effectiveness must also be based on prior knowledge of the costs associated with respiratory protection programs. Thus, OSHA will address the technical aspects of respiratory protection in this rulemaking before addressing the larger subject of the relationship between engineering controls and personal protective equipment. General policy with respect to engineering controls is a controversial standards policy important enough to be treated separately from the technical aspects of respirators and respiratory protection programs. Therefore OSHA will in the near future publish a separate notice discussing in detail this subject of the hierarchy of controls and requesting comment separately on issues relevant to it.

In order to assist the public and the Agency in evaluating these issues, OSHA has compiled the following background information and reports.

Los Alamos National Laboratory (LANL) of the University of California at Los Alamos, New Mexico, has done considerable work on respiratory protection. Their report LA-6084-MS, issued January 1976, entitled "Respirator Protection Factors," is the basic source for the protection factors now commonly applied to various respirators. This report also discusses quantitative fit testing. Other LANL reports that may be of interest include LA-5488, issued March 1974, "Selection of Respirator Test Panels Representative of U.S. Adult Facial Sizes"; LA-6722-PR, issued February 1977, "Respirator Studies for the National Institute for Occupational Safety and Health: July, 1975—Dec. 31, 1976," which discusses various aspects of quantitative fit testing and respirator evaluation; and LA-7317-PR, issued June 1978, "Respirator Studies for the National Institute for Occupational Safety and Health: Jan. 1-Dec. 31, 1977," which discusses the testing of powered air purifying respirators, interlaboratory comparison of data for dust-fume-mist filters, and fit testing for gas and vapor respirators. The LANL work has also resulted in reports in the literature, including "Effect of Facial Hair on

Respirator Performance" by E. C. Hyatt, et. al., that appeared on pp. 135–142 of the American Industrial Hygiene Association Journal of April 1973, and "The Physiological Consequences of wearing Industrial Respirators; a Review" by Peter B. Raven, et. al., that appeared on pp. 517–534 in the June 1979 issue of the same journal.

As part of a joint OSHA–NIOSH project called the standards completion project, the two agencies developed a document called the Respirator Decision Logic. This document is an attempt to set forth in a clear, logical, concise form the factors that must be considered and the choices that must be made in selecting a suitable respirator for any application. Although the document was not published, the last revision, dated February 1, 1978, is available from the OSHA docket office at the address shown below (cite docket number H–049 and exhibit 9).

Several documents submitted to OSHA for the standards completion project, docket no. SCP–1, are also relevant here. The "Industrial Safety Equipment Association Analysis of Supporting Test Data" submitted by Mr. Frank Wilcher of ISEA takes issue with the LANL determinations of protection factors, (see exhibit 45–9). Two papers from that file address aspects of respirator comfort: "Respirator Comfort: Subjective Response to Force Applied to the Face" by S. H. Snook, et. al., A.I.H.A. Journal, March–April 1966, p. 93–97, (exhibit 18F); and "Performance and Acceptance of Respirator Facial Seals" by W. A. Burgess and W. C. Hinds, Ergonomics, 1970, vol. 13, no. 4, p. 455–464, (exhibit 18G). "Effectiveness of Dust Respirators in Underground Coal Mines" by H. E. Harris, et. al., Transactions of the Society of Mining Engineers, AIME, vol. 256, June 1974, p. 153–161 (exhibit 18D) discusses the actual protection afforded by respirators on the job and factors that account for variations.

In addition, quantitative fit testing has been studied by Mr. William H. Revoir then with the Norton Co. for the ANSI committee on respirator practices, and reported in two Norton technical reports, no's R–115 and R–116, (docket H049A, exhibits 13 and 14, respectively). Report R–115 deals with a comparison of test results between a qualitative test using isoamyl acetate and a quantitative test using DEHP. Report R–116 discusses the impact on test results of performing head and neck movements during testing.

All of these studies and reports provide further background information relevant to the questions asked in this advance notice. These studies and other documents referred to in this notice have been placed in the docket and are available for inspection and copying at the docket office.

In addition to specific responses to the questions posed in this notice and in accordance with the provisions of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164 (5 U.S.C. 601 *et seq.*)) and Executive Order No. 12291, OSHA also requests information regarding the economic impact which the contemplated changes discussed below might have on affected industries in general and, in particular, on small businesses and other small entities. (See question 32). Information regarding environmental impacts is also requested. Since this notice is an advance notice of proposed rulemaking, and no specific proposal or alternatives are presented, firm, detailed cost and impact data may not be available. However, whatever data that are available or can be estimated should be submitted to assist the Agency in the development of a proposal and alternatives.

Commentors responding to this notice should note that § 1910.134 is applicable to workplaces in general. It also applies to the construction and maritime industries to the extent that § 1910.134's provisions are not covered by the provisions on respirators in the construction and maritime standards. Also, where a more specific standard, such as a single-substance health standard, contains respirator provisions, those provisions take precedence over the more general provisions of § 1910.134. The provisions on respirators in the construction standards and in the maritime standards apply only to their respective industries.

Issues for comment: Data, views, and arguments are solicited on all of the issues described below and on other relevant issues.

Since this notice addresses a wide variety of industries, each commentor should include the following information so that his (her) other remarks may be usefully grouped and compared: What conditions or circumstances are you using as a basis for your comments, in terms of,

a. Job(s), operation(s), process(es);

b. Toxic material(s);

c. Level of exposure without regard to respirators;

d. Frequency and duration of exposure;

e. Type and amount of work or physical labor, including frequency and duration;

f. Medical screening or surveillance already practiced;

g. Applicable environmental conditions: high or low temperature, high humidity, skin irritants present, etc.;

h. Work schedule, including breaks and rest periods;

i. Size of facility physically and in terms of employment; and

j. Age and health of affected employees?

1. Should current standards be revised? What alternatives to regulation are available?

2.a. Should all or part of the new ANSI Z88.2–1980 standard be adopted as an OSHA standard?

b. If so, which parts and why?

c. Which, if any, advisory provisions of the ANSI standard should be made mandatory for OSHA purposes?

3.a. Should a protection factor of 100 for full facepiece respirators be made generally applicable in the regulations or should 50, as recommended by Los Alamos National Laboratories, be retained?

b. Should the protection factors (other than for full facepiece respirators) recommended by Los Alamos National Laboratories be made generally applicable in the regulations?

c. What other values, if any, should be specified for protection factors?

d. In what manner, if any, should OSHA allow QNFT to be used by an employer to assign a higher protection factor to a respirator for an individual or a group?

e. In what way should a distinction be made between *fit* factors determined by QNFT and true *protection* factors, that include filter leakage?

f. What methods or protocols are available to determine the true protection factor an employee achieves while in the actual workplace?

4.a. Should there be a distinction in the regulations between disposable respirators and other half-mask respirators?

b. In particular, should the protection factors for the disposable respirators be the same as for other half-mask respirators?

5.a. What protocol(s), if any, for qualitative fit testing (QLFT) should be specified in any new OSHA standards as acceptable testing method(s)?

b. Are there different protocols appropriate for different uses of QLFT such as selection and fitting, periodic fit checking, or checking the fit at each donning?

c. How often should QLFT be repeated?

d. What exercises should be performed by the test subject during QLFT?

e. Should it be allowable to use substances identified as potential carcinogens as fit test challenge agents? If so, what basis should be used to determine that the probable dose is acceptable or unacceptable?

f. What basis should OSHA use to determine the acceptability of suggested QLFT protocols?

g. With the use of nonirritating test agents, does test subject bias significantly affect the usefulness of qualitative testing, or affect the test results a significant amount of the time?

h. Should increased testing or more frequent testing be required for respirators with facepieces that need adjustment other than strap tension to fit properly?

i. Under what circumstances and using what testing protocol would QLFT be sufficient to ensure that an employee's respirator fits sufficiently well?

6.a. What protocol(s), if any, for quantitative fit testing (QNFT) should be specified as acceptable testing method(s) in any new OSHA standards?

b. To be an adequate test, should QNFT be able to distinguish the respirator efficiency for each test exercise performed by the test subject?

c. To be an adequate test, should QNFT be able to demonstrate the variation of contaminant concentration behind the respirator during the breathing cycle?

d. What exercises should be performed by the test subject during QNFT, and for how long?

e. What test agents are suitable for QNFT, and what are the essential characteristics of an appropriate aerosol for solid and liquid agents?

f. What algorithm should be used to calculate the protection factor from QNFT?

g. What situations require QNFT?

h. What is an acceptable accuracy for a QNFT test?

i. Should it be allowable to use substances identified as suspect carcinogens as test agents? If so, what basis should be used to determine that the probable dose is acceptable or unacceptable?

j. Should increased testing (i.e. repetitions) be required for respirators with facepieces that need adjustment other than strap tension to fit properly?

k. For each required protection factor, how high a fit factor, determined by QNFT, should be required to ensure proper employee protection?

l. How will the fit factor determined vary with different testing equipment, challenge agents, procedures, and test conditions?

7. Which respirator related provisions, if any, of the more recent OSHA health standards (e.g. § 1910.1018(h)—arsenic, § 1910.1029(g)—coke oven emissions, § 1910.1043(f)—cotton dust, etc.) should be made generally applicable by incorporation into § 1910.134, Parts 1915–1918, or § 1926.103?

8.a. What type and level of training and retraining should be provided to all respirator users (c.f. § 1910.134(b)(2), (e)(5), (e)(5)(i), § 1915.82(a)(4), § 1926.103(c)(1))?

b. In such training, what topics should be covered and how thoroughly?

c. In which cases should more specialized or comprehensive training be required?

d. How should required training and retraining be specified?

9. What specifications should be made concerning the content of standard operating procedures presently required in § 1910.134(b)(1) and (e)(3)?

10.a. What medical screening, if any, of potential users of respirators should be required?

b. For those employees who use respirators, is it safe to require medical examinations only in those cases where there is some complaint by the employee or a problem is noticed by the fit testing technician?

c. Should the regulations limit an employer's choice of type, class or specialty of health care provider in obtaining these medical examinations?

d. Could a questionnaire be used to select those few individuals who should be medically examined?

e. What medical conditions, if any, of an employee should preclude the wearing of a respirator? Explain.

f. What medical conditions, if any, could be aggravated by wearing a respirator?

g. Could the wearing of a respirator medically endanger an employee? If so, with what respirator, and as a result of what medical condition?

11. The respirator testing criteria used by the National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA) (30 CFR Part 11) have been acknowledged by NIOSH to be in need of extensive revision.

a. Should OSHA independently address the adequacy and application of some or all types or models of respirators? If yes, specify in detail.

b. Should OSHA always accept the adequacy of MSHA/NIOSH approved respirators without additional requirements (e.g. higher performance requirements for use against certain substances)?

c. Under what circumstances, if any, should OSHA allow the use of respirators not approved by MSHA/NIOSH under 30 CFR Part 11?

d. Should OSHA automatically reject any modification to approved respirators?

e. Should OSHA allow the interchange of parts between different makes or types of respirators?

f. Should OSHA recognize other organizations' (other than NIOSH) testing and certification of respirators?

g. Are there changes in regulations or procedures that would encourage more rapid development and utilization of respirators to provide protection from chemicals for which there are no currently approved respirators?

h. Are there changes in regulations or procedures which would encourage more rapid development and utilization of respirators which would provide immediate warning of over exposure; improved communication capabilities; reduced skin irritation, breathing resistance or heat stress; or other improvements?

i. In order for negative pressure air purifying respirators to be permitted for protection from a gaseous chemical, should that chemical always present adequate warning properties?

j. How, if at all, should OSHA address physical aspects of respirator performance and suitability such as abrasion resistance, tear strength, withstanding temperature extremes, corrosion resistance, and field of vision?

12. Should OSHA continue to accept as adequate all manufacturers' instructions for fit checking (§ 1910.134 (e)(5)(i))?

13. When, if at all, should OSHA limit the amount of time in a single shift that employers may require their employees to wear respirators? (The lead standard (29 CFR 1910.1025 (f)(1)(i) imposes a limit of 4.4 hours in some cases.)

14. In determining compliance with exposure standards for those employees wearing respirators, should OSHA assume that an employee's exposure has been reduced by a factor equal to the assigned protection factor of the respirator? Such an assumption is already part of the enforcement policy for the cotton dust standard. (See 46 FR 85736, Dec. 30, 1980.) It allows an employee to wear a respirator for only part of the work shift when respirators are relied upon to achieve compliance with permissible exposure levels.

15.a. What degree of surviellance of work area conditions and degree of employee exposure and stress are adequate to ensure safe use of respirators (cf § 1910.134 (b)(8))?

b. What costs are associated with this surveillance?

c. For situations that require the use of respirators for extended periods, what limitations should be placed on and employee's schedule of use of that respirator in order to make adequate allowance for:

1. Degree of exertion required by the work activity?

2. Physiological burden imposed by different respirator types?

3. Physiological burden imposed by the ambient temperature and humidity or by radiant heat?

16.a. How frequently should the carbon monoxide concentration be measured from an air compressor without a carbon monoxide alarm?

b. Is there any reason not to require a carbon monoxide alarm on all oil-lubricated compressors used to provide breathing air?

17. Should acceptable respirator breathing air continue to be specified as Grade D from Compressed Gas Association Commodity Specification G7.1–1966 (§ 1910.134(d)(1)) or should some alternate specification, such as grade E, be used?

18. It has been claimed that some powered air purifying respirators (PAPR's) have been shown to induce inward leakage.

a. In view of this, what protection factor is appropriate and how should proper fit be ascertained?

b. Should PAPR's have alarms to indicate low air flow?

c. Under what circumstances would PAPR's be made available to employees?

19. a. What recordkeeping should be required to ensure an effective respirator program? Possible items for documentation include breathing air chemical analysis, fit testing, medical evaluations, respirator inspection, etc.

b. What costs are associated with these items?

20. What type and level of training and education should be considered the minimum required to permit a person to train others in respiratory protection?

21. Under what circumstances, if any, should men with beards be permitted to wear each type or style of respirator?

22. To what extent, if any, should the OSHA/NIOSH Respirator Decision Logic be incorporated into revised OSHA standards?

23. What level(s) of oxygen deficiency should impose a restriction on the types of respirators that may be worn?

24. How should "immediately dangerous to life or health" (IDLH) be defined with respect to limiting respirator use for oxygen deficiency or for the presence of toxic materials?

25. How and to what extent should respirator regulations for the maritime and/or construction industries differ from those for general industry?

26. Should regulations be established for permissible shelf life for filters, cartridges and canisters?

27. Using either sanitary, durability, or service life considerations, how long should "disposable" respirators be permitted to be used?

28. For work in atmospheres immediately dangerous to life or health, are there respiratory devices other than self-contained breathing apparatus that are suitable for use by standby persons? (See § 1910.134(e)(3)(iii)).

29. Respirator filters and sorbents have a limited service life.

a. What limits, if any, should be placed on particulate filters?

b. In what manner should allowance be made for the degradation of some filters due to humidity?

c. What scheme should be used to specify service lives for organic vapor cartridges and canisters for various organic vapors. What use can be made in this regard of published breakthrough times for various organic vapors? (See, for example, Nelson and Correia, *American Industrial Hygiene Association Journal*, September, 1976, p. 514; and others.)

d. Should sorbent cartridges be restricted to a single day's use on account of the desorption that may occur during overnight storage and exposure to humidity?

30.a. Should the respirator standards continue to address the relative priority of engineering controls and respirators? (See § 1910.134(a)(1).)

b. Do feasible engineering controls always provide better protection or greater assurance of protection of employee health than the use of respirators?

31. Are there any other issues or problems relevant to respiratory protection programs in general industry, maritime, or construction which OSHA should address in revising current standards?

32.a. What would be the economic impact on affected industries and on small business and other small entities of the possible changes to OSHA regulations described above or suggested by you or other commentors?

b. Which, if any, of these changes would result in major increases or decreases in costs or prices for individual industries, small business, other small entities, or consumers?

c. Would these changes have a significant economic impact on a substantial number of small businesses or other small entities?

d. Would these changes, taken individually or as a whole, result in significant adverse or beneficial effects on domestic or foreign competition, investment, productivity, or innovation?

33. There have been claims that the use of respirators results in productivity losses.

a. What factors may contribute to productivity losses?

b. What are the costs of each of these factors?

c. What is the aggregate cost, if any, of productivity losses induced by the use of respirators?

d. What provisions of current respirator standards affect productivity?

e. What effective alternatives are available that could reduce these productivity losses?

34. Respirator program costs can vary widely depending on the conditions which necessitate respirator use.

a. How much time during a typical shift are respirators actually work? Please be as specific as possible about tyupe of industry and classification of employee concerned.

b. How many employees and what portion of the employer's workforce use respirators?

c. What are typical maintenance and replacement costs for each type of respirator used?

d. What are the total costs and per employee costs for a quantitative fit testing program? Where known, separately state the costs of program staff training, equipment purchase, equipment rental, consultant fees, employee time, program staff time, and the number of tests performed per employee.

e. What are the total costs and per employee costs for a quantitative fit testing program? Where known separately state the costs of program staff training, equipment purchase, equipment rental, consultant fees, employee time, program staff time, and the number of tests performed per employee.

All comments submtted in response to these questions and this notice generally will become part of the record of any resulting rulemaking and will be carefully considered in the development of any proposed regulation on these matters. All comments in response to this notice should be submitted by September 13, 1982 to the Docket Officer, Docket No. H–049, Room S6212, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W.,

Washington, D.C. 20210; telephone 202–523–7894.

This document was prepared under the direction of Thorne Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, D.C. 20210.

List of Subjects in 29 CFR Parts 1910, 1915–1918, 1926

Occupational safety and health, Respiratory protection.

(Sec. 6. Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR Part 1911; 40 U.S.C. 333; 33 U.S.C. 941; 41 U.S.C. 35, 38; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington. D.C., this 10th day of May 1982.

Thorne Auchter,

Assistant Secretary of Labor.

[FR Doc. 82–13108 Filed 5–13–82; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitle A and Chs. I–IV, VI and VII

Department of Education Semiannual Regulations Agenda and Review List

AGENCY: Office of the Secretary, Ed.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: The Secretary of Education publishes a semiannual agenda of regulations as required by the Regulatory Flexibility Act and Executive Order 12291 ("Federal Regulations"). This agenda provides a brief description of regulations being developed or reviewed by the Department of Education. The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2129 FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–7091.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96–354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, an agenda of regulations that the Department expects to issue and currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations (FR) for which NPRMS have been published.

For each set of proposed or final regulations listed, the agenda provides a: (1) Title, (2) summary, (3) contact person, and (4) decision date (expected month of publication of the final regulations (FR) or (MPRM).

The summary of each set of regulations includes: (1) A brief description of the proposed or final regulations; (2) notice whether a regulatory impact analysis is required by Executive order 12291; (3) notice whether a regulatory flexibility analysis is required by the Regulatory Flexibility Act; (4) a brief statement of the Department's objectives in issuing or reviewing the regulations; (5) the legal basis for the regulations; and (6) the Code of Federal Regulations part number assigned to the regulations.

The Department is required by Executive Order 12291 to prepare a regulatory impact analysis for any set of regulations that is a "major rule" as defined by the order, and that is not exempted from the requirements in the order. This semiannual agenda specifies whether or not a regulatory impact analysis will be prepared for each set of regulations listed.

The Regulatory Flexibility Act requires that Federal agencies take into account the impact of their regulations on "small entities," including small businesses, small governmental jurisdictions, and other small organizations. The Department must prepare an initial regulatory flexibility analysis for any proposed regulations for which a notice of proposed rulemaking is issued on or after January 1, 1981 if the proposed regulations will have a significant economic impact on a substantial number of small entities. The Department's plan for review of regulations under the Regulatory Flexibility Act was published on August 5, 1981 at 46 FR 39882. A reference has been included in this agenda to indicate whether a regulatory flexibility analysis is required.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

Dated: May 7, 1982.

T. H. Bell,

Secretary of Education.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST

Title	Summary	Contact	Earliest expected decision date
Privacy Act Regulations—Amendment	A. *Description:* The amendment would exempt from certain access and notice provisions of the Privacy Act investigatory materials compiled for law enforcement purposes and contained in the complaint file and log system of records of the Office for Civil Rights. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The amendment would enhance the ability of the Department to acquire information pertinent to the compliance status of recipients and to achieve compliance by voluntary means. E. *Legal basis:* Section 3 of the Privacy Act of 1974 (5 U.S.C. 552a(k)) F. *Citation:* 34 CFR Part 5b	Antonio J. Califa, (202) 245–2184.	NPRM May 1982.
Education Department General Administrative Regulations (EDGAR)—Grant Programs without Specific Regulations—Parts 75 and 76.	A. *Description:* The regulations under review establish procedures for grant awards under a program that does not have program-specific regulations. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not applicable D. *Objectives:* Amendments, if any, to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 414, of the Department of Education Organization Act (20 U.S.C. 3474). F. *Citation:* 34 CFR Parts 75 and 76	Chester Glod, (202) 245–7810.	NPRM May 1982.
Indian Fellowship Program	A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to Indian students applying for and receiving fellowships for study in six specified fields.	Alice Ford, (202) 245–7525.	NPRM May 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
	B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 423, Part B of the Indian Education Act of 1972, as amended by Section 1152 of Pub. L. 95-561 (20 U.S.C. 3385b). F. *Citation:* 34 CFR Part 263		
Part B of the Education of the Handicapped Act	A. *Description:* The regulations under review govern a program of Federal entitlement grants to assist State educational agencies in the education of handicapped children. B. *Regulatory impact analysis:* Required C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part B of the Education of the Handicapped Act, as amended by Pub. L. 94-142 (20 U.S.C. 1411-1420). F. *Citation:* 34 CFR Part 300.	Shirley Jones, (202) 245-9661.	NPRM May 1982.
Incentive Grants—Early Childhood	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects that provide special education and related services to handicapped children ages three through five. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 619, Part B of the Education of the Handicapped Act, as amended by Pub. L. 94-142 (20 U.S.C. 1419). F. *Citation:* 34 CFR Part 301	Shirley Jones, (202) 245-9661.	NPRM May 1982.
Centers and Services for Deaf-Blind Children	A. *Description:* The regulations under review govern a program of Federal grants to a limited number of model centers that specialize in intensive educational and personal adjustment services for deaf-blind children. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 622, Part C of the Education of the Handicapped Act (20 U.S.C. 1422). F. *Citation:* 34 CFR Part 307	Jane C. Williams, (202) 472-2535.	NPRM May 1982.
Early Education for Handicapped Children	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to develop and carry out experimental preschool and early education programs for handicapped children. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 623 of the Education of the Handicapped Act (20 U.S.C. 1423). F. *Citation:* 34 CFR Part 309	Richard Champion, (202) 245-9722.	NPRM May 1982.
Training Personnel for the Education of the Handicapped.	A. *Description:* The regulations under review govern a program of Federal financial assistance to State educational agencies, institutions of higher education, and other nonprofit agencies to increase the quantity and improve the quality of personnel to educate handicapped children. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 631, 632, and 634, of the Education of the Handicapped Act (20 U.S.C. 1431, 1432 and 1434). F. *Citation:* 34 CFR Part 318	Edward R. Moore, (202) 245-9491.	NPRM May 1982.
Captioned Films Loan Service for the Deaf Program.	A. *Description:* The regulations under review govern a program that loans captioned films for use by or for deaf persons. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 651-652 of the Education of the Handicapped Act, as amended by Pub. L. 93-380 (20 U.S.C. 1451-1452). F. *Citation:* 34 CFR Part 330	Malcolm Norwood, Jack Tringo, (202) 472-4640.	NPRM May 1982.
Educational Media—Loan Service for the Handicapped Program.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to make educational media available for nonprofit purposes to handicapped persons and others directly involved in activities for handicapped persons. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 651-652 of the Education of the Handicapped Act, as amended by Pub. L. 93-380 (20 U.S.C. 1451-1452). F. *Citation:* 34 CFR Part 331	Malcolm Norwood, Jack Tringo, (202) 472-4640.	NPRM May 1982.
Educational Media—Research, Production, Distribution, and Training.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to carry out research, production, distribution, and training related to the use of educational media for the handicapped. B. *Regulatory impact analysis:* Not required	Malcolm Norwood, Jack Tringo, (202) 472-8236.	NPRM May 1982.

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Title	Summary	Contact	Earliest expected decision date
	C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 651-652 of the Education of the Handicapped Act, as amended by Pub. L. 93-380 (20 U.S.C. 1451-1452). F. *Citation:* 34 CFR Part 332		
Centers for Educational Media and Materials for the Handicapped Program.	A. *Description:* The regulations under review govern a program of Federal financial assistance for the establishment and operation of centers for educational media and materials for the handicapped. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 653 of the Education of the Handicapped Act, as amended by Pub. L. 94-142 (20 U.S.C. 1453). F. *Citation:* 34 CFR Part 333	Malcolm Norwood, Jack Tringo, (202) 472-4640.	NPRM May 1982.
State Vocational Rehabilitation Services Program	A. *Description:* The regulations under review govern a formula grant program to States for the purpose of assisting physically and mentally handicapped individuals to become gainfully employed. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 720, *et seq.*). F. *Citation:* 34 CFR Part 361	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Centers for Independent Living	A. *Description:* The regulations under review govern a program of Federal financial assistance for planning, establishing, and improving centers designed to promote the independence, productivity, and quality of life for severely handicapped individuals. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 711 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 796(c)). F. *Citation:* 34 CFR Part 366	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Vocational Rehabilitation Service Projects	A. *Description:* The regulations under review contain general requirements governing eight programs of Federal financial assistance for projects designed to provide vocational rehabilitation and related services to handicapped individuals and other persons. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c), 112, 130, 305, 311(a)(1), 311(a)(3), 312, 316, and 621 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c), 732, 750, 775, 777(a)(1), 777(a)(3), 777(b), 777f, and 795g). F. *Citation:* 34 CFR Part 369	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Vocational Rehabilitation Service Projects—Client Assistance Projects.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects that make counselors available to assist clients and client applicants (1) in their relationships with the projects, programs, and facilities providing services under the Rehabilitation Act of 1973, and (2) in pursuing legal, administrative and other appropriate remedies to ensure protection of their rights under the Act. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 112 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 732). F. *Citation:* 34 CFR Part 370	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Vocational Rehabilitation Service Projects—Handicapped American Indian Vocational Rehabilitation Service Projects.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to provide vocational rehabilitation services to handicapped American Indians who reside on Federal or State reservations. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis: Not required* D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 130 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 750). F. *Citation:* 34 CFR Part 371	Charles Smolkin,(202) 472-3796.	NPRM May 1982.
Vocational Rehabilitation Service Projects—Comprehensive Rehabilitation Centers.	A. *Description:* The regulations under review govern a program of Federal financial assistance for the establishment and operation of comprehnsive rehabilitation centers. These are centers designed primarily for the development delivery, and coordination of vocational rehabilitation and other services needed by handicapped persons in the community. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.	Charles Smolkin, (202) 472-3796.	NPRM May 1982

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
	E. *Legal basis:* Section 305 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 775). F. *Citation:* 34 CFR Part 372		
Vocational Rehabilitation Service Projects—Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to expand or otherwise improve vocational rehabilitation services and other rehabilitation services for severely handicapped individuals. B. *Regulatory impact analysis:* Not Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 311 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 777(a)). F. *Citation:* 34 CFR Part 373	Charles Smolkin, (202) 472-3796.	NPRM May 1982
Vocational Rehabilitation Service Projects—Special Projects and Demonstrations for Making Recreational Activities Accessible to Handicapped Individuals.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed (1) to demonstrate methods of making recreational activities fully accessible to handicapped individuals, and (2) where appropriate, to renovate and construct facilities to demonstrate those types of methods. B. *Regulatory impact analysis:* Not Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 311(a)(3) of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 777A(a)). F. *Citation:* 34 CFR Part 374	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Vocational Rehabilitation Service Projects—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects that provide or purchase vocational rehabilitation services for handicapped migratory agricultural workers or handicapped seasonal farmworkers. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 321 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 777(b)). F. *Citation:* 34 CFR Part 375	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Vocational Rehabilitation Service Projects—Projects for Initiating Special Recreation Programs for Handicapped Individuals.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects providing handicapped individuals with recreational activities that aid their mobility and socialization. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 316 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 777(f)). F. *Citation:* 34 CFR Part 378	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Vocational Rehabilitation Service Projects—Projects with Industry.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects that provide handicapped individuals with training, employment, supportive services, and assistance to prepare them for competitive employment and permit them to maintain their employment. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 621 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 759g). F. *Citation:* 34 CFR Part 379	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Rehabilitation Training	A. *Description:* The regulations under review contain general requirements governing five programs of Federal financial assistance designed to (1) increase the supply of trained rehabilitation personnel, and (2) maintain and upgrade the skills of personnel employed as providers of rehabilitation services. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c), 304, and 306 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c), 744, and 776). F. *Citation:* 34 CFR Part 385	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Rehabilitation Training—Rehabilitation Long-Term Training.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to provide a balanced program of academic and non-academic training activities in a variety of fields of therapy and rehabilitation. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 304 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 774). F. *Citation:* 34 CFR Part 386	Charles Smolkin, (202) 472-3796..	NPRM May 1982.
Rehabilitation Training—Experimental and Innovative Training.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to (1) develop new types of rehabilitation personnel, (2) demonstrate the effectiveness of these personnel in providing rehabilitation services to the severely handicapped, and (3) develop new and improved methods of training personnel.	Charles Smolkin, (202) 472-3796.	NPRM May 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
	B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 304 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 774). F. *Citation:* 34 CFR Part 387		
Rehabilitation Training—State Vocational Rehabilitation Unit In-Service Training Program.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to train personnel in (1) effective management of services or (2) skill areas that improve their ability to provide rehabilitation services to the severely handicapped. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 304 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 774). F. *Citation:* 34 CFR Part 388	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Rehabilitation Training—Rehabilitation Continuing Education Programs.	A. *Description:* The regulations under review govern a program of Federal financial assistance for training centers that (1) serve a Federal region or another geographical area, and (2) focus on meeting recurrent and common training needs of employed rehabilitation personnel throughout a multi-State geographical area. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 304 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 774). F. *Citation:* 34 CFR Part 389	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Rehabilitation Training—Rehabilitation Short-Term Training.	A. *Description:* The regulations under review govern a program of Federal financial assistance for special seminars, institutes, workshops, and other short-term courses in technical matters related to the delivery of vocational medical, social, and psychological rehabilitation services. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(c) and 304 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(c) and 774). F. *Citation:* 34 CFR Part 390	Charles Smolkin, (202) 472-3796.	NPRM May 1982.
Adult Education State Programs—General	A. *Description:* The regulations under review contain general requirements common to three programs. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Secs. 301-318 of Pub L. 91-230, as amended by Title XIII of Pub. L. 95-561 (20 U.S.C. 1201-1211c). F. *Citation:* 34 CFR Part 425	Paul V. Delker, (202) 245-2278.	NPRM May 1982.
State-Administered Adult Education Program	A. *Description:* The regulations under review govern a program of Federal financial assistance to help States in the development of their State plans for adult education. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 301-318 of Pub L. 91-230, as amended by Title XIII of Pub. L. 95-561 (20 U.S.C. 1201-1211c). F. *Citation:* 34 CFR Part 426	Paul V. Delker, (202) 245-2278.	NPRM May 1982.
National Adult Education Development and Dissemination Program and Planning Grants.	A. *Description:* The regulations under review govern a program of Federal financial assistance (1) to States for planning the expansion of adult education services and (2) to public and nonprofit private agencies, institutions, and organizations for development, demonstration, and dissemination projects for the improvement of adult education. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Secs. 301-318 of Pub L. 91-230, as amended by Title XIII of Pub. L. 95-561 (20 U.S.C. 1201-1211c). F. *Citation:* 34 CFR Part 431	Paul V. Delker, (202) 245-2278.	NPRM May 1982.
Adult Education Programs for Immigrants and Indochina Refugees.	A. *Description:* The regulations under review govern a program of Federal financial assistance to help potential applicants in applying for Federal assistance to operate special adult education projects for immigrants and Indochinese refugees. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 301-318 of Pub. L. 91-230, as amended by Title XIII of Pub. L. 95-561 (20 U.S.C. 1201-1211c). F. *Citation:* 34 CFR Part 432	Paul V. Delker, (202) 245-2278.	NPRM May 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
Student Assistance General Provisions and Pell Grant Program—Amendments.	A. *Description:* The proposed regulations would amend certain provisions that apply to post-secondary educational institutions participating in Title IV student assistance programs. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The proposed amendments would (1) set standards of satisfactory academic progress for students receiving aid under Title IV student assistance programs, (2) simplify adversarila proceedings against postsecondary educational institutions alleged to have misued Federal funds under these programs, and (3) increase the responsibilities of institutions participating under the Alternate Disbursement System of the Pell Grant Program. (NOTE: The proposed amendments would be incorporated into the respective final regulations for the Student Assistance General Provisions (34 CFR Part 668) and the Pell Grant Program (34 CFR Part 690)). E. *Legal basis:* Part F of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1088-1097).. F. *Citation:* 34 CFR Parts 668 and 690	Andrea Foley, (202) 472-4300.	NPRM May 1982.
Guaranteed Student Loan Program: 1983-84 Family Contribution Schedules.	A. *Description:* The proposed regulations would establish levels of expected family contributions under the Guaranteed Student Loan Program for the 1983-84 award year. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The levels established by the regulations would be used in calculating the eligibility of student borrowers under this program. E. *Legal basis:* Part B of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374, Pub. L. 97-12, Pub. L. 97-35, and Pub. L. 97-92 (20 U.S.C. 1070-1087-3a). F. *Citation:* 34 CFR Part 682	Ralph Madden, (202) 245-2475.	NPRM May 1982. FR June 1982.
Education Department General Administrative Regulations (EDGAR)—Annual Funding Priorities—Part 75.	A. *Description:* The regulations under review (1) list the techniques that the Secretary may use to establish annual funding priorities for discretionary grant programs, and (2) codify the Department's position on publication of priorities for public comment. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not applicable D. *Objectives:* Amendments, if any, to the regulatione would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 414 of the Department of Education Organization Act (20 U.S.C. 3474). F. *Citation:* 34 CFR Part 75	Chester Glod, (202) 245-7810.	FR May 1982.
Eligibility of Foreign Medical Schools under the Guaranteed Student Loan Program.	A. *Description:* The regulations would govern the eligibility of foreign medical schools to participate in the Guaranteed Student Loan Program. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would establish (1) procedures by which foreign medical schools may apply for participation in the program, and (2) criteria the Secretary uses in determining eligibility for participation. E. *Legal basis:* Sections 432 and 435(a) of the Higher Education Act of 1965, as amended by Pub. L. 89-329 (20 U.S.C. 1082 and 1085).. F. *Citation:* 34 CFR Part 603, Subpart E	Richard J. Rowe, (202) 245-9873.	FR May 1982.
College Housing Program	A. *Description:* The regulations would revise existing regulations implementing a program that provides long-term, low-interest loans to colleges and universities. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The revised regulations would reflect changes resulting from public comments on the current regulations. E. *Legal basis:* Section 401 *et seq* of the Housing Act of 1950, as amended (12 U.S.C. 1749); and Section 306 of the Department of Education Organization Act (20 U.S.C. 3446). F. *Citation:* 34 CFR Part 614	Charles Griffith, (202) 245-8514.	FR May 1982.
Prior Experience for Special Programs for Students from Disadvantaged Backgrounds.	A. *Description:* The regulations—which would amend the regulations governing five programs—state additional criteria for evaluating certain applications. The amendment would affect the following programs: Special Services for Disadvantaged Students, Staff Development, Talent Search, Upward Bound, and Educational Opportunity Centers. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Thre regulations would implement criteria the Secretary uses to evaluate past performance of applicants that have conducted projects under the Special programs within the previous three years. E. *Legal basis:* Section 417A, Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070d). F. *Citation:* 34 CFR Parts 642, 643, 644, 645, and 646	Mary K. Smith, (202) 245-5211.	FR May 1982.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant programs.	A. *Description:* The regulations would (1) amend the formula used to distribute to institutions funds under the campus-based programs and (2) amend the appeals process. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would implement provisions related to funding and appeals procedures. E. *Legal basis:* Sections 413A-413D (Title IV-A-2), sections 441-448 (Title IV-C), and sections 461-469 (Title IV-E) of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1070). F. *Citation:* 34 CFR Parts 674, 675, and 676	John McGonigal, (202) 245-9720.	FR May 1982.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grants Programs—Amendments.	A. *Description:* Amendments to the regulations would establish the 1982-1983 funding procedures and revise appeal procedures for the three campus-based programs. B. *Regulatory impact analysis:* Not required C. Regulatory flexibility analysis: Not required	John McGonigle, (202) 245-9720.	FR May 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objectives:* The amendments would (1) establish the formula by which institutions of postsecondary education might receive funds under the campus-based programs during the 1982–83 award year, and (2) establish revised appeal procedures. E. *Legal basis:* Subpart 2 of Part A, Part C, and Part E of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070b–1070b–3, 42 U.S.C. 2751–2756b, and 20 U.S.C. 1087aa–1087ii). F. *Citation:* 34 CFR Part 674, 675, and 676.		
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Program—Technical Amendments.	A. *Description:* The regulations would amend certain provisions of the existing regulations, published on January 19, 1981, for the administration of the campus-based programs. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The amendments would (1) correct technical and typographical errors in the regulations, (2) change certain other provisions, and (3) provide legal clarifications. E. *Legal basis:* Subpart 2 of Part A, Part C, and Part E of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070b–1070b–3, 42 U.S.C. 2751–2756b, and 20 U.S.C. 1070aa–1078ii). F. *Citation:* 34 CFR Parts 674, 675, and 676.	Margaret Henry, (202) 245–9720.	FR May 1982.
Organizational Conflicts of Interest	A. *Description:* The proposed regulations would establish the Department's policy to avoid award of a contract or to permit termination of a contract when (1) an offeror's judgment may be biased because of any past, present, or currently planned interest—financial or otherwise—it may have related to the work to be performed; or (2) an offeror's performance of work under a previous contract has provided it with an unfair competitive advantage on subsequent procurements. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The proposed regulations would assure that, to the maximum possible extent, (1) contracts are freely and competitively awarded and (2) even the appearance of organizational conflicts of interest in the award process is avoided. E. *Legal basis:* Department of Education Organization Act (20 U.S.C. 3401 *et. seq.*; 5 U.S.C. 301; and 40 U.S.C. 486(c)). F. *Citation:* 41 CFR Part 34.	Peggy Saunders, (202) 245–1766.	NPRM June 1982.
Education Department General Administrative Regulations (EDGAR)—Selection Criteria—Part 75.	A. *Description:* These regulations under review establish general criteria the Secretary uses, together with specific program criteria, to evaluate applications for funding under discretionary grant programs. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not applicable. D. *Objectives:* Amendments, if any, to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 414 of the Department of Education Organization Act (20 U.S.C. 3474). F. *Citation:* 34 CFR Parts 75, 211, 215, 305, 307, 309, 315, 318, 324, 338, 408, 525–527, 624, 643–646, 726, and 740.	Chester Glod, (202) 472–7810.	NPRM June 1982.
Guidance and Counseling Program	A. *Description:* The regulations under review govern a program of Federal financial assistance to States to implement programs, projects and leadership activities that expand and strengthen counseling. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 341–344, Pub L. 94–482 (20 U.S.C. 2531–2534). F. *Citation:* 34 CFR Part 211.	Edward Batiste, (202) 245–8242.	NPRM June 1982.
Follow Through Program	A. *Description:* The proposed regulations would incorporate statutory requirements and provide for phaseout of the program. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objective:* The revised regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Subtitle A of Title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9861–68). F. *Citation:* 34 CFR Part 215.	Louis McGuinness, (202) 245–9846.	NPRM June 1982.
Auxiliary Activities Program	A. *Description:* The regulations under review govern a program of a Federal financial assistance for research, development, training, and dissemination activities concerning the education of handicapped children. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectivs:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 624 of the Education of the Handicapped Act (20 U.S.C. 1424). F. *Citation:* 34 CFR Part 315.	R. Paul Thompson, (202) 472–2535.	NPRM June 1982.
Recruitment of Personnel and Dissemination of Information.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects desinged to (1) encourage students and professional personel to work in various fields of education of handicapped children and youth (2) disseminate information about programs, services, and resources for the education of handicapped children, and (3) provide referral services to persons interested in the handicapped. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 633 of the Education of the Handicapped Act (20 U.S.C. 1433). F. *Citation:* 34 CFR Part 320.	Norm Howe, (202) 245–9736.	NPRM June 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
Research in Education of the Handicapped	A. *Description:* The regulations under review govern a program of Federal Financial assistance for projects designed to conduct research, surveys, model programs, and demonstrations related to the education of handicapped children. B. *Regultory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and imporvement of cost effectiveness. E. *Legal basis:* Sections 641 and 642 of the Education of the Handicapped Act, as amended by Pub. L. 93-380 and Pub. L. 95-49 (20 U.S.C. 1414-1444). F. *Citation:* 34 CFR Part 324.	Max Mueller, (202) 245-2275.	NPRM June 1982.
State Vocational Education Programs	A. *Description:* The regulations under review govern a program of Federal financial assistance to States for improved planning in the use of all resources available for vocational education and manpower training. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 101-195 of Title I of the Vocational Ecucation Act of 1963, as amended by Pub. L. 96-46 (20 U.S.C. 2301-2461). F. *Citation:* 34 CFR Part 400.	Tom Johns, (202) 472-6244.	NPRM June 1982.
Expected Family Contributions, 1983-84	A. *Description:* The proposed regulations would provide a common need analysis formula to be used for need-based student aid programs under Title IV of the Higher Education Act. The programs affected are: Pell Grant, National Direct Student Loan, Supplemental Educational Opportunity Grant, and College Work-Study. B. *Regultory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The proposed regulations would establish the expected family contributions based on the need analysis provisions common to the operation of the affected student aid programs. E. *Legal basis:* Section 482(a)(2), Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 and Pub. L. 97-35 (20 U.S.C. 1089). F. *Citation:* 34 CFR Part 668.	John McGonigal, (202) 245-9720.	NPRM June 1982.
National Institute of Education—Educational Research Grants Program.	A. *Description:* The proposed regulations would revise and consolidate regulations governing the award grants by the National Institute of Education for a variety of projects in educational research and development and dissemination of information. B. *Regultory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The revised regulations would be designed to (1) enhance the Institute's ability to respond to changing needs in educational research and development and (2) consolidate several sets of existing regulations, thereby eliminating duplicative paperwork requirements. E. *Legal basis:* Section 405 of the General Education Provisions Act, as amended by Pub. L. 96-374 (20 U.S.C. 1221e). F. *Citation:* 34 CFR Part 700.	Fritz Mulhauser, (202) 254-7930.	NPRM June 1982. FR September 1982.
Government in the Sunshine Act	A. *Description:* The regulations under review govern the grounds for closing meetings of the National Council on Education Research. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief and clarify certain provisions. E. *Legal basis:* Government in the Sunshine Act (5 U.S.C. 552b). F. *Citation:* 34 CFR Part 705.	Peter Gerber, (202) 254-7900.	NPRM June 1982. FR September 1982.
Women's Educational Equity Act Program	A. *Description:* The regulations under review implement a program of Federal financial assistance for model projects to promote educational equity for women. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part C of Title IX of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95-561 (20 U.S.C. 3341-3348). F. *Citation:* 34 CFR Part 745.	D. Jean Benish, (202) 245-8830.	NPRM June 1982.
National Diffusion Network Program	A. *Description:* The regulations under review govern a grant program that promotes the widespread adoption of exemplary educational programs. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* The regulations under review effect regulatory relief, and clarify other provisions. E. *Legal basis:* Section 583, Subchapter D (Secretary's Discretionary Fund) of Chapter 2, Education Improvement and Consolidation Act of 1981 (20 U.S.C. 3041). F. *Citation:* 34 CFR Part 796.	Bob Mulligan, (202) 653-7000.	NPRM June 1982. FR September 1982.
Equal Access to Justice	A. *Description:* The regulations would provide procedures for the awarding of reasonable attorney fees and other fees and expenses to qualified parties that prevail over the Department in certain administrative proceedings. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations would diminish the deterrent effect on certain entities of seeking review of, or defending against, unreasonable action by the Federal Government. E. *Legal basis:* Equal Access to Justice Act, Title II of Pub. L. 96-481 (5 U.S.C. 504). F. *Citation:* 34 CFR Part 21.	Carlos Chavez, (202) 426-5095.	FR June 1982.
Awards to Former Department Employers or to their Employers.	A. *Description:* The regulations would specify conditions under which a former Department of Education employee or an organization using the services of a former Department employee can be precluded from receiving a contract from the Department. B. *Regulatory impact analysis:* Not required.	Peggy Saunders, (202) 245-1766.	FR June 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
	C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would help eliminate any appearance of the Department's giving an unfair competitive advantage to an offeror. E. *Legal basis:* Department of Education Organization Act (20 U.S.C. 3401 *et seq.*; 5 U.S.C. 301; and 40 U.S.C. 486(c)). F. *Citation:* 41 CFR Part 34		
Educational Department General Administrative Regulations (EDGAR)—Amendments—Part 74.	A. *Description:* Amendments to the regulations would implement an attachment to OMB audit standards for recipients of Federal grants and subgants. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The amended regulations would incorporate by reference into EDGAR attachment P of Office of Management and Budget (OMB) Circular A-102. E. *Legal basis:* Section 414 of the Department of Education Organization Act (20 U.S.C. 3474). F. *Citation:* 34 CFR Part 74	Chester Glod, (202) 245-7810.	FR June 1982.
Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance.	*Description:* The amendment would revoke and existing regulatory provision prohibiting discrimination in the application of codes of personal appearance. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The amendment would reduce paperwork, eliminate unnecessarily burdensome regulations, and permit resolution of appearance code issues at the more appropriate local level. E. *Legal basis:* Sections 901 and 902 of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, 1682). F. *Citation:* 34 CFR Part 106	Antonio J. Califa, (202) 245-2184.	FR June 1982.
School Assistance in Federally Affected Areas (SAFA)—School Construction.	A. *Description:* The regulations would implement statutory amendments concerning basis of eligibility, heaings, and payments; establish and order of funding priority, describe criteria for waivers, and describe special rules for federally operated schools. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* The regulations would implement amendments to the law and clarify existing requirements. E. *Legal basis:* Pub. L. 81-815, as amended by Pub. L. 95-561 (20 U.S.C. 631-647) F. *Citation:* 34 CFR Part 221	Margaret Howe, (202) 245-0896.	FR June 1982.
School Assistance in Federally Affected Areas (SAFA)—Maintenance and Operation.	A. *Description:* The regulations would (1) implement statutory amendments concerning eligibility, hearings, entitlements, and payments; and (2) describe special arrangements for the provision of free public education. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would implement amendments to the law and clarify existing requirements. E. *Legal basis:* Pub. L. 81-874 (20 U.S.C. 236-244) as amended by Pub. L. 95-561 F. *Citation:* 34 CFR Part 222	Margaret Howe, (202) 245-0896.	FR June 1982.
Special Impact Aid Provisions for Local Educational Agencies that Claim Entitlements Based on the Number of Children Residing on Indian Lands.	A. *Description:* The regulations would establish requirements for local educational agencies claiming entitlements based on the number of children residing on Indian lands. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would implement amendments to the law and clarify certain regulatory provisions. E. *Legal basis:* Section 5(b)(3) of Title I of Pub. L. 81-874, as amended by Pub. L. 95-561 (20 U.S.C. 240(b)(3)). F. *Citation:* 34 CFR Part 223	Robert Farnham, (202) 245-8171.	FR June 1982.
Training Programs for Teachers of Handicapped Children in Areas with a Shortage—Technical Amendments.	A. *Description:* The regulations under review govern a program of Federal financial assistance for projects designed to increase the number of persons qualified to teach handicapped children in areas that have a shortage of those teachers. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Technical amendments to the regulations would (1) include one missing citation and (2) correct one incorrect citation. E. *Legal basis:* Title V-C of the Higher Education Act of 1965, as amended (20 U.S.C. 1119b-1119b-5). F. *Citation:* 34 CFR Part 322	William Wolfe, (202) 245-9661.	FR June 1982.
Student Assistance General Provisions	A. *Description:* The regulations under review revise general rules that apply to postsecondary educational institutional participating or wishing to participate in Title IV student assistance programs. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would (1) set standards of satisfactory academic progress for students receiving aid under Title IV student assistance programs, and (2) simplify adversarial proceedings against postsecondary educational institutions alleged to have misused funds under these programs. Amendments to the regulations would also be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part F of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1088-1097 and 1141(a)). F. *Citation:* 34 CFR Part 668	Andrea Foley, (202) 472-4300.	FR June 1982.
Guaranteed Student Loan Program—Amendment	A. *Description:* The regulations would amend the existing regulations, published on September 17, 1979, regarding general rules for the administration of the Guaranteed Student Loan Program by institutions, lenders, and State agencies. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* The regulations would incorporate changes made by Pub. L. 96-374, Pub. L. 97-12, and Pub. L. 97-35. E. *Legal basis:* Part B of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1071-1078-3a). F. *Citation:* 34 CFR Part 682	Sue Bierman, (202) 245-2475.	FR June 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
Pell Grant Program	A. *Description:* The regulations under review govern the administrative and technical operation of the Pell Grant Program by participating institutions of higher education. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would establish procedures by which a participating institution of higher education would determine the amount and duration of an undergraduate student's annual grant under this program, including new procedures for implementing the Alternate Disbursement System. Amendments to the regulations would also be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Subpart 1, Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a). F. *Citation:* 34 CFR Part 690	Brian Kerrigan, (202) 472-4300.	FR June 1982.
Pell Grant Program—Cost of Attendance—Amendments.	A. *Description:* The regulations establish the procedures by which participating instutitions of postsecondary education determine a student's cost of attendance under the Pell Grant Program for the 1982-83 award year. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would (1) alter the room and board provisions of the current regulations and (2) correct certain legal citations. E. *Legal basis:* Subpart 1, Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a). F. *Citation:* 34 CFR Part 690	Andrea Foley, (202) 472-4300.	FR June 1982.
Availability of Information to the Public under the "Freedom of Information Act".	A. *Description:* The regulations under review (1) inform the public as to what records of the Department of Education are generally available for inspection and copying, and (2) establish restrictions on the Department's denial of access to records. B. *Regulatory impact analysis:* Not applicable C. *Regulatory flexibility analysis:* Not applicable D. *Objectives:* Amendments would update and clarify the regulations, which establish a policy of disclosure limited only by obligations of confidentiality and the administrative necessities recognized by the Act. Unless otherwise exempted from disclosure, records of the Department are available for inspection and copying. E. *Legal basis:* Freedom of Information Act (5 U.S.C. 552), as amended by Pub. L. 93-502. F. *Citation:* 34 CFR Part 5	Jack L. Billings, (202) 245-8601.	NPRM July 1982.
Privacy Act	A. *Description:* The regulations under review contain general rules under which the Department of Education collects, maintains, uses, and disseminates information about individuals. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Proposed amendments would add to the regulations provisions pertaining to (1) procedures for notifying individuals about the existence of and access to their medical records, and (2) an appeals procedure for individuals denied access to any records about themselves that are maintained in systems of records of the Department. Other amendments to the regulations would be designed to effect regulatory relief. E. *Legal basis:* Privacy Act of 1974 (5 U.S.C. 552a) F. *Citation:* 34 CFR Part 5b	Jack L. Billings, (202) 245-8601.	NPRM July 1982.
Federal Financial Assistance—Nondiscrimination on the Basis of Race, Color, National Origin, Sex, or Handicap.	A. *Description:* The regulations implement Title VI of the Civil Right Act of 1964 (nondiscrimination on the basis of race, color, or national origin); Section 504 of the Rehabilitation Act of 1973 (nondiscrimination on the basis of handicap); and Title IX of the Education Amendments of 1972 (nondiscrimination on the basis of sex). The provisions under review require an applicant for or recipient of Federal financial assistance to complete and submit forms that assure compliance with the regulations. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* The proposed amendments would (1) revoke the requirement that an applicant for or recipient of Federal financial assistance sign and submit forms that assure compliance with these three regulations, and (2) make editorial changes solely for purposes of clarity and consistency. E. *Legal basis:* Sections 601 and 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and sections 901 and 902 of the Education Amendments of 1972, as amended by Pub. L. 93-568 (20 U.S.C. 1681 and 1682). F. *Citation:* 34 CFR Parts 100, 104, and 106	Antonio J. Califa, (202) 245-2184.	NPRM July 1982.
Federal Financial Assistance—Nondiscrimination on the Basis of Race, Color, National Origin, Sex, or Handicap.	A. *Description:* The regulations implement Title VI of the Civil Rights Act of 1964 (nondiscrimination on the basis of race, color, or national origin); Section 504 of the Rehabilitation Act of 1973 (nondiscrimination on the basis of handicap); and Title IX of the Education Amendments of 1972 (nondiscrimination on the basis of sex). The provisions under review concern applicability of the regulations and the definition of the term "Federal financial assistance". B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The proposed amendments would exclude from coverage under the regulations implementing these statutes contracts of insurance or guaranty, including loans made under the Guaranteed Student Loan Program and the Auxiliary Loans to Assist Students Program (PLUS Program). The amendments would also make the definition of the term "Federal Financial Assistance" consistent in the three regulations. E. *Legal basis:* Sections 601 and 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and sections 901 and 902 of the Education Amendments of 1972, as amended by Pub. L. 93-568 (20 U.S.C. 1681 and 1682). F. *Citation:* 34 CFR Parts 100, 104, and 106	Antonio J. Califa, (202) 245-2184.	NPRM July 1982.
Indian Education Act—General Provisions	A. *Description:* The regulations under review contain general rules that apply to all programs conducted under the Indian Education Act, except the Indian Fellowship Program. B. *Regulatory impact analysis:* Not determined	Norman Hearn, (202) 245-8236.	NPRM July 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
	C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Title IV of the Indian Education Act of 1972, as amended (20 U.S.C. 241aa-241ff, 1211a, 1221h, 3385, and 3385a). F. *Citation:* 34 CFR Part 250		
Indian Education Act—Entitlement Grants—Local Educational Agencies and Tribal Schools.	A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to local educational agencies operating elementary and secondary school projects meeting the special educational and culturally related needs of Indian children. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part A of the Indian Education Act of 1972, as amended (20 U.S.C. 241aa-241ff). F. *Citation:* 34 CFR Part 251	Norman Hearn, (202) 245-8236.	NPRM July 1982.
Indian Education Act—Indian-Controlled Schools—Establishment.	A. *Description:* The regulations under review implement those provisions of the Indian Education Act that apply to Indian tribes, Indian organizations, and local educational agencies operating projects to plan for and establish Indian-controlled schools. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part A of the Indian Education Act of 1972, as amended (20 U.S.C. 241bb(b)). F. *Citation:* 34 CFR Part 252	Norman Hearn, (202) 245-8236.	NPRM July 1982.
Indian Education Act—Indian-Controlled Schools—Enrichment Projects.	A. *Description:* The regulations under review implement those provisions of Part A of the Indian Education Act of 1972 that apply to Indian tribes, Indian organizations, and local educational agencies operating enrichment projects in Indian-controlled elementary and secondary schools. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part A of the Indian Education Act of 1972, as amended (20 U.S.C. 241bb(b)). F. *Citation:* 34 CFR Part 253	Norman Hearn, (202) 245-8236.	NPRM July 1982.
Indian Education Act—Demonstration Projects—Local Educational Agencies.	A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to local educational agencies operating demonstration projects designed to improve educational opportunities for Indian children. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part A of the Indian Education Act of 1972, as amended (20 U.S.C. 241bb(c)). F. *Citation:* 34 CFR Part 254	Norman Hearn, (202) 245-8236.	NPRM July 1982.
Indian Education Act—Educational Services for Indian Children.	A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to Indian tribes, organizations, and institutions, and to State and local edcuational agencies operating projects that provide to Indian children educational services not otherwise available. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part B of the Indian Education Act of 1972, as amended (20 U.S.C. 3385(a) and (c)). F. *Citation:* 34 CFR Part 255	Norman Hearn, (202) 245-8236.	NPRM July 1982.
Indian Education Act—Planning, Pilot, and Demonstration Projects for Indian Children.	A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to State and local educational agencies and Indian tribes and organizations operating planning, pilot, and demonstration projects designed to improve educational opportunities for Indian children. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part B of the Indian Education Act of 1972, as amended (20 U.S.C. 3385(a) and (b)). F. *Citation:* 34 CFR Part 256	Norman Hearn, (202) 245-8236.	NPRM July 1982.
Indian Education Act—Educational Personnel Development.	A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to institutions of higher education, State and local educational agencies, and Indian tribes and organizations operating projects that prepare persons to serve Indians through the educational professions. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part B of the Indian Education Act of 1972, as amended (20 U.S.C. 3385); and Section 422 of the Indian Education Act, as amended (20 U.S.C. 3385a).	Norman Hearn, (202) 245-8236.	NPRM July 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
Indian Education Act—Educational Services for Indian Adults.	F. *Citation:* 34 CFR Part 257 A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to Indian tribes, organizations, and institutions operating educational service projects designed to improve educational opportunities for Indian adults. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part C of the Indian Education Act of 1972, as amended (20 U.S.C. 1211a).	Norman Hearn, (202) 245–8236.	NPRM July 1982.
Indian Education Act—Planning, Pilot, and Demonstration Projects for Indian Adults.	F. *Citation:* 34 CFR Part 258 A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to State and local educational agencies and Indian tribes and organizations operating planning, pilot, and demonstration projects designed to improve employment and educational opportunities for Indian adults. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part C of the Indian Education Act of 1972, as amended (20 U.S.C. 1211a).	Norman Hearn, (202) 245–8236.	NPRM July 1982.
Indian Education Act—Adult Education Research and Development Projects.	F. *Citation:* 34 CFR Part 259 A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to State and local educational agencies and Indian tribes and organizations operating research and development projects for Indian adult education. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part C of the Indian Education Act of 1972, as amended (20 U.S.C. 1211a).	Norman Hearn, (202) 245–8236.	NPRM July 1982.
Indian Education Act—Adult Education Surveys	F. *Citation:* 34 CFR Part 260 A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to State and local educational agencies and Indian tribes and organizations operating projects to survey the extent of illiteracy and lack of high school completion among Indian adults. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part C of the Indian Education Act of 1972, as amended (20 U.S.C. 1211a).	Norman Hearn, (202) 245–8236.	NPRM July 1982.
Indian Education Act—Adult Education Dissemination and Evaluation Projects.	F. *Citation:* 34 CFR Part 261 A. *Description:* The regulations under review implement those provisions of the Indian Education Act of 1972 that apply to State and local educational agencies and Indian tribes and organizations operating projects to disseminate information about or to evaluate adult education programs for Indians. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E *Legal basis:* Part C of the Indian Education Act of 1972, as amended (20 U.S.C. 1211a).	Norman Hearn, (202) 245–8236.	NPRM July 1982.
Regional Resource Centers	F. *Citation:* 34 CFR Part 262. A. *Description:* The regulations under review govern a program of Federal financial assistance for the establishment and operation of regional centers designed to (1) develop and apply the best methods of appraising the special educational needs of handicapped children referred to them, and (2) provide other services to assist in meeting those needs. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 621 of the Education of the Handicapped Act (20 U.S.C. 1421).	Nancy Safer, (202) 472–4650.	NPRM July 1982.
Regional Education Programs for Handicapped Persons.	F. *Citation:* 34 CFR Part 305 A. *Description:* The regulations under review govern a program of Federal financial assistance for the operation and development of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 625 of the Education of the Handicapped Act, as amended by Pub. L. 93–380 (20 U.S.C. 1424a)..	Joseph Rosenstein, (202) 245–9722.	NPRM July 1982.
Rehabilitation Technical Assistance Program	F. *Citation:* 34 CFR Part 338 A. *Description:* The regulations under review govern a program of technical assistance in matters related to (1) the management of rehabilitation facilities and (2) the removal of architectural, transportation, or communication barriers to the handicapped.	Charles Smolkin, (202) 472–3796.	NPRM July 1982. FR September 1982.

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Title	Summary	Contact	Earliest expected decision date
	B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 12(a) and 506 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 711(a) and 794(b)). F. *Citation:* 34 CFR Part 393		
The Helen Keller National Center for Deaf-Blind Youth and Adults.	A. *Description:* The regulations under review govern a program of assistance to a center designed for the vocational rehabilitation of deaf-blind individuals. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 313 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (29 U.S.C. 777c). F. *Citation:* 34 CFR Part 394	Charles Smolkin, (202) 472-3796.	NPRM July 1982. FR September 1982.
Vending Facility Programs for the Blind on Federal and Other Property.	A. *Description:* The regulations under review govern a program designed to provide a priority for blind persons in the location and operation of vending facilities on Federal property. The regulations also establish for State licensing agencies certain responsibilities for the effective management of the vending facility program for the blind in each State. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 2 of the Rehabilitation Act of 1973, as amended by Pub. L. 95-602 (20 U.S.C. 107a). F. *Citation:* 34 CFR Part 395	Charles Smolkin, (202) 472-3796.	NPRM July 1982. FR September 1982.
College Housing Program	A. *Description:* The proposed regulations contain administrative requirements that would govern outstanding loans under the College Housing Program. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The proposed regulations would specify actions the Secretary is authorized to initiate against defaulted borrowers. Ther regulations would also establish procedures governing obligations of borrowers. E. *Legal basis:* Section 401 *et seq.* of the Housing Act of 1950, as amended (12 U.S.C. 1749) and Section 306 of the Department of Education Organization Act (20 U.S.C. 3446). F. *Citation:* 34 CFR Part 614	Edward Brantley, (202) 755-1254.	NPRM July 1982.
National Direct Student Loan Program—Amendments.	A. *Description:* The proposed amendments to the regulations would revise (1) due diligence standards for loan collections and (2) guidelines for the assignment of loans to the Department of Education for collection. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* The proposed amendments to the regulations would aid institutions in establishing proper collection procedures and, therefore, help reduce the number of defaulted loans. E. *Legal basis:* Part E of Title IV of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1087cc). F. *Citation:* 34 CFR Part 674, Subpart C	Gwen Dockett, (202) 245-9720.	NPRM July 1982.
Library Services, Public Library Construction, and Interlibrary Cooperative Program.	A. *Description:* The regulations under review govern a State-administered program that assists in establishing, extending, and improving public library services wherever needed in a State. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 2 of the Library Services and Construction Act, as amended (20 U.S.C. 351). F. *Citation:* 34 CFR Part 776	Kathy Bell, (202) 245-9601.	NPRM July 1982.
Territorial Teacher Training Assistance Program	A. *Description:* The regulations under review govern an assistance program for the training of teachers in schools in Guam, American Samoa, the Northern Mariana Islands, the trust Territory of the Pacific Islands, and the Virgin Islands. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 1525, Part C of Title XV of the Education Amendments of 1978, Pub. L. 95-561. F. *Citation:* 34 CFR Part 790	Andrew Lebby, (202) 653-5839.	NPRM July 1982.
Education Consolidation and Improvemen Act of 1981—Chapter 1.	A. Description: The regulations would implement Chapter 1 of the Education Consolidation and Improvement Act of 1981, under which Federal financial assistance is provided to States for special educational needs of disadvantaged children. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* The regulations would simplify requirements imposed on State and local educational agencies in administering Federal funds for programs for educationally deprived children and for programs that meet special needs of disadvantaged children. E. *Legal basis:* Sections 101-196 of the Elementary and Secondary Education Act of 1965, as amended by Chapter 1 of Pub. L. 97-35 (20 U.S.C. 3801-3807 and 3871-3876). F. *Citation:* 34 CFR Part 200	John Staehle, (202) 245-3081.	FR July 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
Financial Assistance to State Applicant Agencies to Meet Special Educational Needs of Institutionalized Neglected or Delinquent Children Including Children in Adult Correctional Institutions—Chapter 1, ECIA.	A. Description: The regulations would implement those provisions in Chapter 1 of the Education Consolidation and Improvement Act of 1981 that apply to State agencies operating educational projects for neglected or delinquent children in institutions. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would implement statutory requirements and provide other necessary information to applicants. E. *Legal basis:* Sections 552-556, 558, and 591-596 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801-3805, 3807, and 3871-3876). F. *Citation:* 34 CFR Part 203	John F. Staehle, (202) 245-3081.	FR July 1982.
Financial Assistance to State Educational Agencies to Meet the Special Educational Needs of Migratory Children—Chapter 1, ECIA.	A. Description: The regulations would implement a program of Federal financial assistance to State educational agencies (SEAs) to establish or improve State programs or local projects designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would provide guidance to SEAs in the administration and operation of their migrant education programs. The regulations would (1) promote continuity of educational experience for migratory children by encouraging coordination of services, and (2) assure that migratory children are provided access to quality and coordinated programs of instructional and supporting services. E. *Legal basis:* Section 554(a) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801 and 3871-3876). F. *Citation:* 34 CFR Part 204	Melissa Murray, (202) 472-5960.	FR July 1982.
Financial Assistance to State Educational Agencies to improve the Interstate and Intrastate Coordination of Migrant Education Activities—Chapter 1, ECIA.	A. *Description:* The regulations would implement a program of Federal financial assistance to improve interstate and intrastate coordination of migrant education activities among State educational agencies (SEAs) and local educational agencies. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would establish requirements for interstate and intrastate coordination activities in migrant education. They would also enable the Secretary to establish, in consultation with SEAs, priority areas for program funding and to establish appropriate criteria that would ensure the selection of quality proposals in areas of national need. E. *Legal basis:* Section 554(a) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3803(a)). F. *Citation:* 34 CFR Part 205	Melissa Murray, (202) 245-2384.	FR July 1982.
Education Consolidation and Improvement Act of 1981—Chapter 2.	A. *Description:* The regulations would implement the consolidation of Federal programs under Chapter 2 of the Act. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* The regulations would simplify funding requirements under the Department's "block grant" program for elementary and secondary education. E. *Legal basis:* Chapter 2 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3811-3876). F. *Citation:* 34 CFR Part 298	Allen King, (202) 245-8223.	FR July 1982.
State-Operated Programs for Handicapped Children.	A. *Description:* The regulations would implement a program of Federal financial assistance to meet the special educational needs of handicapped children in State-operated and State-supported schools for handicapped children. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The regulations would provide guidance to State educational agencies in the administration and operation of handicapped education programs. E. *Legal basis:* Sections 552-556, Chapter 1 of the Education Consolidation and Improvement Act of 1981 (20 U.S.C. 3801-3805, 3807, and 3871-3876). F. *Citation:* 34 CFR Part 302	Shirley Jones, (202) 245-9661.	FR July 1982.
Strengthening Research Library Resources Program.	A. *Description:* The regulations would revise existing regulations governing a grant program that assists the Nation's major research libraries in maintaining and strengthening their collections and in making collections available to users of other libraries. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The revised regulations are designed to (1) implement statutory changes, (2) reduce program requirements and (3) clarify other provisions. E. *Legal basis:* Part C of Title II of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1021 *et seq.*). F. *Citation:* 34 CFR Part 778	Frank Stevens, (202) 245-9530.	FR July 1982.
Education Department General Administrative Regulations (EDGAR)—Amendments—Part 76.	A. *Description*: The regulations under review provide requirements for participation in State-administered programs by children enrolled in private schools. B. *Regulatory impact analysis*: Not determined C. *Regulatory flexibility analysis*: Not determined D. *Objectives* :Amendments to the regulations would be designed to simplify requirements for participation by eligible children enrolled in private schools. E. *Legal basis* :Section 414 of the Department of Education Organization Act (20 U.S.C. 3474). F. *Citation* :34 CFR Part 76	Philip Rosenfelt, (202) 472-6300.	NPRM August 1982.
Federal Financial Assistance—Nondiscrimination on the Basis of Sex—College Athletics Policy.	A. *Description*: The document under review is the 1979 policy interpretation of the inter-collegiate athletic provisions of Title IX of the Education Amendments of 1972 and its implementing regulations. B. *Regulatory impact analysis*: Not determined C. *Regulatory flexibility analysis*: Not determined D. *Objectives* :Any proposed revisions to the policy interpretation would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis* :Sections 901 and 902 of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, 1682). F. *Citation* :44 FR 71413, Tuesday, December 11, 1979	Antonio J. Califa, (202) 245-2184.	NPRM August 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
Nondiscrimination on the Basis of Handicap—Program Accessibility.	A. *Description*: The regulatory provisions under review sets a compliance deadline for alteration of existing buildings to ensure accessibility by handicapped persons. B. *Regulatory impact analysis*: Not determined C. *Regulatory flexibility analysis*: Not determined D. *Objectives* :The review is designed generally to consider opportunities for effecting regulatory relief through the reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis* :Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) F. *Citation* :34 CFR Part 104	Antonio J. Califa, (202) 245-2184.	NPRM August 1982.
Nondiscrimination on the Basis of Handicap—Employment.	A. *Description*: The regulatory provision under review prohibits discrimination in employment on the basis of handicap. B. *Regulatory impact analysis*: Not determined C. *Regulatory flexibility analysis*: Not determined D. *Objectives* :Any proposed amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis* :Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) F. *Citation* :34 CFR Part 104	Antonio J. Califa, (202) 245-2184.	NPRM August 1982.
Nondiscrimination on the Basis of Handicap—Exhaustion of Administrative Remedies.	A. *Description:* The portion of the regulations being considered concerns the requirement that recipients of Federal financial assistance establish local administrative remedies for parents. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Any proposed amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) F. *Citation:* 34 CFR Part 104	Antonio J. Califa, (202) 245-2184.	NPRM August 1982.
Nondiscrimination on the Basis of Handicap—elementary and secondary education.	A. *Description:* The regulatory requirements under review concern the provision of services to handicapped students in elementary and secondary educational programs and activities that receive Federal financial assistance. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* The review is designed generally to consider opportunities for effecting regulatory relief through the reduction of paperwork and compliance burdens. E. *Legal basis:* Section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794) F. *Citation:* 34 CFR Part 104	Antonio J. Califa, (202) 245-2184.	NPRM September 1982.
Nondiscrimination on the Basis of Sex—Newspaper Publication of Notice of Nondiscrimination.	A. *Description:* The regulatory provision under review requires a recipient of Federal financial assistance to give notice through newspaper publication of its policy that it does not discriminate on the basis of sex in its educational programs or activities. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Any proposed amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 901 and 902 of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 and 1682). F. *Citation:* 34 CFR Part 106	Antonio J. Califa, (202) 245-2184.	NPRM September 1982.
Desegregation of Public Elementary and Secondary Education.	A. *Description:* The regulations under review govern a program of Federal financial assistance to help State and local educational agencies and public nonprofit private organizations solve desegregation problems in public elementary and secondary schools. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Sections 403-405, Title IV of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000c-2000c-5). F. *Citation:* 34 CFR Part 270	Jack Simms, (202) 245-8481.	NPRM September 1982.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.	A. *Description:* The regulations under review establish general rules that apply to institutions of postsecondary education participating in the campus-based programs. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not determined D. *Objectives:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the three campus-based programs, and (2) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Subpart 2 of Part A, Part C, and Part E of the Higher Education Act of 1965, as amended (20 U.S.C. 1070b-1070b-3, 42 U.S.C. 2751-2756b, and 20 U.S.C. 1087aa-1087ii).. F. *Citation:* 34 CFR Parts 674, 675, and 676	Margaret Henry, (202) 472-4300.	NPRM September 1982.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs—Amendment.	A. *Description:* The proposed amendment to the regulations would establish the 1983-84 funding procedures for the three campus-based programs. B. *Regulatory impact analysis:* Not required C. *Regulatory flexibility analysis:* Not required D. *Objectives:* The proposed amendment would establish the formula by which institutions of postsecondary education might receive funds under the campus-based programs during the 1983-84 year.. E. *Legal basis:* Subpart 2 of Part A, Part C, and Part E of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070b-1070b-3, 42 U.S.C. 2751-2756b, and 20 U.S.C. 1087aa-1087ii).. F. *Citation:* 34 CFR Parts 674, 675, and 676	John McGonigle, (202) 245-9720.	NPRM September 1982.
Guaranteed Student Loan Program	A. *Description:* The regulations under review would establish the administrative and technical procedures under which institutions, lenders, and State guarantee agencies operate the Guaranteed Student Loan Program. B. *Regulatory impact analysis:* Not determined C. *Regulatory flexibility analysis:* Not determined	Larry Oxendine, (202) 245-2475.	NPRM September 1982.

DEPARTMENT OF EDUCATION SEMIANNUAL REGULATIONS AGENDA AND REVIEW LIST—Continued

Title	Summary	Contact	Earliest expected decision date
	D. *Objectives:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements under the program, and (2) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. E. *Legal basis:* Part B of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1071–1087–3a). F. *Citation:* 34 CFR Part 682.		
Auxiliary Loans to Assist Students Program (formerly PLUS).	A. *Description:* The regulations under review would establish the administrative and technical procedures under which lenders and State guarantee agencies operate the Auxiliary Loans to Assist Students Program for parents and certain students. B. *Regulatory impact analysis:* Not determined. C. *Regulatory flexibility analysis:* Not determined. D. *Objectives:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.. E. *Legal basis:* Part B of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1071–1087–3a). F. *Citation:* 34 CFR Part 683.	Larry Oxendine, (202) 245–2475.	NPRM September 182
Disposal and Utilization of Surplus Real Property for Education Purposes.	A. *Description:* The regulations under review govern surplus real property that is appropriated for assignment to, or that has been assigned to, the Department of Education for transfer for educational purposes. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations are designed to foster and assure maximum use of surplus real property for educational purposes, including research. E. *Legal basis:* Section 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471). F. *Citation:* 34 CFR Part 12.	Gill Sailer, (202) 426–6585.	FR September 1982
Relocation Assistance and Real Property Acquisition Policies.	A. *Description:* The regulations under review govern the treatment of owners and tenants of real property (1) who are displaced by Federal or federally assisted programs or projects or (2) whose real property or interests in real property are taken for—or as a result of—these types of programs or projects. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations are designed to provide a uniform policy for the fair and equitable treatment of owners and tenants of real property who are affected by the Federal or federally assisted activities described above. E. *Legal basis:* Section 213 of the Uniform Relocation Act (42 U.S.C. 4633). F. *Citation:* 34 CFR Part 15.	Gene Tutterrow, (202) 245–2525.	FR September 1982
Nondiscrimiantion on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.	A. *Description:* The regulations would implement provisions of the Age Discrimination Act. B. *Regulatory impact analysis:* Not required. C. *Regulatory flexibility analysis:* Not required. D. *Objectives:* The regulations would implement the Age Discrimiantion Act of 1975, as amended, with consideration given to effecting regulatory relief through reducing paperwork and compliance burdens under the regulations. E. *Legal basis:* Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq*). F. *Citation:* 34 CFR Part 110.	Antonio J. Califa, (202) 245–2184.	FR September 1982

[FR Doc. 82-12899 Filed 5-13-82; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2058-3]

Approval and Promulgation of State Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The EPA proposed to conditionally approve a revision to the Indiana State Implementation Plan (SIP) to attain the National Ambient Air Quality Standards (NAAQS) for ozone (O_3). The plan revision was submitted to the EPA in response to the requirements of Part D of the Clean Air Act (Act). The revision consists of rules to control volatile organic compound (VOC) emissions from stationary industrial sources addressed in the EPA's Group II Control Technique Guidelines (CTG). The proposed conditional approval pertains to regulations limiting VOC emissions from the following source categories: External Floating Roof Petroleum Storage Tanks, Packaging Rotogravure and Flexographic Printing Processes and to the VOC Test Methods for CTG source categories.

The EPA further proposes to approve the State's rules for the testing of VOC leaks from Tank Trucks and Vapor Collection Systems and for Rubber Tire Manufacturing facilities with the understanding that the State will provide corrections to the typographical errors contained in the rules. The EPA also proposes to take no action on the rule controlling emissions from Dry Cleaning establishments because the rule contains an exemption for establishments using less than 1500 gallons for percholoroethylene per year. It is the Agency's understanding that the State will provide technical documentation which supports their determination that the rule fulfills the requirements of the Act as RACT.

The Agency is also specifically soliciting public comments on the State's test methods for transfer efficiency improvements as a means of compliance. If, after considering these comments, the EPA determines that the State's rule adequately addresses transfer efficiency, the EPA will take final action to approve this rule. The EPA further proposes to approve all other rules which address the Group II CTG source categories and are not specifically discussed herein.

DATE: June 14, 1982.

ADDRESSES: Copies of the SIP revision, supporting data submitted by the State of Indiana and EPA's evaluation are available for public inspection during normal business hours at the following location: Air Programs Branch, Region V, Air Management Division, U.S. Environmental Protection Agency, 230

South Dearborn Street, Chicago, Illinois 60604.

Copies of the materials submitted by the State of Indiana may also be examined during normal business hours at the following location: Air Pollution Control Division, State of Indiana Air Pollution Control Board, 1330 W. Michigan Street, Indianapolis, Indiana 46206.

Comments should be submitted in triplicate, if possible, to Gary Gulezian, Chief of the Regulatory Analysis Section at the EPA Region V office at the above address.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders, Air Programs Branch, Region V, (312) 886–6034.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Act, the EPA designated certain areas in Indiana as not attaining the NAAQS for O_3. Part D of the Act requires States to revise their SIP for areas that have not attained the NAAQS. For States with O_3 nonattainment areas, these SIP revisions must demonstrate attainment of the primary NAAQS by December 31, 1982.

An adequate SIP for O_3 is one which provides for sufficient control of VOC for stationary and mobile sources to provide for attainment of the standard. For stationary sources, the plan must include legally enforceable requirements reflecting the application of reasonably available control technology (RACT) requirements for sources of VOC emissions for which EPA has published a CTG by January of the preceding year. In general, where the State regulations are not supported by the information in the CTG, the State must provide an adequate demonstration that its regulations represent RACT or amend the regulations to be consistent with the information in the CTGs. The Part D requirements for an approvable SIP are described in the April 4, 1979 Federal Register (44 FR 20370) as supplemented at 44 FR 38583 (July 2, 1979) 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979) and 44 FR 67182 (November 23, 1979).

Adoption and submittal of additional RACT regulations for sources addressed in a CTG published between January 1978 and January 1979 (Group II CTGs) were due July 1, 1980 (44 FR 50371, August 28, 1979). Because State regulatory processes are taking longer than anticipated and in most cases States are making good faith efforts to adopt the necessary regulations, EPA revised the July 1, 1980 deadline to January 1, 1981 (45 FR 78121, November 25, 1980).

Summary of Indiana's Actions

The State of Indiana recodified the existing VOC regulations from APC 15 to 325 Indiana Administrative Code (325 IAC) Article 8 and amended Article 8 to include regulations to control VOC emissions from Group II CTG source categories. On November 25, 1980, Indiana submitted the amendments to the EPA as a SIP revision.

The SIP revision consists of the following regulations:

INDIANA ADMINISTRATIVE CODE

General Provisions	325 IAC 8–1.
Factory Surface Coating of Flatwood Paneling.	325 IAC 8–2(11).
Surface Coating of Miscellaneous Metal Parts and Products.	325 IAC 8–2(10).
Petroleum Liquid Storage: External Floating Roof Tanks.	325 IAC 8–4(3)(c).
Petroleum Refinery Fugitive Emissions (Leaks).	325 IAC 8–4(8).
Transport and Vapor System Leaks.	325 IAC 8–4(9).
Pharmaceutical Manufacture	325 IAC 8–5(3).
Rubber Tire Manufacture	325 IAC 8–5(4).
Graphic Arts (Printing)	325 IAC 8–5(5).
Dry Cleaning (Perchloroethylene).	325 IAC 8–5(6).

The EPA has reviewed the SIP revision and prepared an evaluation report. This report is available for review at the EPA Region V office at the above address. The conclusions of that report are summarized in this notice. The EPA believes that the rules represent RACT and proposes to approve all sections of the revised Article addressing Group II source categories in the O_3 nonattainment areas in Indiana covered by the revised Article except as noted below.

Summary of EPA's Review

Part 1.

Based on the results of our review, the EPA proposes to approve the following rules with the understanding that the State commits during the comment period to furnish the following minor corrections.

a. Rule 325 IAC 8–4, Section 9 Leaks From Tank Trucks and Vapor Collection Systems. Section 9(b), which pertains to the test for leaks from transports, contains a typographic error in the mathematical conversion from inches to pascals. This section should be revised to reflect the correct pressurized guage pressure of 4,500 pascals.

b. Rule 325 IAC 8–5, Section 4 Pneumatic Rubber Manufacturing. Section 4(b)(2)(B)(i) contains a typographical error which requires the owner or operator of green tire spraying operation to achieve maximum reasonable "capture of the VOC emitted by a control device." This section should be revised to read "capture of the VOC emitted by the spraying operation".

Part 2.

a. Rule 325 IAC 8–5, Section 6 Perchloroethylene Dry Cleaning Systems. Section 6(c)(1) exempts dry cleaning sources using less than 1500 gallons perchloroethylene per year from an emission limitation and a major control device. EPA information indicates that an exemption of this size will exempt most commercial cleaners. The State submittal does not contain adequate support that the adopted rule represents RACT. The EPA has discussed this exemption with Indiana and the State will provide a determination that the effect of emission levels with the adopted rule are essentially equivalent to the levels with the control recommended by the EPA or revise the regulation. At this time, the Agency is proposing to take no action on this rule but will review the study and take appropriate action in a subsequent **Federal Register.**

Part 3.

Based on the results of the EPA review, we believe the regulations pertaining to External Floating Roof Tanks, Packaging Rotogravure and Flexographic Printing Processes, and the reguation containing VOC Test Methods vary significantly from our recommendations in the CTGs. These recommendations, which the EPA calls the "presumptive norms" for RACT, are based on the Agency's current evaluation of the VOC control capabilities and problems general to these industries. In addition, other States in the Region have adopted regulations for these categories consistent with EPA's recommended requirements. For these reasons, the EPA considers this portion of the SIP revision conditionally approvable. The State has assured the Agency that it has a willingness to resolve the differences and revise the regulation, as appropriate, to reflect the application of RACT. The following is a discussion of the differences between the State's regulation and EPA's recommendation.

a. Rule 325 IAC 8–1.1, Section 4 Test Methods and Procedures. Section 4 contains test methods for the determination of coating parameters. However, the rule does not contain test methods for VOC emissions from the categories of external floating roof tanks, synthesized pharmaceutical manufacturing, pneumatic rubber tire manufacturing and graphic arts systems. The appropriate test methods and

documents citing the test methods are described in the EPA policy memorandum, "VOC Test Methods or Procedures for Group I and Group II CTGs" (Tuerk, April 6, 1981). The State should include the appropriate test methods in the regulation.

b. Rule 325 IAC 8–4, Section 3 Petroleum Liquid Storage. Section 3(c) pertains to petroleum liquid storage in external floating roof tanks. This rule omits record keeping requirements and periodic inspections of the tank seals and gaps. The rule also specified an allowable gap length equal to two-thirds of the tank diameter where the gap width between the seal and tank exceeds one-eighth inch. The maximum gap width is limited to one-half inch for welded tanks and one inch for riveted tanks. Where the gap width exceeds one-eighth inch, the EPA criteria limits gap area to one square inch for each foot of tank diameter. Although the State adopted a rule which allows easier measurement, it can allow, at worst case condition, up to a 4 times larger gap area than is required by other States in the Region and nationally who have adopted floating roof tank regulations. The State should include record keeping requirements, periodic inspections and the EPA gap area criteria in the regulation.

c. Rule 325 IAC 8–5, Section 5 Graphic Arts Systems. Section 5(c) requires that a capture system design and operation be consistent with good engineering practice and designed to achieve maximum reasonable capture. The capture system efficiencies required by Indiana for packaging rotogravure (65%) and flexographic printing processes (60%) result in overall emissions reductions of only 58.5% and 54%, respectively.

Information provided by the graphic arts industry to the EPA indicate that overall emission reductions of 65% for packaging rotogravure and 60% for flexographic printing can be achieved. Indiana should provide technical support that the adopted rule represents RACT for these source catagories or amend the rule to reflect 65% emissions reductions for packaging rotogravure and 60% reductions for flexographic printing.

Part 4.

The EPA is specifically soliciting public comment on the following rules. Any comments received will be addressed in the notice of final rulemaking.

a. Rule 325 IAC 8–1.1, Section 2 Methods of Compliance. Section 2 (a)(1)(E) pertains to transfer efficiency improvements as a means of compliance. The State has submitted five test methods for transfer efficiency determinations. Because there is no universally accepted test method available to measure transfer efficiency, the EPA is soliciting public comments regarding the applicability and validity of the tests methods. If, after considering these comments, the EPA determines that the State's methods adequately address transfer efficiency, the EPA will take final action to approve this rule as RACT. Copies of these methods are available for inspection by interested parties during normal business hours at the EPA Region V office and at the State of Indiana Air Pollution Control Board office at the addresses listed above.

Other Issues

Applicability

Article 8 excludes existing sources in the O_3 nonattainment counties of Allen, Elkhart and St. Joseph from compliance with the RACT requirements. On February 5, 1982, the EPA proposed rulemaking revising the attainment status of Allen County to attainment/unclassifiable. Final approval of the rule will remove the RACT requirements for sources in this county. The EPA will propose rulemaking on the attainment status and control strategies for Elkhart and St. Joseph Counties in a subsequent **Federal Register.**

SIP Continuity Requirements

The current Federally enforceable SIP requiring VOC controls on existing sources doing surface coating of miscellaneous metal parts and flatwood paneling was approved by the EPA on May 14, 1973 (38 FR 12968). Compliance with these regulations was intended to be achieved with add-on control devices such as carbon adsorption, chemical oxidation, incineration and refrigeration.

However, for the surface coating categories of miscellaneous metal parts and flatwood paneling in Indiana, strict adherence to this requirement would make it impractical for source to comply with the old requirements while moving toward compliance with the new regulations. That is, continued compliance with the current SIP would require surface coating operations to install and operate add-on control devices rather than the potentially more economic and energy efficient control alternatives required in the revised Article 8 such as coating reformulation or process modification. Therefore, the EPA is proposing that Rule 8–2, Section 10 and 11, replace the current enforceable SIP requirements for surface coating miscellaneous metal parts and flatwood paneling.

Source Size Exemption

For the surface coating of miscellaneous metal parts, Indiana exempts those sources located in Clark, Floyd, Lake, Marion and Porter counties from the requirements of Rule 2(10) for sources that have a potential to emit less than 100 tons of VOC per year. Indiana justifies this exemption by stating that there are no sources emitting between 25 and 100 tons per year and therefore believes and their exemption is reasonable. The EPA is proposing approval of this size exemption cutoff.

Proposed Action

The EPA proposes approval of Rule 325 IAC 8–4, Section 9; and Rule 8–5, Section 4 with the understanding that the State will commit to making the corrections noted above during the public comment period. The EPA proposes to take no action on Rule 8–5, Section 6. The State will provide a determination that emission levels with this rule are essentially equivalent to the levels with the control recommended by the EPA or revise the regulation. EPA will take appropriate action on this rule in a subsequent **Federal Register.** The EPA further proposes that sections 10 and 11 of Rule 8–2 replace the current Federally enforceable SIP requirements for surface coating miscellaneous metal parts and flatwood paneling. For all other existing VOC emission sources, the requirements of the current SIP will remain in effect and Federally enforceable until compliance with the revised Regulation 325 IAC 8 requirements is achieved.

The EPA proposes conditional approval of Rule 8–1.1 Section 4; Rule 8–4, Section 3; and Rule 8–5, Section 5, as described in Part 2 of this notice, provided that the State commits during the comment period to correct the deficiencies by a specified date. Finally, the Agency further solicits comments from all interested parties on the test methods for transfer efficiency, Rule 8–1, Section 2. Persons in States adjoining Indiana are encouraged to comment on any interstate air quality issues involved in the rules. The EPA proposes to approve the test methods for transfer efficiency unless comments submitted give adequate reason for disapproval.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals and revisions under Sections 110 and 172 of the Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709). This rule, if promulgated,

constitutes a SIP revision within the terms of the certification.

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirements of a regulatory impact analysis. This rule is not major because it approves requirements already adopted as State law and imposes no new requirements. This action was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, ozone, sulfur oxides, nitrogen dioxide, lead, particulate matter, carbon monoxide, hydrocarbons.

(Secs. 110, 172, and 301, Clean Air Act, as amended)

Dated: February 12, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-13203 Filed 5-13-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-701; RM-3883]

Radio Broadcast Services; FM Broadcast Station in Bozeman, Montana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action dismisses a proposal to assign UHF television Channel 22 to Bozeman, Montana, in response to a petition filed by Garryowen Corporation. The rule making is dismissed at the request of the petitioner.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: April 29, 1982.

Released: May 5, 1982.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Boxeman, Montana); BC Docket 81-701, RM-3883; report and order (Proceeding Terminated).

1. Before the Commission is a Notice of Proposed Rule Making, 46 FR 50571, published October 14, 1981, proposing the assignment of television UHF Channel 22 to Bozeman, Montana, in response to a petition filed by Garryowen Corporation. Supporting comments were filed by the petitioner.

2. On March 16, 1982, petitioner advised the Commission that it is no longer interested in pursuing the petition, and requested termination of the proceeding. No other interest in the channel assignment has been expressed.

3. In view of the foregoing, it is ordered, That the petition of Garryowen Corporation, requesting the assignment of UHF television Channel 22 to Bozeman, Montana, is hereby dismissed.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-13119 Filed 5-13-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-714; RM-3930]

Radio Broadcast Services; FM Broadcast Stations in Williams, Arizona; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule; (Final Order).

SUMMARY: This action dismisses a proposal to assign Channel 224A to Williams, Arizona, in response to a petition filed by Soho Broadcasting. The rule making is dismissed due to lack of interest by the petitioner or other interested parties.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: April 29, 1982.

Released: May 5, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Williams, Arizona); BC Docket No. 81-714, RM-3930; report and order (Proceeding Terminated).

1. Before the Commission is the Notice of Proposed Rule Making, 46 FR 50989, published October 16, 1981, proposing the assignment of Channel 244A to Williams, Arizona, in response to a petition filed by Soho Broadcasting.

2. The Commission did not receive comments from the petitioner (or any other interested parties), and consistent with our policy and procedures set forth in the Appendix to the Notice, we have dismissed the request for lack of continuing interest.

3. In view of the foregoing, it is ordered, That the petition of Soho Broadcasting, proposing the assignment of Channel 244A to Williams, Arizona, is hereby dismissed.

4. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-13120 Filed 5-13-82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-236; RM-4050]

FM Broadcast Station in Kaneohe, Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 277 to Kaneohe, Hawaii, in response to a petition filed by Kaneohe Broadcasting Company. The request assignment could provide a first FM service to Kaneohe.

DATE: Comments must be filed on or before June 14, 1982, and reply comments must be filed on or before June 29, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Adopted: April 23, 1982.

Released: May 3, 1982.

In matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Kaneoho, Hawaii); BC Docket No. 82–236, RM–4050; notice of proposed rule making.

1. A petition for rule making was filed on January 29, 1982, by Kaneohe Broadcasting Company ("petitioner"), requesting the assignment of Channel 277[1] to Kaneohe, Hawaii. Petitioner states that it will apply the channel, if assigned. The assignment can be made consistent with the minimum distance separation requirements. The proposal must also conform with the technical requirements of § 73.1030(c) (1)–(5) of the Rules regarding protection for the Commission's monitoring station at Waipahu, Oahu, Hawaii.

2. Kaneohe (population was not listed in the 1980 U.S. Census),[2] in Honolulu County (population 762,874),[3] is located approximately 13 kilometers (8 miles) north of Honolulu. It has no local broadcast service.

3. Petitioner states that Kaneohe is the home of the University of Hawaii marine lab, and other military and educational institutions. The nearest broadcast station is said to be located in Honolulu, some 30 miles away. Petitioner claims that Kaneohe's population and lack of service warrant a first FM assignment.

4. Since the proposed assignment could provide Kaneohe with an opportunity for its first local broadcast station, the Commission believes that the proposal should be considered in a rule making proceeding.

5. Comments are invited on the proposal to amend the FM Table of Assignments (§ 73.202(b) of the Rules) with regard to the following city:

City	Channel No.	
	Present	Proposed
Kaneohe, Hawaii		277

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 14, 1982, and reply comments on or before June 29, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82–13111 Filed 5–13–82; 8:45 am]

BILLING CODE 6712–01–M

[1] Petition requested the assignment of Channel 26 to Kaneohe. That channel would have required a site restriction of 11.8 miles north to avoid short spacing to Station KTUN (Channel 212A), Honolulu. It appears that site availability may be a problem of which petitioner did not appear to be aware. Thus we have substituted Channel 277 for consideration herein since no site restriction would be necessary.

[2] The 1970 Census reported a population of 29,902.

[3] Population figure was taken from the 1980 U.S. Census.

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47 CFR Part 73

[BC Docket No. 82–247; RM–4072]

TV Broadcast Station in Magee, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 34 to Magee, Mississippi, as its first television channel, in response to a petition filed by Magee Broadcasting Company.

DATES: Comments must be filed on or before June 21, 1982, and reply comments on or before July 6, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR part 73

Television.

Adopted: April 29, 1982.

Released: May 6, 1982.

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Magee, Mississippi); BC Docket No. 82-247, RM-4072; notice of proposed rule making.

1. The Commission herein considers a petition for rule making filed March 11, 1982, by Magee Broadcasting Company ("petitioner"), which seeks the assignment of UHF Television Channel 34 to Magee, Mississippi. Petitioner expressed an interest in applying for the channel, if assigned.

2. Magee (population 3,497),[1] in Simpson County (population 23,441), is located approximately 61 kilometers (38 miles) southeast of Jackson, Mississippi. It has no local television service.

3. According to petitioner, Magee's economy would support a first television assignment. It is the largest city in Simpson County and has such economic assets as poultry production, wood harvesting, lumber, electrical products and garment manufacturing. Also, petitioner states that Magee is ideally located for industrial and commercial growth in that it is serviced by a U.S. highway, a state highway and a railroad. Petitioner asserts that there is a need for a local television facility with programming directed toward the needs of the community and coverage of local events. This assignment would provide the city of Magee, and other communities in Simpson County, with a first local television service.

4. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the city of Magee, as follows:

City	Channel No.	
	Present	Proposed
Magee, Mississippi		34+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 21, 1982, and reply comments on or before July 6, 1982, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

[1] Population figures are derived from the 1980 U.S. Census, Advance Report.

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-13112 Filed 5-13-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

High Seas Salmon Fishery off Alaska; Harvest Limit and Proposed Closure

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of salmon harvest limit and proposed closure.

SUMMARY: The Secretary of Commerce proposes to close the Southeast Alaska salmon fishery in the fishery conservation zone for ten days, beginning at 12:01 A.M., June 7 local time and continuing through 11:59 P.M., June 16, 1982. The proposed closure is necessary to conserve chinook salmon stocks that contribute to the Alaska, Oregon, and Washington salmon fisheries, and to coordinate with a similar closure in the Canadian fishery zone. The 1982 Southeast Alaska chinook salmon harvest guideline is 255,500 chinook salmon.

DATE: Comments on the proposed closure must be submitted on or before May 21, 1982.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: Salmon fishing in the FCZ off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery (FMP), which was developed by the North Pacific Fishery Management Council (Council) and implemented by NOAA through regulations appearing at 50 CFR Part 674 (46 FR 57299, November 23, 1981). Section 674.23 describes procedures to adjust seasons and areas through field orders. The Council, the State of Alaska Board of Fisheries (Board), NOAA, and the Alaska Department of Fish and Game (ADF&G) attempt to manage the southeast Alaska commercial ocean salmon fishery as a single unit throughout the State's territorial waters and the FCZ.

Serious conservation action to protect chinook salmon began in southeast Alaska in the mid-1970s. Directed net fisheries for chinook were eliminated in 1976. A 28-inch minimum size limit for chinook salmon was imposed in the Alaskan troll fishery in 1978, matching the size limits in Oregon and Washington. The southeast Alaskan chinook salmon catch was brought under a quota which has been steadily reduced each year since 1980. The 1980 quota was 320,000 chinook, representing an 18 and 13 percent reduction from the 1978 and 1979 harvests of 392,000 and 366,000 chinook, respectively. The 1981 harvest was reduced to 268,000 chinook, a 16 percent reduction from the 1980 quota and a 32 percent reduction from the 1978 harvest. The recommended 1982 harvest guideline of 255,500 chinook is a five percent reduction from the 1981 harvest, a 20 percent reduction from the original 1980 quota and a 35 percent reduction from the 1978 harvest.

Despite these significant conservation actions already taken in the Alaskan fisheries, chinook salmon spawning escapements into Canadian rivers and the Columbia River have not improved, and in some cases have continued to decline.

The Council and Board recognized the need for further conservation actions in the Alaskan fishery at this time, but were concerned about the impacts of such actions on Alaskan salmon fishermen. Many Alaskan salmon fishermen who reside in rural communities in southeastern Alaska are heavily dependent on the troll fishery for their economic well being; they lack alternative sources of income. Past, present, and immediate future sacrifices by these fishermen may be justified if their sacrifices result in higher escapements of major stocks that later contribute to the Alaskan fisheries. Their sacrifices cannot be justified if chinook salmon saved in Alaska are transferred to fisheries outside the United States or to unexplained interdam losses.

Before recommending the 1982 chinook salmon harvest level, the Council and Board reviewed extensive reports on the coastwide status of chinook salmon stocks and the fisheries that harvest these stocks. Public testimony from fishing groups, processors, and individuals was received by the Council and Board at their January and March joint meetings. A draft supplemental environmental impact statement (DSEIS), describing and analyzing various alternative 1982 management strategies for the southeast Alaska salmon fisheries, was adopted by the Council at the January meeting and was published on February 19, 1982; comments were received through March 22, 1982.

The Council and the Board met March 23-24, 1982, and jointly recommended that (1) the chinook salmon optimum yield (OY) range for 1982 should remain at 243,000-272,000 fish for the Alaskan commercial salmon fisheries east of Cape Suckling; (2) the 1982 southeast Alaska salmon fisheries should be managed for a harvest of 255,500 chinook salmon; (3) inseason closures necessary to achieve the 255,500 fish harvest guideline should be coordinated with an expected closure in the Canadian fishery zone to maximize the transfer of chinook to Canadian spawning streams and to Pacific northwest streams, including the Columbia River; and (4) the chinook salmon harvest guideline for the 1983 southeast Alaska commercial fisheries will be further reduced to the lower end of the OY range, or 243,000 fish, (a) if significant actions are taken by the Canadian Government to conserve chinook in Canadian fisheries and to pass southward the Alaskan savings of chinook, and (b) if Columbia River resource agencies demonstrate satisfactory progress to identify and to correct the unacceptably high inter-dam losses of adult "bright" fall chinook that occurred in 1980 and 1981.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) concurs with the recommendation of the Council and Board and intends to manage the 1982 southeast Alaska salmon fishery in the FCZ by means of inseason closures to achieve a total chinook salmon harvest of 255,500 fish. The Assistant Administrator intends to coordinate this inseason closure with the State of Alaska and Canada. To implement this policy, the Alaska Regional Director, National Marine Fisheries Service (Regional Director), in consultation with ADF&G, has determined on behalf of the Secretary that a 10-day closure of the southeast Alaska ocean salmon fishery (all species) in the FCZ from June 7 through June 16 is a necessary initial step to limit the total season harvest to 255,500 chinook salmon, to complement an inseason closure of State of Alaska waters during the same time period (June 7-June 16) and to coordinate with a two-week closure of the northern British Columbia salmon troll fishery

(June 10–June 23). In making this determination, the Regional Director accepts the findings of the Council and Board that the condition of chinook salmon resource is worse than anticipated when the FMP was implemented, and that this condition requires this closure.

This closure will not be effective until publication of a final notice of closure, according to the procedure specified at 50 CFR 674.23. Public comments concerning the need for the proposed closure may be submitted to the Regional Director at the address stated above through May 21, 1982. For the reasons set forth above and because the dates of the Canadian closure were not announced until April 23, 1982, the Regional Director finds good cause to waive part of the 30-day comment period specified at 50 CFR 674.23.

Because the 1982 harvest goal of 255,500 chinook salmon falls within the OY range of 243,000–272,000 chinook salmon stated in the current FMP, a 1982 amendment to the FMP is not necessary.

The DSEIS, published February 19, 1982 (47 FR 7488), analyzing various alternative 1982 management strategies, was prepared primarily in the event that the Council recommended a 1982 harvest guideline outside the OY range, which would have required an FMP amendment. Since the Council did not recommend a 1982 amendment, a Final Supplement Environmental Impact Statement (FSEIS) will not be prepared. An FSEIS for Amendment 2 to the FMP, which established the current OY range, was filed with the environmental Protection Agency (EPA) on May 1, 1981.

This action is taken under the authority of regulations specified at 50 CFR 674.23, and is taken in compliance with Executive Order 12291. It is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

(16 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 674

Fisheries.

Dated: May 10, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-13245 Filed 5-13-82; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 94
Friday, May 14, 1982

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

Forest Service

Oil and Gas Leasing in Wilderness and Primitive Areas, Proposed Wildernesses and Congressionally Designated Study Areas Northern Region, Montana, and North Dakota; Intent To Prepare Two Environmental Impact Statements

This Notice of Intent revises two previous Notices of Intent to prepare Environmental Impact Statements for oil and gas leasing in National Forest Wildernesses, proposed Wildernesses and Wilderness study areas in Montana and North Dakota.

Based on Agency concerns, public comment and other recent developments, the scope and timing of these two Environmental Impact Statements are being revised.

Several hundred oil and gas leases applications have been received for these areas. The Regional Forester of the Forest Service Northern Region must recommend to the Secretary of Interior through the Bureau of Land Management whether these leases should be granted, and if so, under what circumstances.

There is no clearly definable proposed development. The scale of an "oil field" development cannot be predicted until enough wells are drilled to prove the existence of the necessary geologic structures and that those structures do indeed contain economically recoverable quantities of oil and gas. If development is permitted, its extent will depend on not only these geologic unknowns but also on the costs of restoration and the limitations imposed by the terms of the lease. Therefore, these EIS's will examine a range of alternatives which display the effects of various levels of oil and gas development that might occur under existing Forest Service direction.

Two Environmental Impact Statements will be prepared with proposed schedule and content as follows:

Environmental Impact Statement I

Draft—November 1982
Final—April 1983

Absaroka-Beartooth Complex

1. Absaroka-Beartooth Wilderness
2. Taylor-Hilgard Wilderness Study Area*
3. Lionhead Proposed Wilderness
4. Spanish Peaks Primitive Area
5. Hyalite-Porcupine-Buffalo Horn
6. North Absaroka Wilderness additions

Anaconda-Pintler Complex

7. Anaconda-Pintler Wilderness & additions
8. Welcome Creek Wilderness
9. Slide Rock Proposed Wilderness
10. Sapphire Wilderness Study Area
11. Big Hole Proposed Wilderness
12. Torrey Peak Proposed Wilderness

Gates of the Mountains Wilderness

13. Gates of the Mountains Wilderness and proposed addition

Environmental Impact Statement II

Draft—February 1983
Final—July 1983

Bob Marshall Complex

1. Bob Marshall Wilderness
2. Great Bear Wilderness
3. Scapegoat Wilderness
4. Ten Lakes Wilderness Study Area
5. Mission Mountains Wilderness
6. Rattlesnake Wilderness and NRA
7. Bob Marshall Wilderness addition (Grizzly Basin)
8. Bob Marshall Wilderness addition (Clearwater-Monture)
9. Bob Marshall Wilderness addition (Renshaw-Packbridge-Leavitt)
10. Scapegoat Wilderness addition (Silver King-Falls Creek)

Area priority for study was based on the following criteria:

—Intensity of interest in oil and gas leasing
—Amount of analysis work already completed
—Urgency of decision (e.g., statutory withdrawal from mineral leasing

*Portion recommended for nonwilderness not included.

December 31, 1983, provided in Wilderness Act).

Other previously included areas will be covered in respective Forest Plans or future environmental analyses as required.

Appropriate agencies and others with jurisdiction or expertise will be consulted by the study team during the analysis to obtain information as needed and to invite their participation in the study process.

Due to the overlapping jurisdictions and keen interest in the decisions reached by these analyses, the Bureau of Land Management and the State of Montana have been invited to participate as cooperating agencies in these enviromental analyses.

The scoping process of these Environmental Impact Statements have taken into consideration the recent public response already on record for similiar proposals. This includes the recent seismic applications for the Bob Marshall, Great Bear and Scapegoat Wildernesses.

A mailing list was prepared by the study team. The list included interested and affected groups/individuals and agencies identified by the involved Forests and Staff Units. Comments were requested from the public during January 1982. The scoping process has also included contacts by the study team with groups and agencies interested and/or affected by the recommendations. A newsletter summarizing the results of the scoping process and a map of the study areas is available upon request. The time and location of future public meetings will be announced through the local news media later this year.

The responsible official is Tom Coston, Regional Forester of the Forest Service Northern Region.

Requests for a copy of the newsletter or questions about the proposed action and environmental impact statement should be directed to E. Bruce Pewitt, Minerals Impact Evaluation Group Leader, Minerals and Geology, P.O. Box 7669, Missoula, MT 59807, phone: 406–329–3516.

Dated: May 6, 1982.

Tom Coston,

Regional Forester.

[FR Doc. 82-13147 Filed 5-13-82; 8:45 am]

BILLING CODE 3410-11-M

Decision and Finding of No Significant Impact, Comprehensive Management Plan for the Pacific Crest National Scenic Trail

An environmental assessment of the proposed Comprehensive Management Plan for the Pacific Crest National Scenic Trail (PCNST), as required by Pub. L. 95–625, has been completed.

Based on the analysis and evaluation described in the environmental assessment, it is my decision to adopt a modified Alternative C as the plan for management of the PCNST. Alternative C retains primitive recreation opportunities in National Parks and wilderness. On other Federal lands it emphasizes recreation opportunities consistent with semi-primitive and rural settings and opportunities to view resource management. On private land recreation opportunities are confined to use of the trail and viewing management or cultural activities. Alternative C has been modified with respect to acquisition of rights-of-way across private lands. Here, rights-of-way will be limited to the width necessary to construct and maintain a pathway, including space for campsites and access to water. This alternative best integrates the recreation objectives for the trail with the objectives for management of adjacent lands. Recreation opportunities range from those associated with a primitive environment to those associated with rural and urban environments. Consideration is given to minimizing adverse impacts on adjacent lands.

Three additional alternatives considered were: (A) Continue present management with no change; (B) emphasize primitive recreation opportunities and retention of the scenic and natural environments on all adjacent public and private lands; and (D) emphasize rural and urban recreation opportunities and commodity outputs from adjacent lands other than wilderness and national parks.

Public involvement centered on issues which were initially determined through a scoping process involving the PCNST Advisory Council, State, Governments, Heritage Conservation and Recreation Service and managing agencies. After review by the public, these issues were used along with the basic requirements of the National Trails System Act and management concerns of various agencies to develop the following criteria for evaluating the plan alternatives:

1. Trail Character
2. Impacts of management on adjacent public lands
3. Cost
4. Impact on private land
5. Levels and Type of use
6. Long term visual quality
7. Physical/biological
8. Socio-economic

With regard to trail character, Alternative B has the highest proportion of trail in the primitive recreation opportunity class, while Alternative D has the highest proportion of trail in roaded natural and urban classes. Alternatives A and C are in the middle of the spectrum with Alternative C having a more balanced proportion of the trail in all recreation opportunity classes.

Alternative B has the highest impact on commodity outputs and other activities and uses of public lands. Alternatives A, C & D follow in descending order with regard to their impacts on public lands.

Cost of right-of-way acquisition is highest for Alternative B, lower for Alternative C and lowest for Alternatives A and D. Cost of construction and maintenance is high for Alternative D, average for Alternatives A and C and lower for Alternative B.

Impact on private lands is highest for Alternative B, low for Alternatives A and C and lowest for Alternative D.

Highest total use is anticipated in Alternative D with Alternatives C, A and B having progressively lower use levels. Alternatives C and A would encourage a mix of user types. Alternative D would favor day use and short trips, while Alternative B would favor a higher level of long distance use.

Long term visual quality would be highest in Alternative B, high in Alternative A and lowest in Alternative D. Visual quality would vary in Alternative C where it would remain high in areas of outstanding scenic quality and moderate to low in areas of lesser scenic quality.

Effects on the physical/biological elements of the environment are generally minimal for all alternatives. There may be local adverse effects from use which can be mitigated by management.

Alternative D would have the least adverse impact on local economics. Alternative A would have moderate impacts and C moderate impacts in some areas. Alternative D would least impact local economics.

Considering all criteria, Alternative C, as modified, minimizes adverse effects. Where adverse effects cannot be avoided mitigation measures are provided as a part of the selected alternative.

I have determined, based on the environmental analysis, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was based on the following factors: (a) Individual agencies will go through the environmental analysis process when constructing trail related facilities, new trial and relocated trail segments; (b) trial use levels and resultant impacts on the physical, biological, social and economic environments will be determined through the environmental analysis process during the development of local land and resource management plans; (c) implementaton of the Plan will result in no irreversible resource commitment or irretrievable loss of timber or other resources on lands adjacent to the trail; (d) the Plan meets the requirements of Pub. L. 95–625 and other relevant legislation; (e) there are no apparent adverse or cumulative secondary effects; and (f) implementation of the Plan will have no effects on wetlands or flood plains.

The environmental assessment is available for review during regular working hours in the following Forest Service Offices:

USDA, Forest Service, Recreation Management, Rm 620, 319 SW Pine St., Portland, OR 97208

USDA, Forest Service, Recreation Management, Rm 529, 630 Sansome St., San Francisco, CA 94111

USDA, Forest Service, Recreation Management, Rm 4240, 12th and Independence Ave., SW, P.O. Box 2417, Washington, DC 20013

Implementation of this decision may take place immediately.

This decision is subject to administrative review pursuant to 36 CFR 211.19.

Dated: April 15, 1982.

Douglas R. Leisz,

Associate Chief.

[FR Doc. 82-13205 Filed 5-13-82; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Alburg School Land Drainage RC&D Measure, Vermont; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: 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 Alburg School Land Drainage RC&D Measure, Grand Isle County, Vermont.

FOR FURTHER INFORMATION CONTACT:
John Titchner, State Conservationist, Soil Conservation Service, One Burlington Square, Suite 205, Burlington, Vermont 05401, telephone 802–951–6795.

SUPPLEMENTARY INFORMATION: 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, John Titchner, 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 the drainage of a recreation field adjacent to the Alburg School. The planned works of improvement include the installation of a system of underground drains in conjunction with a system of surface drains.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and 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. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John Titchner, State Conservationist.

No administrative action on implementation of the proposal will be taken until June 14, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development 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: May 4, 1982.

John Titchner,

State Conservationist.

[FR Doc. 82–12964 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

Grand Isle Elementary School Land Drainage RC&D Measure, Vermont; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: 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 Grand Isle Elementary School Land Drainage RC&D Measure, Grand Isle County, Vermont.

FOR FURTHER INFORMATION CONTACT:
John Titchner, State Conservationist, Soil Conservation Service, One Burlington Square, Suite 205, Burlington, Vermont 05401, telephone 802–951–6795.

SUPPLEMENTARY INFORMATION: 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, John Titchner, 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 the drainage of a recreation field adjacent to the Grand Isle Elementary School. The planned works of improvement include the installation of a system of underground drains in conjunction with a system of surface drains.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and 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. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John Titchner, State Conservationist.

No administrative action on implementation of the proposal will be taken until June 14, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development 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)

John Titchner,

State Conservationist.

[FR Doc. 82–12965 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

Haskell County Critical Area Treatment No. 1, Oklahoma; Finding of no Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of 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.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental 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 Haskell County Critical Area Treatment No. 1 RC&D project, Haskell County.

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 objectives are to install structural, mechanical and vegetative measures to control serious roadside erosion.

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 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 June 14, 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)

Dated: April 30, 1982.

Billy R. Littlefield,

Assistant State Conservationist (Programs).

[FR Doc. 82–13116 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

Mudline Road Critical Area Treatment, 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.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental 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 Mudline Road Critical Area Treatment RC&D project, McCurtain County, 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 objectives are to reduce erosion, stablizing rights-of-way, reducing sediment inflow to streams and improving the appearance of the county read rights-of-way.

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 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 June 14, 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)

Dated: April 27, 1982.

Billy R. Littlefield,

Assistant State Conservationist (Programs).

[FR Doc. 82–13115 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

Ontonagon Township Park RC&D Measure, Michigan

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

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, given notice that an environmental impact statement is not being prepared for the Ontonagon Township Park RC&D Measure, Ontonagon County, Michigan.

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. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for critical area treatment and public water-based recreation. Critical area treatment measures will include: land shaping, adding and spreading topsoil, planting beachgrass, fertilizing, seeding, mulching and installing vehicle barriers. Recreation facilities and measures include: hiking and nature trails, two parking lots, playground, picnic area, restrooms, sanitary disposal station and vegetative cover re-establishment. Total construction cost is estimated to be $268,600; $135,750 RC&D funds and $132,850 local funds.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. 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.

Implementation of the proposal will not be initiated until June 14, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, 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: April 28, 1982.

Homer R. Hilner,

State Conservationist.

[FR Doc 82–13046 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

Devil's Backbone RC&D Measure, Grand Tower, Illinois

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: 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 Devil's Backbone RC&D Measure, Grand Tower, Illinois.

FOR FURTHER INFORMATION CONTACT: John J. Eckes, State Conservationist, Soil Conservation Service, 301 North Randolph, Champaign, Illinois, 61820, telephone 217–398–5267.

SUPPLEMENTARY INFORMATION: 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, John J. Eckes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

The measure concerns a plan for water-based recreation facilities. The planned works of improvement include facilities for camping, picnicking, and nature walks.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and 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. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John J. Eckes.

No administrative action on implementation of the proposal will be

taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development 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)

John J. Eckes,

State Conservationist.

May 5, 1982.

[FR Doc. 82–13133 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

Lake McLeansboro, Heard's Pond RC&D Measure, McLeansboro, Illinois

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: 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 Lake McLeansboro, Heard's Pond RC&D Measure, McLeansboro, Illinois.

FOR FURTHER INFORMATION CONTACT: John J. Eckes, State Conservationist, Soil Conservation Service, 301 North Randolph, Champaign, Illinois, 61820, telephone 217–398–5267.

SUPPLEMENTARY INFORMATION: 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, John J. Eckes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this measue.

The measure concerns a plan for water-based recreation facilities. The planned works of improvement include facilities for picnicking, fishing, and boating.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and 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. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John J. Eckes.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development 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)

John J. Eckes,

State Conservationist.

May 5, 1982.

[FR Doc. 82–13154 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

Norton Point Critical Area Treatment RC&D Measure Plan, Mass.; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: 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); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Norton Point Critical Area Treatment RC&D Measure Plan, Dukes County Massachusetts.

FOR FURTHER INFORMATION CONTACT: Sherman L. Lewis, State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts 01002, telephone 413–256–0441.

SUPPLEMENTARY INFORMATION: 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, Sherman L. Lewis, 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 erosion control of the dunes of Norton Point and reduction of sedimentation of Katama Bay. The planned works of improvement include sand fencing, planting of beach grass and shrubs, and control of pedestrian and vehicular traffic in the project area.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. An environmental assessment has been prepared and sent to various Federal, State, and local agencies and interested parties. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Sherman L. Lewis. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 14, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development 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: April 30, 1982.

Sherman L. Lewis,

State Conservationist.

[FR Doc. 82–13214 Filed 5–13–82; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, by June 3, 1982.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00095. Applicant: University of California, San Francisco, 3rd and Parnassus, San Francisco, CA 94143. Article: PMV Cryo-Microtome, Type 160. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut

sections of brain, lung, and bone from frozen tissues of man and animals (sheep, rodents). The sections subsequently will be processed and reacted with a radioactive probe that binds specifically to a virus e.g., measles virus. Experiments will be conducted to determine in the most sensitive way possible whether viruses from childhood infections persist in tissues, and if so whether they might bear some relationship to diseases like multiple sclerosis. Application received by Commissioner of Customs: March 9, 1982.

Docket No. 82–00140. Applicant: The Regents of the University of California, Material Management Department, Riverside, California 92521. Article: High Throughput "Jet" Spore Sampler. Manufacturer: Burkard Manufacturing Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used to efficiently sample populations of spores of *Penicillium digitatum* and *Penicillium italicum* in citrus groves and in fruit packinghouses. In order to determine the level of fungicide resistance in the population, spores will be collected from a known volume of air and then sub-samples of the collected spores will be plated into (1) a culture medium that is selective for these species of *Penicillium* and (2) the same culture medium amended with the fungicide of interest. The objective of these investigations is to be determine the percentage of fungicide resistant spores in the population. Application received by Commissioner of Customs: March 23, 1982.

Docket No. 82–00146. Applicant: Temple University, School of Dentistry, 3223 N. Broad Street, Philadelphia, PA 19140. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for an investigation on the formation of enamel. The specific material to be examined consists of incisor teeth of rats, more specifically, the cells on the surface of the developing enamel. Experiments will be conducted to establish the characteristics of cells engaged in entry of calcium into the enamel and characteristics of cells which restrict the entry of calcium. Application received by Commissioner of Customs: March 26, 1982.

Docket No. 82–00147. Applicant: Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles, CA 90054. Article: 6 MeV Linear Accelerator, C280F and Accessories. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used to study the treatment of cancer in the pediatric age group. Various randomized and non-randomized clinical trials will be conducted utilizing the article for evaluating the efficacy of various radiation therapy dose schemes in research programs both intramurally and under the auspices of the multi-institutional Children's Cancer Study Group. The article will also be used for the training of students of radiation therapy technology. Application received by Commissioner of Customs: March 26, 1982.

Docket No. 82–00148. Applicant: U.S. Army Natick Res. & Dev. Labs., Directorate for Procurement, Attn: DRNA–PB, Kansas St., Natick, MA 01760. Article: Analytical Electron Microscope, Model H–600–1 and Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: The article is intended to be used for studies of (a) ultrastructure of meat—effects of aging; storage and tenderization of myofibrillar and connective tissue components; (b) ultrastructure of cytoprotection in plants; (c) diffraction of crystals or particles; (d) extension of shelf life or development of methods of preserving fresh vegetables for salads; and (e) changes in food due to microbiological effects. Application received by Commissioner of Customs: March 26, 1982.

Docket No. 82–00149. Applicant: University of Colorado, Joint Institute of Laboratory Astrophysics, Boulder, Colorado 80309. Article: Excimer Laser, Model EMG 101. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of article: The article is intended to be used in two ways to study the reaction chemistry, energy transfer and spectroscopy of gaseous free radicals. First the article will be used to photolyze gases, creating large quantities of free radicals with known energies. Infrared emission from these radicals and their reaction products is analyzed to determine the desired properties. In other experiments, the article will be used to pump a dye laser. The continuously tunable light from this dye laser will be used to induce flourescence from free radicals to interrogate their energies and state distributions. One postdoctoral student and one graduate student will use the laser on a daily basis for their research. They will learn fundamental techniques of laser applications in chemical and physical research while using it. Application received by Commissioner of Customs: March 26, 1982.

Docket No. 82–00150. Applicant: Michigan Technological University, Business Office, Houghton, MI 49931. Article: Magnetotelluric Exploration System (Geophysical Apparatus). Manufacturer: Phoenix Geophysics, Canada. Intended use of article: The article is intended to be used for studies of geologic structures to determine earth electrical structure to depths of 20 miles or more. Application received by Commissioner of Customs: March 26, 1982.

Docket No. 82–00151. Applicant: Duke University Medical Center, Department of Physiology, Box 3709, Durham, NC 27710. Article: Multichannel Cytomic Analyzer. Manufacturer: Max-Planck-Institute for Biochemie, West Germany. Intended use of article: The article is intended to be used for studies of biological (mammalian) cells to determine factors of cellular steady state control. Application received by Commissioner of Customs: March 26, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82–13227 Filed 5–13–82; 8:45 am]

BILLING CODE 3510–25–M

University of Florida; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2097 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80–00407. Applicant: University of Florida, Soil Science Department, 106 Newall Hall, Gainesville, FL 32611. Article: Isotope Ratio Mass Spectrometer, Model 602E. Manufacturer: VG Micromass, United Kingdom. Intended use of article: See Notice on page 66830 in the **Federal Register** of October 8, 1980.

Comments: No comments have been received with respect to this application. Decision: Application denied. Reasons: An instrument or apparatus of

equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.
Discussion: The National Bureau of Standards (NBS) advises, in its memorandum dated February 20, 1981, that available Nuclide instruments are scientifically equivalent to the foreign article for the applicant's intended purposes. We concur with this finding. The applicant does not contend that the domestic manufacturer (Nuclide) did not bid an instrument of equivalent scientific value to the foreign article for its intended use, but questions the delivery and performance quoted by that firm on the basis of a self-conducted mass spectrometer (MS) users survey. An applicant's view of an instrument manufacturer's past performance, while it may legitimately influence an institution's purchasing decisions, is generally an untenable basis for duty-free entry. Even an authenticated history of poor performance (which we are not persuaded is true in this case) is not necessarily indicative of current capability. Further, risk of purchase (including any maintenance problems) is a matter of cost or convenience which under Subsection 301.2(n) of the regulations may not be considered in making duty-free entry decisions under Pub. L. 89–651. Buyers routinely employ contractual or other legal means of protection from inflated claims. We note the following facts:

1. Nuclide bid many capabilities exceeding basic RMS requirements in response to the applicant's RFQ. The applicant did not buy these extra capabilities with the foreign article.

2. The applicant refers to the Nuclide "6–60." This term does not describe a complete mass spectrometer but merely relates to the dimensions of one component, the analyzer. A 6–60 analyzer has a six inch radius and a 60° sector angle. Nuclide offers such analyzers in several standard instruments. For example, it offers the 6–60–G for general analysis and the 6–60–SGA for analysis of small quantities of gases. Its 6–60–RMS (Ratio Mass Spectrometer) is the standard instrument comparable to the foreign article. Nuclide manufactured its first 6–60–RMS in 1956. It was the first commercial instrument for measuring differences in isotope ratios of gaseous samples. Its foreign counterpart was developed much later. Like the manufacturer of the foreign article, Nuclide continuously improves its RMS instrument and provides standard accessories or options to meet the particular needs of an investigator.

3. In response to the RFQ, Nuclide also offered a 12–90 analyzer which has greater capability than a 6–60 analyzer and is available in a standard RMS configuration.

4. To illustrate techniques and procedures to be used in its research, the applicant attached a 1976 study entitled, "Use of Tracers for Soil and Fertilizer Nitrogen Research." Among other things, the study concluded that the Nuclide 3–60–RMS permits "remarkably accurate and precise determination of 15_N," (p. 232) and that advances in instrumentation "leave little doubt that manufacturers of mass spectrometers could design relatively low-cost, easy to maintain instruments suitable for routine nitrogen isotope-ratio anlysis" (p. 261).

In view of the foregoing, the Department finds that Nuclide was capable of providing a standard instrument meeting the applicant's needs.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 82–13228 Filed 5–13–82; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

Proposed Changes Pertaining to the Interface Standards Exclusion List

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60–1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the **Federal Register** on February 16, 1979 (44 FR 10098–10101). The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was announced in the **Federal Register** on August 27, 1979 (44 FR 50078).

The March 19, 1979, notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the **Federal Register.**

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the **Federal Register** on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the **Federal Register.**

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged.

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer	Model
Burroughs	B2910.
WICAT Systems	System 110.

Interested parties will be allowed until June 28, 1982 to submit written comments regarding the proposed changes. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the **Federal Register.**

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: May 11, 1982.

Ernest Ambler,

Director.

[FR Doc. 82-13121 Filed 5-13-82; 8:45 am]

BILLING CODE 3510-CN-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

American Petrofina, Inc.; Action on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Department of Energy (DOE) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with American Petrofina, Inc. ("Fina"), executed on March 2, 1982 and published for comment in 47 FR 9905 on March 8, 1982 as a final order of DOE. The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations for the period January 1, 1973 through January 27, 1981. To remedy any violations that may have occurred during the period, Fina has agreed to make payments totalling $14,010,000 in cash remedies.

As required by the regulation cited above, DOE received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Eleven comments were received by April 7, 1982, the thirtieth day following publication of the notice of the proposed Consent Order. An additional comment was received after that deadline. DOE has considered all comments, including that which was filed late and determined that the Consent Order should be made final without modification. The Consent Order became effective as a Final Order of the DOE on May 6, 1982, upon actual notice to Fina.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, Department of Energy, 1200 Pennsylvania Avenue NW., Room 3115, Washington, D.C. 20461, Phone: (202) 633-9165.

Copies of the Consent Order may be received free of charge by written request to: Fina Consent Order Request, Office of Special Counsel, Department of Energy, Room 5109, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C.

SUPPLEMENTARY INFORMATION:

The Consent Order

On March 8, 1982, DOE published notice in the **Federal Register** at page 9905, announcing the execution of a proposed Consent Order between Fina and DOE. In compliance with DOE Regulations, that Notice, and a Press Release issued in March 1982, summarized the Consent Order and the facts behind it. The Notice and Press Release also gave instructions for obtaining copies of the Consent Order.

The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of the Office of Special Counsel's (OSC) audit of Fina's compliance with the Mandatory Petroleum Price and Allocation Regulations, including the Entitlements and Mandatory Oil Import Programs, for the period January 1, 1973 through January 27, 1981 (the audit period). The Consent Order resolves all administrative and civil issues not previously resolved concerning the allocation and sale of covered petroleum products during the audit period.

2. Fina is to make available $14,000,000 to virtually all of its motor gasoline customers (or their successors in interest) who purchased product from Fina's refining and marketing subsidiary in 1974. The **Federal Register** Notice of March 8, 1982 set forth the procedures by which these motor gasoline purchasers could acquire a share of the $14,000,000. Specifically, the **Federal Register** Notice of March 8, 1982 summarized the Consent Order which provided that qualifying customers who purchased motor gasoline in 1974 and in December 1981 would be offered a share of the $14,000,000, as would 1974 purchasers who were not customers of Fina as of December 1981, but who had complied with the provisions of the Consent Order as stated in the **Federal Register** Notice. The **Federal Register** Notice of March 8, 1982 required these latter customers to submit a Statement of Intent to Participate to Fina within a thirty (30) day period after publication of the Notice in order to become eligible for a share. This period expired on April 7, 1982. All share payments have now been approved by DOE.

3. Within thirty (30) days after the effective date of the Consent Order, Fina shall pay ten thousand dollars ($10,000) to the United States Treasury as a compromise in lieu of civil penalties, in full settlement of any such penalties for which Fina may be or may have been liable.

4. The Consent Order also provides details concerning the conclusion of the audit procedures concerning enforcement of the provisions of the Consent Order. These matters include Fina's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Fina. The Consent Order also provides that Fina has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Fina nor a finding by DOE of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

As noted above, DOE received numerous comments on the proposed Fina Consent Order. Comments were submitted by the Sates of Vermont, Florida, Oregon and Connecticut, a consulting group assisting unidentified potential claimants, two law firms representing former Fina jobbers, the National Council of Farmer Cooperatives, the Transportation Group, the National Consumer Law Center, the Atlantic Richfield Company (ARCO) and an independent jobber. DOE has considered all comments and determined that the Consent Order should be made final without modification. The significant points raised by the comments are discussed below.

The States of Vermont, Oregon and Connecticut, along with the National Consumer Law Center (NCLC), a non-profit legal organization representing low-income individuals, all favored the implementation of an alternative distribution plan similar to the one set forth in the Chevron Consent Order, 46 FR 52221, October 26, 1981, which, in part, provided for payments to the States based on the volume of products sales by Chevron in those states.

One of OSC's primary goals in structuring remedies is to achieve some form of restitution. In its enforcement actions, OSC attempts to identify individual purchasers who may have been overcharged, and to implement restitutionary remedies directed at such purchasers. In this case, specific motor gasoline purchasers who may have been

overcharged by Fina in 1974 have been identified. Therefore, OSC has concluded that the most appropriate remedy is to distribute shares of the $14,000,000 to these purchasers, based upon the amount of motor gasoline they purchased from Fina in 1974.

Referencing the decision of the Temporary Emergency Court of Appeal in *Citronelle-Mobile Gathering, Inc. v. Edwards*, 669 F. 2d 717 (Temp. Emer. Ct. App., 1982), several comments oppose the provision of the Consent Order which provides that undistributed shares from the claims fund be placed in the United States Treasury.

In that case, the court found that where there were adjudicated overcharges to identifiable purchasers, the government was under an obligation to provide restitution through any monies obtained from the enforcement action. Although the case did not concern a Consent Order where there is no such adjudication or admission of overcharge, the commentors' concern with the restitutionary character of the settlement is an area of legitimate inquiry. In this case, the negotiated remedy is fully consistent with the preferences of the *Citronelle* court which favors the implementation of remedies designed to compensate identifiable parties directly injured to the overcharges disclose in the proceedings. To the extent that monies remain after implementation of the remedy, an appropriate disposition is the United States Treasury.

Comments have also expressed concern that qualifying purchasers who are resellers may have passed through these alleged overcharges to their customers, thereby recovering their costs, and are now receiving a windfall through the remedy. The comments conclude that the effect of the remedy is to deny restitution to the actual overcharged parties.

A review of available market data indicates that Fina motor gasoline resellers would have absorbed any overcharges that may have occurred in 1974. As a result, DOE has concluded that refunds to Fina's reseller customers is an appropriate remedy.

One Fina jobber alleged that the settlement entered into with Fina was inadequate. The Consent Order provides an option to those who believe they may have been overcharged to settle their claims with the company. Claimants who do not believe that the settlement offered adequately satisfies their claims need not accept the offer and are free to pursue their claims in a private action against the company.

DOE was urged in another comment to extend the period in which purchasers could submit Statements to Participate to Fina. DOE believes that the existence of the settlement has been adequately publicized. The publication of the Notice of the Proposed Consent Order in the **Federal Register** as well as the subsequent response by the public to the Notice indicates widespread knowledge of the settlement. In addition, Fina's independent attempts to notify all of its 1974 jobbers by mailing copies of the **Federal Register** Notice to the address of the jobber last known to Fina provided clear and sufficient notice.

Another comment requested that the Consent Order be modified so as to not require jobbers to release Fina from section 210 allocation claims should they choose to participate in the distribution plan.

The Consent Order entered into between DOE and Fina resolves all administrative and civil issues not previously resolved concerning the allocation and sale of covered petroleum products during the audit period. DOE's extensive audit addressed all aspects of Fina's compliance with the applicable regulations, and the DOE believes that the remedies set forth in the Consent Order adequately resolves issues of Fina's compliance with the allocation and price regulations. Therefore, the funds generated by the Consent Order must be considered in settlement of all claims. This position is fully consistent with the scope of the Consent Order. Moreover, as discussed above, Claimants may reject the offer contained in the Consent Order and pursue their own private right of action.

In addition, the comment opposed the release of Fina from recordkeeping requirements under paragraph 601 of the Consent Order asserting that "(d)estruction of these compliance records will be detrimental to the public interest because it will directly frustrate the dual enforcement mechanism intended by Congress when it authorized private causes of actions under Section 210 of the Economic Stabilization Act." In paragraph 601, which relieves Fina of its duty to comply with recordkeeping requirements of 10 CFR 210.92 for the period covered by the Consent Order, OSC has exercised the authority conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists. With the completion of OSC's audit and the settlement of all disputes and claims for the period covered by the Consent Order, the records which were maintained by the company to demonstrate to DOE its compliance with the pricing and allocation regulations are no longer needed. Moreover, as the court in *U.S. Oil Company, Inc. v. Department of Energy*, 510 F. Supp. 910, (E.D. Wisc. 1981) noted, "[t]he recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the * * *major oil refiners and producers were complying with the price regulations."

Finally, a number of comments supported the Consent Order in whole or in part.

Having considered all comments submitted DOE has determined that the proposed Consent Order with Fina should be made final without modification. This was accomplished by providing actual notice to Fina of this decision on May 6, 1982.

Issued in Washington, D.C., May 6, 1982.

Milton C. Lorenz,

Special Counsel.

[FR Doc. 82-13124 Filed 5-13-82; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Energy Research Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Energy Research Advisory Board

Date and time: Thursday, June 3, 1982—9:00 am to 5:00 pm; Friday, June 4, 1982—9:00 am to 5:00 pm

Place: U.S. Department of Energy, Room A-410, Germantown, MD

Contact: Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, Forrestal Building—Room 4D-024, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202-252-8990

Purpose of the board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda: Briefings and discussions of:

—Utility industry study

—Acid rain and CO_2 Research

—Federal role in energy R&D

—Future study agenda

—Public Comment (10 minute rule)

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The

Chairperson of the Board is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avene, SW., Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, Except Federal holidays.

Issued at Washington, DC, on May 11, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82–13191 Filed 5–13–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA82–2–31–000]

Arkansas Louisiana Gas Co.; Proposed Change in FERC Gas Tariff

May 10, 1982.

Take notice that on April 26, 1982, Arkansas Louisiana Gas Company (Arkla) submitted for filing a schedule detailing the exchange gas transactions, included in its March 1, 1982 PGA rate increase filing, by net volume—Mcf and associated net value. Moreover, these transactions have been analyzed and noted as to the normal duration of operational balancing.

Arkla also states that on March 1, 1982, Arkla filed PGA rate increases to its Rate Schedules G–2 and X–26 to become effective April 1, 1982. On March 31, 1982, the Commission issued an order accepting Arklar's March 1, 1982 filing and suspending the same to become effective April 1, 1982, subject to refund and subject to Arkla filing within 30 days from the date of said order revised tariffs to reflect: (1) The elimination from its proposed surcharge adjustment all unpaid accruals other than those attributable to normal billing and payment lag and (2) Additional data to support the exchange gas adjustment.

However, Arkla's filing of March 1, 1982, does not contain any unpaid accruals other than those attributable to normal billing and payment lag in its surcharge adjustment. The elimination of such accruals was made in Exhibit B of said filing on Schedule No. 1, Pages 1 through 3 and are identified as "accrual adjustment" and "NGPA adjustments".

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–13161 Filed 5–13–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–292–000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application

May 7, 1982.

Take notice that on April 19, 1982, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP82–292–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of taps on certain jurisdictional gas pipelines and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following taps on the following jurisdiction lines:

Line	Customer
CM–2	0. M. Rachel, Queen City, Texas.
632	Willian Ray Fulkerson, Ada, Oklahoma.
2	Norman Bryan, Sayre, Oklahoma.
9–7	Harper Oil Company, Anadarko, Oklahoma.
O	Wilburn V. Metcalf, Wilburton, Oklahoma.
R	Darrell Jans, Shreveport, Louisiana.

It is asserted that gas supply for these customers would be from Applicant's general system supply. It is further asserted that the cost of a typical tap and related facilities is estimated to be less than $1,000 which would be financed out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1982, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–13162 Filed 5–13–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–75–000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Proposed Change in Rates

May 10, 1982

Take notice that Arkansas Lousiana Gas Company, a division of Arkla, Inc. (Arkla), on April 30, 1982, tendered for filing a proposed change in its FERC Gas Rate Schedule No. X–26, under which gas is sold to only one customer, namely, Cities Service Gas Company, at a point of delivery near Jane, Missouri. Arkla states that the change will reduce the rate presently being collected subject to refund resulting in a decrease in annual revenues under this rate schedule of approximately $72,600 based on the 12 month period ending December 31, 1981, as adjusted. Arkla requests an effective date of June 1, 1982, for the proposed rate change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13176 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-76-000]

Arkansas Louisiana Gas Co., a Divison of Arkla, Inc.; Proposed Change in Rates

May 10, 1982.

Take notice that Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), on April 30, 1982, tendered for filing a proposed change in its FERC Gas Rate Schedule No. G-2, under which gas is sold to several town border customers in Oklahoma and Kansas. Arkla states that the change will reduce the rate presently being collected subject to refund resulting in a decrease in annual revenues under this rate schedule of approximately $2,831 based on the 12 month period ending December 31, 1981, as adjusted. Arkla requests an effective date of June 1, 1982, for the proposed rate change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13177 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-86-000]

El Paso Natural Gas Co.; Tariff Filing

May 7, 1982.

Take notice that on April 30, 1982, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Ninth Revised Sheet No. 67
Sixth Revised Sheet No. 67-A
Seventh Revised Sheet No. 67-B
Sixth Revised Sheet No. 67-C
Ninth Revised Sheet No. 67-D
Third Revised Sheet No. 67-D.1

El Paso states that the tendered revised tariff sheets, when accepted for filing and permitted to become effective, will modify the Purchased Gas Cost Adjustment Provision ("PGCA") contained in Original Volume No. 1 of its FERC Gas Tariff to (i) provide for utilization of volumes estimated to be purchased and volumes estimated to be sold by El Paso during the Adjustment Period in determining it gas cost adjustment so as to facilitate more timely recovery of the cost of purchased gas and thereby reduce the amounts collected by El Paso from its customers on a deferred basis; (ii) delete the language pertaining to Rhodes Storage which is no longer applicable to the PGAC inasmuch as such facility has been abandoned; and (iii) specify El Paso's use of separate subaccounts in Account 191 for its surcharge computations, as required by Part 201 of the Uniform System of Accounts of the Commission's Regulations, Account 191(D).

El Paso requested that the tendered revised tariff sheets be accepted for filing and permitted to become effective on June 2, 1982.

El Paso further states that copies of the instant filing have been served upon all of its interstate transmission system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before May 14, 1982, 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) and the Regulations Under the Natural Gas Act (18 CFR 157.10) Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13163 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-131-001]

El Paso Natural Gas Co.; Report of Refunds

May 7, 1982

Take notice that on April 30, 1982, El Paso Natural Gas Company ("El Paso") tendered for filing, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act and in compliance with ordering paragraph (C) of the Commission's order issued September 30, 1981 at Docket Nos. RM78-23 and RM81-37, its Report of Refunds with respect to the accrual and amortization of the Louisiana First-Use Tax ("LFUT") refunds in a separate subaccount of El Paso's Account 191.

El Paso states that, as of April 30, 1982, the total jurisdictional refund amount of $1,319,036 has been accrued in its subaccount of Account 191 in accordance with said September 30, 1981 order. Such refund amount is comprised of the jurisdictional portion of LFUT refund amounts received by El Paso from the State of Louisiana and Northern Natural Gas Company, Division of InterNorth, Inc.

In accordance with said order issued September 30, 1981, El Paso has accrued, including the carrying charges, as of December 31, 1981, a total jurisdictional LFUT refund amount of $1,315,524 to be amortized as of April, 1982. El Paso also states that amortization on the balance in the subaccount of Account 191 as of December 31, 1981 commenced in April, 1982 as reflected in El Paso's Purchased Gas Cost Adjustment filing made effective April 1, 1982 by the Commission's order issued March 31, 1982 at Docket No. TA82-2-33-000, as revised by El Paso's compliance filing to be made on Arpil 30, 1982. The jurisdictional amount of the LFUT refunds as of April 30, 1982 in the subaccount of Account 191 including carrying charges and still remaining to be amortized, is $133,425.

El Paso further states that copies of the Report of Refunds were served upon all of El Paso's interstate transmission

system customers and interested state regulatory commissions.

Any person desiring to be heard or to to make any protest with reference to said filing should, on or before May 14, 1982, 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) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13164 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP72-6-035]

El Paso Natural Gas Co.; Proposed Change of Stipulation and Agreement

May 10, 1982.

Take notice that on April 27, 1982, El Paso Natural Gas Company (El Paso) tendered for filing an amendment (Amendment II) of the Stipulation and Agreement previously approved by the Commission in Docket Nos. RP72-6, *et al.*

By order issued March 26, 1981, at Docket Nos. RP72-6, *et al.*, the Commission approved the "Stipulation and Agreement Settling Proceedings and Prescribing Permanent Allocation Plan" (herein referred to as Stipulation and Agreement) which El Paso had submitted on December 29, 1980. The Stipulation and Agreement embodied a comprehensive negotiated settlement of numerous interrelated Commission proceedings and court cases, including the complaint proceeding then pending before the Commission at *Arizona Electric Power Cooperative, Inc. and the City of Willcox, Arizona v. El Paso Natural Gas Co.*, Docket No. RP76-38. The specific terms and conditions upon which Docket No. RP76-38 was settled are set forth at Article XI of the Stipulation and Agreement.

El Paso states that as presently written, subsection 11.9(b) of the Stipulation and Agreement, by implication, effective bars El Paso from even proposing arrangements for the direct sale of relinquished volumes to persons who are not among the limited group identified in that subsection. The language which poses this bar is found in the first two sentences on page 41 of the Stipulation and Agreement:

> Customers qualified to purchase relinquished volumes of Refund Gas under this Article XI include, and are limited to, (a) Direct Customers presently connected to El Paso's system; (b) future Direct Customers of El Paso, if any; and (c) Customers served indirectly by El Paso in its east-of-California market who are or may be able to purchase relinquished volumes of Refund Gas on a basis other than a resale basis. Said Customers executing said Letter Agreements are herein referred to as "Direct Purchasers of Relinquished Volumes."

Consequently, El Paso seeks approval of a modification of subsection 11.9(b) to, in effect, remove the bar and, in the process, to make clear that future proposals to deliver and sell relinquished volumes to direct purchasers who are not among the limited group are not absolutely precluded by the Stipulation and Agreement so long as the proposal sale is fully interruptible. Under the modified subsection 11.9(b), El Paso will be required to interrupt such sale on any day when (i) it is itself purchasing "best efforts" gas (other than in a "first sale" within the meaning of the Natural Gas Policy Act of 1978) on an "emergency" or other short-term basis, and (ii) it is not otherwise able to fully satisfy the requirements of its existing customers, including Southern California Gas Company, and of those Direct Purchasers of Relinquished Volumes who are specifically named in said subsection. Unless both conditions are met, no "off-system" sale of relinquished Refund Gas can take place.

El Paso emphasizes that Commission acceptance of the offered modification of subsection 11.9(b) will not involve any sort of advance of "blanket" Commission approval of proposals concerning relinquished gas. In this regard, the language in subsection 11.9(b) is specific in stating that the authorizations previously granted by the Commission pursuant to Section 11.11 of the Stipulation and Agreement shall not apply to the delivery and direct sale of relinquished volumes to purchasers other than those in the original limited group. Rather, if and when a definitive proposal is in hand for the direct sale of relinquished gas to a new purchaser, those who would be responsible for the transportation and ultimate delivery of the gas would be required to come again before the Commission as necessary to secure such approvals, if any, as are prerequisite to their ability to lawfully render such service. The Commission at that time could approve or disagree such proposal on its merits; the only change would be that, so long as the proposed sale was fully interruptible by El Paso, the requested authorizations could not be denied solely on the basis that the proposal is barred by the Stipulation and Agreement.

In addition, El Paso states that all parties to the Stipulation and Agreement either agree to or do not oppose Amendment II; moreover, El Paso is not aware of any opposition to Amendment II by any other person.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13178 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-72-000]

Hampshire Gas Co.; Proposed Change in FERC Gas Tariff

May 10, 1982.

Take notice that Hampshire Gas Company (Hampshire) on April 28, 1982, tendered for filing a proposed change in its FERC Gas Tariff, Original Volume No. 1. The proposed changes will increase Hampshire's revenues from storage service sales by $720,482 for the 12 month period ending December 31, 1981, as adjusted. Copies of the filing were served upon Hampshire's sole customer, Washington Gas Light Company (Washington) the parent company of Hampshire, as well as the State Corporation Commission of Virginia, the State of Maryland Public Service Commission and the Public Service Commission of the District of Columbia.

Hampshire states that the increased revenues to be derived will be due to an increase in rate of return from 9.75 percent to 14.31 percent. Hampshire states the increased rate of return is

necessary to attract funds of capital for its operations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13165 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT82-27-001]

Kansas-Nebraska Natural Gas Company, Inc.; Proposed Change in FERC Gas Tariff

May 10, 1982.

Take notice that on April 22, 1982, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) tendered for filing Substitute Second Revised Sheet No. 32 to take the place of the previously filed Second Revised Sheet No. 32.

By a letter of transmittal dated April 1, 1982, Kansas-Nebraska transmitted for filing in this proceeding Second Revised Sheet No. 32 to Kansas-Nebraska's FERC Gas Tariff, Third Revised Volume No. 1, by which it was proposed to revise the Index of Purchasers to delete all reference there from to the City of Albert, Kansas and to change the designation of "Central Kansas Power Company, Inc." to "Midwest Energy, Inc." This filing was a result of the change of name by Central Kansas Power Company, Inc., and of the Commission's Order dated March 2, 1982, in docket No. CP 82-97-000 which authorized the abandonment by Kansas-Nebraska of the sale for resale of natural gas to the City of Albert.

Kansas-Nebraska states that this substitute sheet differs from the earlier filed sheet due to an addition of a notation that Midwest Energy, Inc., was formerly Central Kansas Power Company, Inc. This revision eliminates any potential confusion as to the reason for the change in designation.

Copies of this filing were mailed to the purchasers and public bodies named in the list of parties served.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13179 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1967-000]

Margery Somers Foster; Order Finding Interlock Jurisdictional and Granting Application To Hold Interlock

Issued: May 7, 1982.

On July 13, 1981, Margery Somers Foster filed a petition seeking an order that an interlock between Public Service Electric and Gas Company (PSEGCO) and Prudential Insurance Company of American (Prudential) is not within the scope of section 305(b) of the Federal Power Act because Prudential is not a firm authorized by law to underwrite or participate in the marketing of securities of a public utility within the meaning of that section. In the alternative, Foster has filed an application under Part 45 of our regulations for authorization to hold the interlock. PSEGCO is, by admission, a public utility for purposes of section 305(b). Prudential, a mutual insurance company, has a wholly-owned subsidiary, PRUCO, Inc., which, in turn, has a wholly-owned subsidiary, the Bache Group, Inc.[1] Bache has a wholly-owned subsidiary, Bache Halsey Stuart Shields Incorporated, which underwrites and participates in the marketing of public utility securities.

Notice of Foster's petition was issued on July 21, 1981, with responses due on or before August 12, 1981. No responses have been filed.

[1] PRUCO acquired Bache by merging Bache with another wholly-owned subsidiary, Pruholdings, Inc. Two of Prudential's officers now sit on Bache's board of directors.

Discussion

Section 305(b) prohibits persons from holding the position of officer or director of a public utility and the position of officer or director of another public utility, of a bank, trust company, banking association, or firm that is authorized to underwrite or participate in the marketing of public utility securities; or of a supplier of electrical equipment to that public utility, unless the holding of such positions has been affirmatively authorized by the Commission upon a showing by the applicant that neither public nor private interests will be adversely affected.[2]

Although Prudential is not itself authorized to underwrite or to participate in the marketing of public utility securities, it has a substantial, controlling interest in subsidiaries which are authorized to do so.[3] Indeed, its subsidiaries all are wholly-owned by their respective parents. Imputing the activities of a subsidiary to a parent in such instances is necessary to ensure that persons otherwise required to seek Commission authorization to hold proscribed interlocks do not evade this obligation through the fiction of separate corporate identities. The requirements of section 305(b) could be circumvented easily if the conduct of a subsidiary in a situation such as this could not be attributed to a parent.

Foster assets that Prudential does not intend to exercise any control over its subsidiaries and that these subsidiaries will be allowed to operate independently. The potential exercise of corporate authority, however, may be unavoidable. Prudential controls 100% of the voting stock in Bache.[4] Prudential has both the right and the ability with this kind of voting power to influence the actions of its subsidiaries and such influence may be exerted either explicitly through direct control or implicitly through the subtle pressure, both intentional and unintentional, that it can bring to bear on Bache's management. Furthermore intentions

[2] 16 U.S.C. 825d(b) (1976). *See George F. Brewer,* Docket No. ID-1818 (April 6, 1981). *Accord. Lelan F. Sillin, Jr.,* 33 F.P.C. 1006, 1007 (1965); *John Edward Aldred,* 2 F.P.C. 247, 2149, 260-65 (1940).

[3] In a recent proceeding, we found that a company which has a wholly-owned subsidiary that is an underwriter or dealer in securities would itself be considered an underwriter or dealer in securities. *See Edwin I. Hatch,* Docket No. ID-1424 (February 18, 1977). *Accord, Edwin I. Hatch,* Opinion No. 67, Docket No., ID-1424 (November 6, 1979), *reh. denied, Edwin I. Hatch,* Opinion No. 67-A, Docket No. ID-1424 (May 7, 1980), *aff'd in part and rev'd and remanded in part,* 654, F.2d 825 (D.C. Cir. 1981), *order on remand, Edwin I. Hatch,* Docket No. ID-1424 (February 18, 1982).

[4] In addition, Prudential currently maintains two of its officers on Bache's board of directors.

may always change and assurances, as a result, only partially mitigate the dangers that may be presented by such interlocks.[5]

Accordingly, we find that the interlock at issue here is within the purview of section 305(b) and does require Commission authorization.

In the alternative Foster has applied for authorization to hold the interlock in question. Traditionally, we have looked with disfavor upon interlocks between public utilities and firms authorized to underwrite or participate in the marketing of public utility securtities.[6] Notwithstanding this general view, the Commission has adopted a policy of examining each application on its individual merits.[7]

From the pleadings before the Commission, it appears that Foster is a distinguished, independent professional whose expertise and background in economics would make her participation on the boards of directors of PSEGCO and Prudential valuable to both companies.[8] In addition, she will serve as an outside director on the boards of both companies and, as such, she neither has been nor is expected to be intimately involved in the day-to-day affairs of either company or the subsidiaries. [9] She also will hold the only interlock between the two companies. Individually, these factors would not be dispositive. However, when taken together, they lead us to conclude that there will be little opportunity for failures in arm's-length bargaining between the two companies and their subsidiaries and that the other potential dangers presented by such interlocks are not likely to occur. Moreover, it appears unlikely that she, as a single outside director, might substantially influence company policies in such a manner as to jeopardize the interests of either company, their investors, their consumers, or the general public. Altogether, the potential dangers associated with interlocking directorates appear to be sufficiently unlikely so as to justify our granting her application and authorizing the holding of the interlock at issue. Accordingly, we find that neither public nor private interests will be adversely affected by authorizing Foster's holding of the interlock described herein.

However, in order to ensure that market manipulation and a lack of arm's-length dealings do not occur, we shall allow Foster to hold the interlock in question only so long as Prudential and its subsidiaries do not underwrite or otherwise participate in the distribution and marketing of the securities of PSEGCO or its subsidiaries.[10]

The Commission orders:

(A) Margery Somers Foster's petition for an order finding that an interlock between Public Service Electric and Gas Company and Prudential Insurance Company of America is not within the scope of section 305(b) is hereby denied.

(B) Until further order of the Commission, Margery Somers Foster's application to hold the interlock described herein is hereby granted subject to the condition, as noted in the body of this order, that the authorization granted herein shall terminate if Prudential Insurance Company of America and its subsidiaries underwrite or participate in the marketing of securities of Public Service Electric and Gas Company or its subsidiaries.

(C) The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by the continued holding of the interlock authorized by this order.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13166 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[5] *Edward O. Boshell,* Docket No. ID-1107 (August 8, 1955), *reh. denied,* 14 F.P.C. 1003 (1955); *John P. Wagner,* Docket No. ID-1262 (August 8, 1955), *reh. denied John P. Wagner,* Docket No. ID-1262 (September 28, 1955). *Accord, Edwin I. Hatch,* Docket No. ID-1424 (Febuary 18, 1977).

[6] *See, e.g., George F. Brewer,* Docket No. ID-1818 (April 6, 1981); *Edwin I. Hatch,* Docket No. ID-1421 (February 18, 1977); *Harold P. Woodcock,* 16 F.P.C. 1320 (1956); *Edward O. Boshell,* Docket No. ID-1107 (August 8, 1955), *reh. denied,* 14 F.P.C. 1003 (1955); *John P. Wagner,* Docket No. ID-1262 (August 8, 1955), *reh. denied, John P. Wagner,* Docket No. ID-1262 (September 28, 1955).

[7] *George F. Brewer,* Docket No. ID-1818 (April 6, 1981). *See Edwin I. Hatch,* Docket No. ID-1424 (February 18, 1982); *David S. Soliday,* 2 F.P.C. 743 (1940).

[8] Foster is an Emeritus Professor of Economics at Rutgers University and a consultant on economics and on higher education. She has, in the past, served as a professor of economics and a dean at various universities.

[9] She holds no positions with either company other than that of director.

[10] We do not, however, intend to bar Foster from holding this interlock if Prudntial and its subsidiaries simply buy or sell securities in the so-called secondary securities markets solely on behalf of investors who desire to buy or sell PSEGCO's securities or the securities of PSEGCO's subsidiaries.

[Docket No. RP82-14-001]

Mountain Fuel Resources, Inc.; Proposed Change in FERC Gas Tariff

May 10, 1982.

Take notice that on May 3, 1982, Mountain Fuel Resources, Inc. (Resources) tendered for filing a proposed change to the Purchased Gas Cost Adjustment Procedure of its FERC Gas Tariff applicable to service rendered under tate Schedule No. 1. Resources filed third Revised Sheet Nos. 24 and 25 as part of its FERC Gas Tariff, Original Volume No. 1.

Resources asserts that the proposed tariff revision will enable it to more accurately reflect the cost of gas in its rates and to more suitably track and recover changes in the cost of purchased gas in a manner consistent with other interstate pipeline companies' PGCA procedures approved by this Commission.

Resources states that it has served the instant filing on its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13167 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-55-000 (PGA 82-2)]

Mountain Fuel Resources, Inc.; Change in Rates Pursuant to Purchased Gas Cost Adjustment Provision

May 10, 1982.

Take notice that on May 3, 1982, Mountain Fuel Resources, Inc. (Resources) tendered for filing a proposed change in rates applicable to service rendered under Rate Schedule No. 1 affected by and subject to Resources' *Purchased Gas Cost Adjustment Provision* contained in its FERC Gas Tariff, Original Volume No. 1. Resources filed Substitute Sixteenth Revised Sheet No. 7, "alternate" Substitute Sixteenth Revised Sheet No. 7 and Fifth Revised Sheet No. 7-A of its FERC Gas Tariff, Original Volume No. 1.

The current adjustment to Resources' rates results in an increase of $0.4831 per Mcf over the rate proposed in Resources' rate proceeding in Docket No. RP82-14-000 to be effective June 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13168 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-287-000]

Mountain Fuel Supply Co.; Application

May 7, 1982.

Take notice that on April 15, 1982,[1] Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP82-287-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain acreage from a transportation agreement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that by order issued February 11, 1976, in Docket No. CP74-64 Applicant was authorized to transport, sell and exchange natural gas pursuant to a gas purchase and exchange agreement with Colorado Interstate Gas Company (CIG) dated July 5, 1973. Under the terms of such agreement and a related transportation agreement between CIG and McCulloch Interstate Gas Corporation (McCulloch), it is stated, Applicant was to deliver gas to McCulloch for CIG's account, whereupon, McCulloch would transport such gas and deliver it to CIG at a point of interconnection with CIG's system. CIG retained the portion of such gas to be purchased from Applicant and delivered the balance of such gas, in turn, to Applicant at a point of interconnection with Applicant's system.

Applicant asserts that it did not own a 100 percent interest in all of the production from the acreage identified on Exhibit A to the purchase and exchange agreement with CIG, but rather, on certain portions of such acreage held a very minor interest in the production to purchasers other than Applicant or CIG. Applicant further asserts that in order to gather its minor interest in such gas it would have had to construct certain separate gathering lines and production and measuring facilities and in its view, the investment cost required for separate facilities was not warranted by the volume of production attributable to such minor interests.

It is submitted that Paragraph 2 of the purchase and exchange agreement between Applicant and CIG which governs delivery of gas to McCulloch for CIG's account provides that "the volume to be so delivered shall be that volume which Applicant has available from time to time from production from said Exhibit 'A' acreage and which Applicant is able to deliver into McCulloch's pipeline * * *" Taking into consideration its practical inabililty, on economic grounds, to gather its *de minimis* interest in the gas from the acreage in question, Applicant states that it interpreted the above language to place that interest outside the terms of the agreement and, hence, outside the scope of the certificate, and allowed its interest in the production from the acreage to be sold by the unit or well operator under "failure to take in kind" provisions of the unit or well operating agreements. Applicant further states that, in addition, on October 4, 1978, it entered into an amendatory agreement with CIG which deleted the following specific acreage from the area described on amended Exhibit A to the purchase and exchange agreement: All of Applicant's interest in the Powell II Unit in and about Township 40 North, Range 74 West, Converse County, Wyoming, and all of Section 1, Township 39 North, Range 74 West, Converse County, Wyoming. Applicant asserts that in keeping with the above interpretation of the agreement and the certificate Applicant did not file an application for permission and approval to abandon this acreage.

It is submitted that on April 27, 1979, McCulloch filed a complaint in Docket No. CP74-62 (Rate Schedule X-3) arguing, *inter alia*, that the acreage described above was dedicated to a sale and service subject to the Commission's jurisdiction and that deletion of the acreage from the purchase and exchange agreement constituted an unauthorized abandonment of such sale and service in violation of Section 7(b) of the Natural Gas Act.

Applicant asserts that in order to settle the dispute it agreed to file an application for permission and approval to abandon the acreage in question by deleting such acreage from the purchase and exchange agreement with CIG. Applicant therefore specifically proposes to abandon acreage in Townships 39 and 40 North, Range 74 West, 6th p.m., Converse County, Wyoming.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1982, file with the Federal Energy Regulatory Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13169 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[1] The application was initially tendered for filing on April 15, 1982; however, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 16, 1982; thus, filing was not completed until the latter date.

[Docket No. CP82-299-000]

Northwest Pipeline Corp.; Application

May 7, 1982.

Take notice that on April 26, 1982, Northwest Pipeline Corporation (Applicant), 315 East 200 South, Salt Lake City, Utah 84111, filed in docket No. CP82-299-000 an application pursuant to Section 7(c) of the natural Gas Act for a certificate of public convenience and necessity authorizing the reallocation of natural gas service to Cascade Natural Gas Corporation (Cascade) and the construction and operation of an additional delivery point to Cascade, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a metering and regulating station with appurtenances and to replace an existing 2-inch tap with a 4-inch tap on Applicant's 10 ¾-inch O.D. Wenatchee lateral all in Yakima County, Washington, in order to enable Cascade to provide firm natural gas service to residential customers and several essential agricultural users located near Moxee City, Washington. Applicant asserts it would designate this the Moxee City meter station and would provide gas to the Moxee City meter station by reallocating a portion of Cascade's firm service under Applicant's Rate Schedule ODL-1. It is explained that if no additional ODL-1 volumes are available Applicant would provide at its discretion the additional requested volumes pursuant to its Rate Schedule IOS-1.

Applicant submits that it would reallocate 1,000 therms of gas from the Yakima, Union Gap delivery point to the Moxee City meter station leaving Yakima, Union Gap with a maximum daily delivery obligation of 174,000 therms.

Applicant estimates the cost of the proposed facilities to be $146,350 which would be reimbursed by Cascade.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1982, 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, 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All such protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13170 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5677-000]

Swanson Mining Corp. and Walter M. Gleason; Approval by Operation of Law

May 11, 1982.

Take notice that the Deputy Director, Office of Electric Power Regulation, the Commission's Delegee on this matter, pursuant to § 375.308 of the Commission's regulations, took no action on the application for an exemption from licensing of a small hydroelectric project of 5 Megawatts or less for the Swanson Project No 5677, filed on November 24, 1981, by the Swanson Mining Corporation and Walter M. Gleason. The project is described in the public notice below.

Accordingly, the exemption is deemed granted by operation of law on April 20, 1982, under § 4.105(b) (4) of the Commission's regulations, (18 CFR 4.105(b) (4)), subject to the standard terms and conditions set forth in § 4.106 of the Commission's regulations (18 CFR 4.106).

Standard Article 2 included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the applicant in conjunction with this exemption.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the Commission shall determine whether the disputed terms and conditions are outside the scope of Article 2.

Robert E. Cackowski,

Deputy Director, Office of Electric Power Regulation.

[Project No. 5677-000]

Swanson Mining Corporation and Walter M. Gleason; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

January 4, 1982.

Take notice that on November 24, 1981, Swanson Mining Corporation and Walter M. Gleason (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. 5677 would be located on Madden Creek, near Willow Creek, in Humboldt County, California. Correspondence with the Applicant should be directed to: Walter M. Gleason, Harst Building, Suite 1200, Third and Market Streets, San Francisco, Calfornia 94103.

Project Description—The proposed project would consist of: (1) An existing 7-foot high, 32-foot long concrete and steel diversion dam; (2) a short 42-inch diameter pipe; (3) an existing 1,065-foot long earthen canal; (4) an 800-foot long steel syphon; (50) an existing 7,200-foot long canal; (6) a 5,400-foot long penstock; (7) a powerhouse containing one generating unit rated at 2,000 kW; and (8) a 1,000-foot long transmission line. The average annual energy generation is 7.9 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Purpose of Project—The power output from the project would be sold to the Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice 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 within 60 days from the date of issuance of this notice, 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 February 19, 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 the 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 C.F.R. § 4.33 (b) and (c) (1980). A competing license application must conform with the requirements 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 C.F.R. § 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 petitions to intervene must be received on or before February 19, 1982.

Filing and Service of Responsive Documents—Any fillings must bear in all captial 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 Commissions, 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. 82-13180 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP75-276-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

May 7, 1982.

Take notice that on April 19, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-276-001 a petition to amend the order issued September 8, 1975,[1] in Docket No. CP75-276 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas for the account of Public Service Electric & Gas Company (Public Service) from an additional point of receipt, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued September 8, 1975, as amended, it was authorized to transport up to 15,000 Mcf of natural gas per day for Public Service which gas is received from Texas Gas Transmission Corporation (Texas Gas) for transportation and delivery to Public Service at the tailgate of the Shell Oil Company Gasoline Plant near Chalkley, Cameron Parish, Louisiana.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Pursuant to an agreement dated March 24, 1982, Petitioner proposes to receive gas from Texas Gas for the account of Public Service from an additional point of receipt at the northern terminus of the western section of the Blue Water System near Egan, Acadia Parish, Louisiana. It is asserted that the addition of the exchange point would not change the maximum daily quantity of 15,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 28, 1982, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13171 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-295-000]

Texas Eastern Transmission Corp; Application

May 7, 1982.

Take notice that on April 22, 1982, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-295-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated December 7, 1981, Applicant proposes to transport up to 20,000 dekatherms (dt) equivalent of natural gas per day for Texas Gas. It is asserted that Texas Gas has purchased quantities of natural gas from Union Texas Petroleum Corporation's production in the East Sour Lake Field area of Hardin and Jefferson Counties,

Texas, and the Red Bluff Lake Field in Loving County, Texas, which gas would be delivered to Houston Pipe Line Company (HPL). It is submitted that HPL would deliver the gas to Applicant at an existing interconnection in Chambers County, Texas, or other mutually agreeable existing points of interconnenction.

Applicant states it would deliver the subject gas, less 2.0 percent for shrinkage, to Texas Gas at an existing point of interconnection in Jefferson Davis Parish, Louisiana. Applicant further proposes to redeliver the gas to Texas Gas at two alternative secondary points located at the interconnection between the pipeline systems of Texas Gas and Applicant located near Eunice, Evangeline Parish, Louisiana or the interconnection between the pipeline systems of Texas Gas and Applicant located near Lisbon, Clairborne Parish, Louisiana.

Texas Gas, it is stated, would pay Applicant for the proposed Service pursuant to Applicant's Rate Schedule TS–1 which rate is presently 22.61 cents per dt equivalent.

It is asserted that the proposed service would provide Texas Gas with a cost-efficient method of securing the quantities of natural gas which it has purchased remote from its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–13172 Filed 5–13–82; 8:45am]

BILLING CODE 6717–01–M

[Docket No. RP82–74–000]

Texas Gas Transmission Corp.; Proposed Changes in Ferc Gas Tariff

May 10, 1982.

Take notice that on April 30, 1982, Texas Gas Transmission Corporation (Texas Gas) tendered for filing proposed changes to its FERC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. The proposed changes would increase revenues from jurisdictional sales and services by approximately $102,967,000 based on the 12 month period ended January 31, 1982, as adjusted, compared with the rates effective on February 1, 1982.

Texas Gas states that the increased costs are attributable to (1) increases in operating expenses; (2) increase in rate base and related costs; and (3) increase in rate of return and related taxes.

Texas Gas requests an effective date of June 1, 1982, for the proposed Revised Sheets. Texas Gas further states that it served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–13173 Filed 5–13–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–300–000]

United Gas Pipe Line Co. and Texas Eastern Transmission Corp.; Application

May 7, 1982.

Take notice that on April 26, 1982, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82–300–000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas between the parties, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an exchange agreement dated March 21, 1982, United and Texas Eastern propose to transport and exchange on a firm basis up to 5,000 Mcf of natural gas per day. It is stated that Texas Eastern would deliver or cause the delivery of natural gas to United at delivery points in Panola and Bee Counties, Texas, and DeSoto and Lincoln Parishes, Louisiana. United, it is asserted, would deliver or cause the delivery of gas to Texas Eastern in Cass, Jackson, Bee, and Panola Counties, Texas. It is submitted that the subject exchange service commenced April 1, 1980, pursuant to Part 284 of the Commission's Regulations.

Applicants assert that the proposed exchange of natural gas would be substantially equal and mutually beneficial; therefore, no charge to either party would be necessary.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1982, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-13174 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-294-000]

United Gas Pipe Line Co.; Application

May 7, 1982.

Take notice that on April 20, 1982, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP82-294-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a tap in Perry County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 2-inch tap on its existing Jackson to Mobile 16-inch line in Perry County to serve the Willmut Gas and Oil Company (Willmut). It is asserted that the proposed tap would provide gas service to a proposed new subdivision in Perry County.

Applicant asserts that due to a substantial loss of industrial load experienced by Willmut in recent years the proposed tap would not necessitate an increase in Willmut's present maximum daily quantity allocation. It is asserted that the cost of the proposed tap is estimated to be $1,440 which would be reimbursed by Willmut.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1982, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to inervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 82-13175 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of April 16 Through April 23, 1982

During the week of April 16, through April 23, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

May 7, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Apr. 16, through Apr. 23, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 19, 1982	Exxon Company U.S.A., Washington, D.C.	HFA-0052	Appeal of Information Request Denial. If granted: The March 16, 1982 Information Request Denial issued by the Office of Special Counsel would be rescinded, and Exxon Company U.S.A. would receive access to documents relating to the firm's audit.
Apr. 19, 1982	Vickers Energy Corp./Riess Ford Sales Co., et al., Washington, D.C.	HFX-0023	Supplemental Order. If granted: The applications for refund filed by Riess Ford Sales Co., et al. requesting a portion of the escrow fund provided by Vickers Energy Corporation would be granted.
Apr. 19, 1982	Vickers Energy Corp./State of Kansas and Wisconsin, Washington, D.C.	HFX-0022	Supplemental Order. If granted: The applications for refund filed by the State of Kansas and the State of Wisconsin requesting a portion of the escrow fund provided by Vickers Energy Corporation would be granted.
Apr. 19, 1982	Commonwealth Oil & Refining Company, Washington, D.C.	HEF-0025	Exception to the Entitlements Program. If granted: Commonwealth Oil & Refining Company, Inc., would receive an exception from the provisions of 10 CFR 211.67, the Puerto Rico Naptha Entitlements Program which would modify its entitlements purchase obligations.

[FR Doc. 82-13125 Filed 5-13-82; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of April 23 Through April 30, 1982

During the week of April 23 through April 30, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Officer of Hearings and Appeals.

May 7, 1982.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Apr. 23 Through Apr. 30, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 26, 1982	Monsanto Company, Houston, Texas	HED-0048	Motion for Discovery. If granted: Discovery would be granted to Monsanto Company in connection with the Statement of Objections submitted in response to the March 25, 1982 Proposed Decision and Order issued to the firm (Case No. BEE-1618).
Apr. 26, 1982	Atlantic Richfield Company, Washington, D.C	HRZ-0056	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the petitioner documents identified in its second index of privileged documents filed March 9, 1982.
Apr. 27, 1982	Gulf Oil Corporation, Washington, D.C.	HRZ-0057	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the petitioner documents identified in its second index of privileged documents, filed March 9, 1982.
Apr. 27, 1982	Kern Oil & Refining Company, Los Angeles, California	HEE-0026 and HEL-0008	Exception from the Entitlements Program. If granted: Kern Oil & Refining Company would receive an exception to the provisions of 10 CFR 211.67, regarding its entitlement purchase obligations. The firm would receive a temporary exception pending a final determination on its application for exception.
Apr. 27, 1982	Louisiana Land and Exploration Company, Washington, D.C.	HRZ-0061	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the petitioner documents identified in its second index of privileged documents, filed March 9, 1982.
Apr. 27, 1982	Marathon Oil Company, Washington, D.C	HRZ-0059	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the petitioner documents identified in its second index of privileged documents, filed March 9, 1982.
Apr. 27, 1982	Standard Oil Company of Ohio, Cleveland, Ohio	HRZ-0058	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the petitioner documents identified in its second index of privileged documents, filed March 9, 1982.
Apr. 27, 1982	State of New York, Albany, New York	HRX-0024	Supplemental Order. If granted: The State of New York would be allowed to participate fully in the Remedial Order proceedings against Shell Oil Company (Case No. HRO-0021).
Apr. 27, 1982	Texaco Inc., Washington, D.C	HRZ-0060	Interlocutory Order. If granted: The Office of Special Counsel would be compelled to release to the petitioner documents identified in its second index of privileged documents, filed March 9, 1982.
Apr. 27, 1982	The Denver Post, Denver, Colorado	HFA-0053	Appeal of an Information Request Denial. If granted: The April 8, 1982, Information Request Denial issued by the Freedom of Information Center would be rescinded and the Denver Post would receive access to all reports of audits performed within the past three years by the Defense Contract Audit Agency on all contracts with Fenis and Scisson Inc. of Tulsa, Oklahoma.
Apr. 28, 1982	Hughes, Hubbard & Reed, New York, New York	HFA-0054	Appeal of an Information Request Denial. If granted: The March 12, 1982, Information Request Denial issued by Deputy General Counsel for Enforcement and Litigation would be rescinded and Hughes, Hubbard & Reed would receive access to certain DOE information.
Apr. 29, 1982	Ashland Oil Inc./Tosco Corp., Washington, D.C	HEJ-0019	Protective Order. If granted: Tosco Corp. would enter into a Protective Order with Ashland Oil Inc. regarding the release of proprietary information to Tosco in connection with Ashland Oil Inc.'s application for Exception (Case No. BEE-1676).
Apr. 29, 1982	State of Delaware, Dover, Delaware	HEE-0027	Exception to the Institutional Conservation Program. If granted: The State of Delaware would receive an exception from the provisions of 10 CFR Part 455, regarding administrative grant expenses for the fourth cycle of grants (Cycle IV).
Apr. 30, 1982	Vinson & Elkins, Houston, Texas	HEX-0025	Supplemental Order. If granted: The Office of Hearings and Appeals would confirm the order issued to Vinson and Elkins on April 6, 1982 (Case No. HFA-0029).

[FR Doc. 82-13128 Filed 5-13-82; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Proposed Subsequent Arrangements; Australia

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation between the Government of the United States of America and the Government of Australia Concerning Peaceful Uses of Nuclear Energy, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for the following sales:

Contract Number S-AU-114, to the South Australia Health Commission, Adelaide, South Australia, 25 grams of natural uranium, for use as standard reference material.

Contract Number S-JA-302, to the Japan Atomic Energy Research Institute, 4 grams of uranium enriched to 93.336% in U-235, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended,

it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 10, 1982.

Harold D. Bengelsdorf,

Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-13192 Filed 5-13-82; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement, Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale:

Contract Number S-CA-325, to Atomic Energy of Canada, Ltd., 49 milligrams of thorium-230, for use in mass spectrometric analysis of fuels from CANDU and research reactors.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Date: May 10, 1982.

Harold D. Benegelsdorf,

Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-13193 Filed 5-13-82; 8:45 am]

BILLING CODE 6717-01-M

Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the following sale:

Contract Number S-JA-306, to the Power Reactor and Nuclear Fuel Development Corporation, Japan, 1 gram of plutonium-242, and 10 grams of uranium-233, to be used for density analysis of plutonium and uranium.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: May 10, 1982.

Harold D. Bengelsdorf,

Office of International Nuclear and Non-Proliferation Policy.

[FR Doc. 82-13194 Filed 5-13-82; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of a meeting of Subcommittee A of the Industry Advisory Board to the International Energy Agency (IEA). The meeting will be held on May 21, 1982, at the offices of Exxon Corporation, 1251 Avenue of the Americas, New York, New York, beginning at 9:30 a.m.

This meeting is being held in order to permit representatives of some of the members of Subcomittee A to participate in a meeting of a Joint Government/Industry Design Group that has been established by the IEA for the preparation of the Fourth IEA Allocation Systems Test.

The agenda for the meeting is:

1. Testing of pricing principles.
2. Work program.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., May 11, 1982.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 82-13304 Filed 5-13-82; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51413; PN-FRL-2124-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eighteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 82-322, July 29, 1982.

PMN 82-323, 82-324, 82-325 and 82-326, August 1, 1982.

PMN 82-327, 82-328 and 82-329, August 2, 1982.

PMN 82-330, 83-331, 82-332 and 82-333, August 3, 1982.

PMN 82-334, 82-335, 82-336 and 82-337, 82-338 and 82-339, August 4, 1982.

Written comments by:

PMN 82-322, June 29, 1982.

PMN 82-323, 82-324, 82-325 and 82-326, July 2, 1982.

PMN 82-327, 82-328 and 82-329, July 3, 1982.

PMN 82-330, 82-331, 82-332 and 82-333, July 4, 1982.

PMN 82-334, 82-335, 82-336, 82-337, 82-338 and 82-339, July 5, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51413]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 82–322

Manufacturer. S. C. Johnson and Son, Inc.

Chemical. (G) Styrene acrylate copolymer.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 82–323

Manufacturer. Witco Chemical Corporation.

Chemical. (G) t-alkyl peroxyester.

Use/Production. (S) Initiator of vinyl monomers. Prod. range: 5,000–75,000 lbs/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: accidental.

Environmental Release/Disposal. No release. Disposal by publicly owned treatment works (POTW).

PMN 82–324

Manufacturer. Confidential.

Chemical. (G) Phenoxy ester resin.

Use/Production. (S) Industrial resin for low VOC and conventional coating. Prod. range: 2,500–50,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, inhalation and eye, a total of 53 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10–100 kg/yr released to air up to 17 hrs/da, up to 250 da/yr, less than 10–100 kg/yr to water and 10–10,000 kg/yr to land. Disposal by incineration and approved landfill.

PMN 82–325

Manufacturer. Confidential.

Chemical. (G) Acrylic resin.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: 12 workers, within 20 hrs.

Environmental Release/Disposal. Disposal by reprocessing or incineration.

PMN 82–326

Manufacturer. Confidential.

Chemical. (G) Substituted pyridine.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: Moderately toxic; Acute dermal: 280 mg/kg; Eye: Very slight irritation.

Exposure. Manufacture and use: dermal and inhalation, 8–12 workers, 1–2 hrs/da, 100–150 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 82–327

Importers. Confidential.

Chemical. (G) Hydroxy, amine-substituted anthraquinone.

Use/Import. (S) Industrial dye for textile fibers and fabrics. Import range: 200–5,000 kg/yr.

Toxicity Data. Acute oral: >5 g/kg; Skin: Slight irritant; Eye: Non-irritant.

Exposure. Processing, use and disposal: dermal, a total of 60 workers, up to 5 hrs/da, up to 120 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to water 2 hrs/da, 120 da/yr. Disposal by POTW and incineration.

PMN 82–328

Manufacturer. American Cyanimid Company.

Chemical. (G) Modified amine.

Use/Production. (G) Resin curing agent. Prod. range: Confidential.

Toxicity Data. Acute oral: 3.7 g/kg; Acute dermal: >2 g/kg; Skin: Moderate irritant; Eye: Moderate irritant.

Exposure. Manufacture: dermal and inhalation, a total of 38 workers, up to 16 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Minimal release to water and land. Disposal by POTW.

PMN 82–329

Manufacturer. Confidential.

Chemical. (G) Poly [(aminoalkylamino) alkylene oxide].

Use/Production. (G) Component of water processing equipment. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: 1 workers, 1 hr/mo.

Environmental Release/Disposal. No release. Disposal by permitted disposal facilities.

PMN 82–330

Manufacturer. National Starch and Chemical.

Chemical. (G) Poly (vinyl acrylate).

Use/Production. (S) Pressure sensitive adhesive. Prod. range: 500–20,000 lbs/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 50 workers, up to 8 hrs/wk.

Environmental Release/Disposal. No release. Disposal by approved landfill.

PMN 82–331

Manufacturer. Confidential.

Chemical. (G) Nitrophenyl amide.

Use/Production. (S) Site-limited intermediate. Prod. range: 15,000–100,000 kg/yr.

Toxicity Data. Acute oral: 6.4 g/kg; Acute dermal: >2.0 g/kg; Skin: Minimal irritant; Eye: Mild irritant.

Exposure. Minimal: dermal, a total of 24 workers, up to 390 hrs/hr.

Environmental Release/Disposal. No release. Disposal by biological treatment system and National Pollution Discharge Elimination System (NPDES).

PMN 82–332

Manufacturer. Confidential.

Chemical. (G) Aminophenyl amide.

Use/Production. (S) Site-limited intermediate. Prod. range: 10,000–80,000 kg/yr.

Toxicity Data. Acute oral: 0.92 g/kg; Acute dermal: >2.0 g/kg; Skin: Non-irritant; Eye: Moderate irritant.

Exposure. Minimal: dermal, a total of 21 workers, up to 221 hrs/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system and NPDES.

PMN 82–333

Manufacturer. Reliance Universal Inc.

Chemical. (G) Polyacrylate.

Use/Production. (S) Polymer for industrial business machines. Prod. range: 300,000–2,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, a total of 9 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. No release. Disposal by approved landfill or Resource Conservation and Recovery Act (RCRA).

PMN 82–334

Manufacturer. Confidential.

Chemical. (G) 5-chloro-4-nitro-2-substituted aryloxydimethylaniline.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal and inhalation, a total of 4 workers, up to 2 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 2 hrs/da, 15 da/yr. Disposal by incineration and approved landfill.

PMN 82–335

Manufacturer. Confidential.

Chemical. (G) 5-chloro-2-substituted aryloxyaniline.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 93 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 93 da/yr. Disposal by incineration and approved landfill.

PMN 82–336

Manufacturer. Confidential.

Chemical. (G) 2-chloro-4(N,N-dimethylamino)-5-substituted aryloxydiazonium tetrafluoroborate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: dermal and inhalation, a total of 8 workers, up to 1 hr/da, up to 40 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 1 hr/da, 24 da/yr. Disposal by incineration and approved landfill.

PMN 82–337

Manufacturer. Confidential.

Chemical. (G) 5-chloro-2-substituted aryloxydimethylaniline.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal and inhalation, a total of 4 workers, up to 1 hr/da, up to 10 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air 8 hrs/da, 10 da/yr. Disposal by incineration and approved landfill.

PMN 82–338

Manufacturer. Confidential.

Chemical. (G) Disubstituted triazolidine.

Use/Production. (S) Company-limited chemical intermediate. Prod. range: 75–150 kg/yr.

Toxicity Data. Acute oral: 800–1,600 mg/kg; Acute dermal: 1,000 mg/kg; Skin: Slight; Acute intraperitoneal: 50–100 mg/kg.

Exposure. Manufacture and use: dermal and inhalation, a total of 40 workers, up to 1 hr/da, up to 10 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system and incineration.

PMN 82–339

Manufacturer. Confidential.

Chemical. (G) Disubstituted triazolidine salt.

Use/Production. (G) A constituent of an article for commercial and consumer use. Prod. range: 200–350 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: a total of 55 workers, up to 1 hr/da, up to 20 da/yr.

Environmental Release/Disposal. No release to water and land with minimal to air. Disposal by incineration.

Dated: May 10, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82–13007 Filed 5–13–82; 8:45 am]

BILLING CODE 6560–50–M

[ER-FRL-2126-1]

Availability of Environmental Impact Statements Filed May 3 Through May 7, 1982 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, Ms. Kathi Wilson, (202) 245–3006.

Corps of Engineers:
- EIS# 820258, Draft, COE, OH, Maumee Bay State Park Shoreline Protection, Lucas County, Due: June 28, 1982
- EIS# 820259, Final, COE, AL, Lower Mobile Bay Natural Gas Production Permit, Mobile and Baldwin Co., Due: June 14, 1982
- EIS# 820257, Final, COE, SEV, IA, MN, Upper Mississippi River Resoure Management Plan, Due: June 14, 1982
- EIS# 820256, Final, COE, IL, Chicago Area Disposal Facility/Maintenance Dredging, Cook County, Due: June 14, 1982
- EIS# 820278, Final, COE, LA, Mississippi River Flood Control, Tensas Basin, Bushley Bayou, Due: June 14, 1982
- EIS# 820263, Final, COE, SEV, MO, KS, Brush Creek and Tributaries Flood Control Plan, Due: June 14, 1982
- EIS# 820267, DSuppl, COE, TN, West Tennessee Tributaries Flood Control, Obion-Forked Deer R. Basin, Due: June 28, 1982
- EIS# 820266, FSuppl, COE, CO, Glenwood Canyon I–70 Project, Permit, Garfield County, Due: June 14, 1982

Department of Commerce:
- EIS# 820276, Final, DOC, LA, Louisiana International World Exposition 1984, Jefferson Parish, Due: June 14, 1982
- EIS# 820274, Final, NOA, SEV, REG, ATL, Atlantic Sea Scallop Fishery, Fishery Management Plan, Due: June 14, 1982

Department of Interior:
- EIS# 820269, Draft, BLM, OR, Eugene-Medford 500 KV Transmission Line, Rights-of-Way, Due: July 7, 1982
- EIS# 820279, Final, NPS, CA, Santa Monica Mountains National Recreation Area, Due: June 14, 1982
- EIS# 820273, Final, SFW, MN, Minnesota Valley National Wildlife Refuge Land Use Plan, Due: June 14, 1982

Department of Transportation:
- EIS# 820272, Final, FAA, CT, Brainard Airport Directional Aid Approach Facility, Hartford County, Due: June 14, 1982
- EIS# 820271, Final, FHW, CA, CA–101 Improvement, Redwood Valley Area, Mendocino County, Due: June 14, 1982
- EIS# 820277, Final, FHW, CA, CA–36 Reconstruction and Bridge Replacement, Humboldt County, Due: June 14, 1982
- EIS# 820268, DSuppl, FHW, MI, I–69 Construction, Charlotte to I–69, Eaton County, Due: June 28, 1982

Environmental Protection Agency:
- EIS# 820270, Draft, EPA, FL, Jacksonville Harbor Disposal Site, Designation, Duval County, Due: June 28, 1982
- EIS# 820262, Draft, EPA, SC, Hilton Head Island Wastéwater Treatment Facilities Grant, Beaufort Co., Due: July 9, 1982
- EIS# 820280, Final, EPA, SEV, REG, Phosphate Rock Plants, Promulgated Standards, Due: June 14, 1982

Department of Housing and Urban Development:
- EIS# 820260, Draft, HUD, MD, Foxcraft, Farmbrook and Timberline Subdivisions, Mortgage Insurance, Due: June 28, 1982
- EIS# 820275, Draft, CDB, NY, Union Station Conversion, UDAG, City and County of Albany, Due: June 28, 1982
- EIS# 820281, DSuppl, CDB, CA, National City Downtown Redevelopment Project, CDBG, San Diego County, Due: June 28, 1982

Nuclear Regulatory Commission:
- EIS# 820265, Draft, NRC, WA, Skagit/Hanford Nuclear Plant, Units 1 and 2, Permits, Benton County, Due: June 28, 1982

Department of Agriculture:
- EIS# 820261, Draft, AFS, CO, Rifle Ski Area Development, White River National Forest, Permit, Due: June 28, 1982

Veterans Administration:
- EIS# 820264, DSuppl, VAD, AL, Fort Mitchell National VA Cemetery, Russell County, Due: June 28, 1982

Amended Notices:
- EIS# 820168, Draft, FHW, SEV, WV, OH, Appalachian Corridor D Construction, I–77 to Ohio River, Published [1] FR 4–9–82—Review Extended, Due: June [1] 30, 1982
- EIS# 820240, Draft, AFS, MT, Beaverhead National Forest Land Management Plan, Published [1] FR 5–7–82—Review Extended, Due: Aug. [1] 2, 1982
- EIS# 820234, Final, BLM, SEV, Offshore North Atlantic States 1982 OCS Oil and Gas Lease Sale No. 52, Due: June [1] 14, 1982

Dated: May 11, 1982.

Louis J. Cordia,

Acting Director, Office of Federal Activities.

[FR Doc. 82–13250 Filed 5–13–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Radio Advisory Committee Schedules Resumed Sessions

The Advisory Committee on Radio Broadcasting, having considered the matters on the Agenda of its May 4, 1982 meeting, recessed the meeting for resumption as follows, at Room A–106, 1229 20th Street, NW., Washington, D.C.:

Monday, May 10, 1982 at 2:00 pm:
Resumed consideration by the Committee's Subgroup on Technical

[1] Published FR 4–30–82—Review period reestablished due to noncompletion of distribution.

Matters, of technical preparations for U.S.-Canada discussions of revised agreement on AM broadcasting.

Tuesday, May 11, 1982 at 9:00 am: Consideration, by the Technical Subgroup, of technical data on receiver characteristics, their relationship to the proposals in Docket 80–90, and their impact on the future of FM broadcasting.

Tuesday, May 11, 1982 at 1:30 pm: Consideration by the Committee's Allocations Subgroup of the allocations implications of FM (1) new station demand and viability; (2) service losses and gains from pending proposals; (3) allocation priorities and acceptance criteria.

Wednesday, July 7, 1982 at 9:30 am: Consideration by the full Committee of reports by its Technical and Allocations Subgroups on work accomplished and recommend future action concerning:

—FM allocations and

—Implementation of the Final Acts, Rio de Janeiro, 1981, including the development of post-Rio agreements with U.S. neighbors concerning mutual protection of each others' AM services.

—Other business.

In the likely event that it will not be possible to conclude the consideration of the foregoing agenda matters at the above-scheduled sessions, they will be recessed for resumption at such times and places as will be there decided. If it should become necessary to hold the July 7, 1982 meeting at a different location, that will be separately announced.

All interested persons are invited to participate at these sessions, which will be open to the public. For further information contact Louis C. Stephens, Committee Chairman, at FCC Headquarters, (202) 632–7792.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–13122 Filed 5–13–82; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 82–26]

Rascator Maritime S.A. v. Cargill, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Rascator Maritime S.A. against Cargill, Incorporated was served May 5, 1982. Complainant alleges that respondent, pursuant to its terminal tariff provisions, unlawfully has passed vessels out of turn in violation of section 17 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82–13123 Filed 5–13–82; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M–0068]

Allergan Pharmaceuticals, Inc., Premarket Approval of Softears ™

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of Softears ™ for polymacon hydrophilic contact lenses sponsored by Allergan Pharmaceuticals, Inc., Irvine, CA. 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 had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by June 14, 1982.

ADDRESS: Request 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 December 2, 1980, Allergan Pharmaceuticals, Inc., Irvine, CA, submitted to FDA an application for premarket approval of Softears ™ for polymacon 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 February 12, 1982, 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), soft contact lens solutions 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)), soft contact lens solutions 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 solutions comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310), 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 Softears ™ states that the solution is designed to improve the comfort of lens wear by lubricating and rewetting daily wear polymacon contact leases. Sponsors of daily wear polymacon 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 solutions 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 June 14, 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: May 6, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-12853 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0085; DESI 6290]

Diphenhydramine Hydrochloride for Oral Use; Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice sets forth the conditions for marketing the oral form of diphenhydramine hydrochloride for the indications for which it continues to be regarded as effective, offers an opportunity for a hearing concerning indications regarded as lacking substantial evidence of effectiveness, and terminates an exemption applicable to the drug.

DATES: Hearing requests due on or before June 14, 1982; supplements to approved NDA's due on or before July 13, 1982.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 6290, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD–160), Rm. 18B–08, Bureau of Drugs.

Abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Requests for labeling guidelines: Division of Surgical-Dental Drug Products (HFD–160), Bureau of Drugs.

Requests for hearing (identify with Docket Number appearing in the heading of this notice): Dockets Management Branch, Food and Drug Administration (HFA–305), Rm. 4–62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD–310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT: John H. Hazard, Jr., Bureau of Drugs (HFD–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 6290; Docket No. FDC–D–324 (now Docket No. 80N–0085)) published in the **Federal Register** of June 18, 1971 (36 FR 11758), the Food and Drug Administration (FDA) announced its conclusions that diphenhyrdramine hydrochloride for oral use as a prescription drug is effective in the treatment of motion sickness, parkinsonism, and allergic reactions. The drug was also classified as less than effective (probably effective, possibly effective, and lacking substantial evidence of effectiveness) for certain other indications. The products evaluated were the following:

NDA 5–845; Benadryl Syrup, Kapseals, Elixir, Emplets (enteric coated tablets), and Powder for Prescription Compounding (this product never received approval from FDA), all containing diphenhydramine hydrochloride; Parke, Davis & Co., Division of Warner Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950.

This notice does not pertain to the indications stated in the June 18, 1971 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and those indications are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

A notice published in the **Federal Register** of December 14, 1973 (38 FR 34481) granted a temporary exemption from the time limit established for completing certain phases of the Drug Efficacy Study (DESI) program for certain oral prescription drugs offered for relief of cough, cold, allergy, and related symptoms. The exemption was intended to permit continued marketing of diphenhydramine hydrochloride with respect to certain cough, cold, allergy, and related indications that were not among those classified as effective, while studies intended to demonstrate effectiveness for these indications were being conducted. The exemption was granted because of the close relationship between, and the similarities in, drugs sold over-the-counter (OTC) and thus subject to evaluation in the ongoing OTC drug review (21 CFR Part 330), and prescription drugs containing the same active ingredients and offered for relief of cough, cold, allergies, and related symptoms. Postponement of final evaluations on the DESI prescription products enabled the agency to consider the recommendations of the OTC advisory review panel in addition to any evidence submitted in response to various DESI notices. Those recommendations and an advance notice of proposed rulemaking for over-the-counter cold, cough, allergy, bronchodilator, and antiasthmatic (CCABA) drugs were published in the

Federal Register of September 9, 1976 (41 FR 38312).

The agency's position regarding the conversion of some of the present prescription indications for diphenhydramine hydrochloride to OTC status is being considered in the OTC drug review process. Those conclusions will be addressed in future Federal Register publications that include diphenhydramine hydrochloride as the active ingredient in OTC drug products.

Revocation of Exemption

Because the less-than-effective indications for the prescription drug products are now being reclassified, the temporary exemption granted by the December 14, 1973 notice, as it pertains to oral diphenhydramine hydrochloride, is hereby revoked.

Less-Than-Effective Indications

Cough, Cold, Allergy, Bronchodilator, and Antiasthmatic Conditions. Diphenhydramine hydrochloride, previously recommended for prescription use in a variety of conditions related to cough, cold, allergy, and similar symptoms, was classified in the June 18, 1971 notice as effective for some of those indications and less than effective (probably or possibly effective) for others. Because no person has submitted data to support the less-than-effective indications, they are reclassified to lacking substantial evidence of effectiveness. These evaluations are not inconsistent with the recommendations of the OTC advisory review panel for CCABA drugs.

This notice does not address the use of diphenhydramine as an antitussive. That use was evaluated in the DESI program in a separate proceeding (Docket No. 79N–0324, 44 FR 57497, October 5, 1979), as well as in the OTC drug review. Future notices in the Federal Register will address that indication.

Insomnia. In response to the June 18, 1971 notice, Parke Davis submitted the following seven studies in support of the probably effective indication "for intractable insomnia and insomnia predominant in certain medical disorders." (This indication was not covered by the exempting notice of December 14, 1973.)

1. Goldstein, L., H. B. Murphree, and C. C. Pfeiffer, "Comparative Study of EEG Effects of Antihistamines in Normal Volunteers," *Journal of Clinical Pharmacology*, 42–53, 1968.

2. Friedlander, W. J., "The Use of Benadryl for Sleep EEG's," *Electroencephalography and Clinical Neurophysiology*, 13:285–286, 1961.

3. Jick, H., D. Slone, S. Shapiro, and G. P. Lewis, "Clinical Effects of Hypnotics. I. A Controlled Trial," *Journal of the American Medical Association*, 209:2013–2015, 1969.

4. Millichap, J. G. "A Clinical Trial of Benadryl as a Bedtime Sedative for Children," Parke, Davis & Co. Clinical Trial, Protocol #184–29, 1974.

5. Russo, R., "A Clinical Trial of Benadryl as a Bedtime Sedative for Children," Parke, Davis & Co., Protocol #184–31, 1973.

6. Teutsch, G., et al., "Hypnotic Efficacy of Diphenhydramine, Methapyrilene, and Pentobarbital," *Clinical Pharmacology and Therapeutics*, 17:195–201, 1975. (This was Study II contained in the "Report of the Veterans Administration Cooperative Analgesic Study," W. H. Forrest, Jr. and C. R. Brown, 1972.)

7. Vogel, G. W., E. N. Schultz and G. W. Swenson, OTC Volume 050041.

None of these studies provide the specific diagnostic criteria characterized by the conditions described in the indication—particularly, the terms "intractable" and "predominant in certain medical disorders." Thus it is impossible to adaquately determine whether the patient population that was studied could in fact be diagnosed as having a condition for which the drug was offered, that is, either "intractable insomnia" or a medical disorder in which insomnia is predominant. 21 CFR 314.111(a)(5)(*a*)(*2*)(*i*).

However, a number of other studies were submitted, as part of the OTC drug review (Docket No. 75N–0244), to support the use of diphenhydramine hydrochloride as a sleep-aid.

After reviewing the following studies, the agency concludes that 50 mg diphenhydramine hydrochloride is effective for use as a nighttime sleep-aid (See Federal Register of April 23, 1982 (47 FR 17740)). This indication is included in the labeling conditions below.

1. Finnerty, R., and H. Goldberg, "Double-Blind, Controlled Evaluation of Diphenhydramine and Palcebo In Insomniac General Practice Patients," Unpublished Study, Comment Nos. C0030, SUP004, and SUP005.

. Glassman, S., and E. W. Packman, "Subjective Evaluation of the Incidence of Side Effects Produced By 50 mg and 100 mg Doses of Diphenhydramine HCL Versus Placebo," Unpublished Study No. S–2519, Comment No. SUP002.

3. Holder, A., and K. J. Kohlhof, "Assessment of the Sleep Prolongation Properties of Two Analgesic/Sedative Tablets Versus Placebo In Healthy Adults," Unpublished Study No. S–2593, Comment Nos. C0032 and C0035.

4. Rickels, K., "Double-Blind, Controlled Evaluation of Diphenhydramine and Placebo In Insomniac General Practice Patients," Unpublished Study, Comment Nos. C0030, SUP004, and SUP005.

5. Smith, P. H., "Pain/Sedative Study," Unpublished Study No. S–2512, Comment Nos. SUP003 and C0035.

6. Sunshine, A., and E. Laska, "A Comparative Study of Diphenhydramine 50 mg and Placebo," Unpublished Study No. S–2162A, Comment Nos. 0B0018, SUP002, and C0035.

7. Sunshine, A., and E. Laska, "A Comparative Study of Diphenhydramine 50 mg and Placebo," Unpublished Study No. S–2162B, Comment Nos. 0B0018, SUP002, and C0035.

8. Sunshine, A., I. Zighelboim, and E. Laska, "Hypnotic Activity of Diphenyhydramine, Methapyrilene, and Placebo," Unpublished Study No. W–2080, Comment Nos. 0B0018, SUP002, and C0035.

Other Indications. As no data were submitted in support of the remaining indications that were classified as probably or possibly effective in the June 18, 1971 notice, they are reclassified to lacking substantial evidence of effectiveness.

Amendment

Accordingly, the June 18, 1971 notice is amended, insofar as it pertains to diphenhydramine hydrochloride products, to read as follows:

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing diphenhydramine as a prescription drug product.

In addition to the products specifically named above, this notice applies to any drug product that is not the subject of an approved new drug application and is identical to a previously approved product that is named above. It may also be applicable, under 21 CFR 310.6, to a similar or related drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indications in the labeling conditions below and lack substantial evidence of effectiveness for all other indications previously classified as probably effective or possibly effective.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve

abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug product is in capsule, enteric coated tablet, elixir, or syrup form suitable for oral administration.

2. *Labeling conditions.* a. As a prescription product, the label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Indications

Perennial and seasonal allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis due to inhalant allergens and foods.
Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.
Amelioration of allergic reactions to blood or plasma in patients with a known history of such reactions.
Dermatographism.
As therapy for anaphylactic reactions *adjunctive* to epinephrine and other standard measures after the acute manifestations have been controlled.
Parkinsonism (including drug-induced) in the elderly unable to tolerate more potent agents.
Mild cases of parkinsonism (including drug-induced) in other age groups.
In other cases of parkinsonism (including drug-induced) in combination with centrally acting anticholinergic agents.
Active and prophylactic treatment of motion sickness.
Nighttime sleep-aid.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before July 13, 1982, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in paragraph B.2.b. above, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained before marketing such products. Under 21 CFR 320.21, the application must include either evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement, unless such evidence is already waived under 21 CFR 320.22(c). The waiver in that provision does not apply to enteric coated tablets. Marketing before approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adquate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indications lacking substantial evidence of effectiveness referred to in paragraph A above.

Notice is given to the holder of the new drug application, and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug products will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application supplemented, in accord with this notice, to delete the claims lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related or similar drug products.

An applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing shall file (1) on or before June 14, 1982, a written notice of appearance and request for hearing, and (2) on or before July 13, 1982, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other persons subject to this notice under 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product labeled for the indications lacking substantial evidence of effectiveness referred to in paragraph A of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of

the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which pecludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quadruplet. Such submissions, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)) and under the authority delegated to the Director of the Bureau of drugs (21 CFR 5.82).

Dated: April 30, 1982.

J. Richard Crout,

Director Bureau of Drugs.

[FR Doc. 82-12852 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Cardiovascular and Renal Drugs Advisory Committee

Date, time, and place. June 3 and 4, 9 a.m., Auditorium, Lister Hill Center, National Library of Medicine, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, June 3, 9 a.m. to 10 a.m., open committee discussion, June 3, 10 a.m. to 5 p.m., June 4, 9 a.m. to 5 p.m.; Joan Standaert, Bureau of Drugs (HFD–110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD, 301–443–4730.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in cardiovascular and renal disorders.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss metoprolol: Lopressor (NDA 18–704), Ciba Geigy Corp., for use in post-myocardial infarction; propranolol: Inderal (NDA 16–418/S–047), Ayerst Laboratories (IND 14–160), National Heart, Lung, and Blood Institute, NIH, Beta Heart Attack Trial; Captopril: (NDA 18–343), Squibb and Sons, Inc., for congestive failure; Anti-anginal guidelines: proposed revisions.

Arthritis Advisory Committee

Date, time, and place. June 3 and 4, 9 a.m., Conference Rms. G and H; Parklawn Building, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, June 3, 9 a.m. to 10 a.m., open committee discussion, June 3, 10 a.m. to 4 p.m., June 4, 9 a.m. to 4 p.m.; Dotti Moore, Bureau of Drugs (HFD–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD, 20857, 301–443–4250.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for arthritis.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss subcommittee activities on general indications for nonsteroidal anti-inflammatory drugs (NSAID's); liver toxicity in NSAID's; and "orphan drugs."

Psychopharmacologic Drugs Advisory Committee

Date, time, and place: June 10 and 11, 9 a.m., Conference Rms. D and E, Parklawn Building, 5600 Fishers Lane, Rockville, MD.

The of meeting and contact person: Open public hearing, June 10, 9 a.m. to 10 a.m.; open committee discussion, June 10, 10 a.m. to 5 p.m., June 11, 9 a.m. to 5 p.m.; Frederick J. Abramek, Bureau of Drugs (HFD–120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3800.

General function of the committee: The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in the practice of psychiatry and related fields.

Agenda—Open public hearing: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion: The committee will discuss the following:

1. Xanax ® (Alprazolam)—An evaluation for use as an antidepressant.
2. Wellbutrin ® (Bupropin hydrochloride)—An evaluation for safety and efficacy of a new antidepressant.

Endocrinologic and Metabolic Drugs Advisory Committee

Date, time and place: June 24, 9 a.m., Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person: Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m., A. T. Gregoire, Ph.D., Bureau of Drugs (HFD–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1969.

General function of the committee: The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drug products for use in treating endocrine and metabolic disorders.

Agenda—Open public hearing: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to present information should contact the executive secretary.

Open committee discussion: The committee will discuss (1) FDA Action Report, (2) Protocol for the study of aldose reductase inhibitors in diabetic retinopathy (IND 14,024), (3) Trilostane capsules for treatment of Conn's and Cushing's disease (NDA 18–719).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions

for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from 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. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: May 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 82–12990 Filed 5–13–82; 8:45 am]

BILLING CODE 4160–01–M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Blood Products Advisory Committee

Date, time, and place. June 3 and 4, 8:30 a.m., Rm. 115, Bureau of Biologics, Building 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, June 3, 8:30 a.m. to 9:30 a.m.; open committee discussion, June 3, 9:30 a.m. to 5 p.m., June 4, 8:30 a.m. to 3 p.m.; closed committee deliberations June 4, 3 p.m. to 5 p.m.; Clay Sisk, Bureau of Biologics (HFB–5), Food and Drug Administration, Building 29, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–5455.

General function of the committee. The committee reviews and evaluates data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will consider the blood product regulations in 21 CFR Part 600 to identify those provisions which may be changed as part of the regulatory review announced in the **Federal Register** of July 14, 1981 (46 FR 36332). The committee will focus on those scientific issues relating to assuring the continued safety, purity, and potency of licensed blood products such as hepatitis requirements, processing requirements, and labeling requirements for reagent red blood cells.

Closed committee deliberations. The committee will review data on manufacturing procedures and trade practices for several biological products derived from source plasma. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel

Date, time, and place. June 18, 8 a.m., Rm. 1813, 200 C St., SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m.; open committee discussion, 9 a.m. to 11 a.m.; closed presentation of data, 12 m. to 1 p.m.; open committee discussion, 1 p.m. to 4 p.m.; Dr. David S. Shindell, Bureau of Medical Devices (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before June 2, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications (PMA's) P820019 and P820025 for transcutaneous carbon dioxide monitors and P820011 for a transconjunctival oxygen monitor.

Closed presentation of data. The committtee will discuss data presented by the sponsor of PMA P820011 for a transconjunctival oxygen monitor. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Gastroenterology and Urology Device Section of the General Medical Devices Panel

Date, time, and place. June 21, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 11 a.m.; closed presentation of data, 11 a.m. to 12 m.; open committee discussion, 1 p.m. to 4 p.m.; Dr. Norman T. Welford, Bureau of Medical Devices (HFK–420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify Dr.

Norman T. Welford before June 7, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a crossflow plasmapheresis filter and control system.

Closed presentation of date. The company will present data on a premarket approval application for a crossflow plasmapheresis filter and control system. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Opthalmic Device Section of the Opthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. June 21 and 22; 9 a.m.; Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, June 21, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, June 22, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; Dr. George C. Murray, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

General function of committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before June 7, 1982, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On June 21 the committee will discuss premarket approval applications (PMA's) for intraocular lenses (IOL's) and may discuss PMA's for other ophthalmic products. If discussion of all pertinent IOL issues is not completed, discussion will be continued the following day. On June 22, the committtee may discuss PMA's or general issues relating to contact lens products.

Closed committee deliberations. On June 21 and 22, the committee will conduct reviews of PMA's for IOL applications. On June 22, the committee may also discuss PMA's for contact lens products. These portions of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximately time of discussion.

A list of committee members and summary minutes of meetings may be requested from 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. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to siginificantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commerical or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative

sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: May 7, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82-13128 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0158]

Reye's Syndrome-Salicylates Workshop; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a public meeting sponsored by the FDA, the Centers for Disease Control (CDC), and the National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health, will be held to give the sponsoring agencies and interested persons an opportunity to discuss, in an open workshop, current information concerning a possible relationship between salicylates and Reye's Syndrome, including FDA's preliminary analysis of the data.

DATE: May 24, 1982.

ADDRESS: The meeting will be held in Wilson Hall, Bldg. 1, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

FOR FURTHER INFORMATION CONTACT: Ms. Janine Noble, Bureau of Drugs (HFD-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6410.

SUPPLEMENTARY INFORMATION: Reye's Syndrome is a rare, often fatal, disease of children which is characterized by sudden vomiting, violent headache, and bizarre mental and physical behavior in children who appear to be recovering from often mild cases of influenza or chicken pox. Aspirin, antiemetics, and acetaminophen have been previously suspected to be associated with the disease, but no clear causal relationship has been demonstrated.

The Centers for Disease Control (CDC) published an article on Reye's Syndrome in the February 12, 1982 issue of *Morbidity and Mortality Weekly Report.* A copy of this article is on public display in the Dockets Management Branch, FDA, Rm. 4-62, 5600 Fishers Lane, Rockville, MD, and may be seen between 9 a.m. and 4 p.m., Monday through Friday. The article stated that studies indicate salicylates (especially aspirin products) may be a factor in the pathogenesis of Reye's Syndrome, although observed epidemiologic association does not prove causality. The CDC recommended that until definitive information is available, physicians and parents should be advised of the possible increased risk of Reye's Syndrome with the use of salicylates in children with viral illnesses, particularly chicken pox and influenza-like illnesses.

In response to this reported association between aspirin and Reye's Syndrome, FDA formed a task group to review the available data to determine the quality and strength of the association. Copies of records and data reviewed by this task group are on public display in the Dockets Management Branch, FDA, at the address noted above. In addition, the task group used a data computer tape provided by the Ohio Department of Public Health on its Reye's Syndrome investigation. This data tape is also available to interested persons.

FDA, in conjunction with CDC and NIAID, will hold a public meeting to present its preliminary analysis of these studies. Interested persons will be given an opportunity to discuss these studies and other current information on Reye's Syndrome. Following this meeting, and a complete analysis of the data presented, FDA will determine what, if any, further action is appropriate.

The meeting will be held from 8:30 a.m. to 5 p.m., May 24, 1982, in Wilson Hall, Bldg. 1, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205. Persons wishing to make a presentation should contact Ms. Janine Noble at 301-443-6410, by close of business on May 20, 1982. The agency may require joint presentations by persons with common interests.

Formal written statements, extension of remarks, or comments on the meeting may be submitted on the day of the workshop. Two copies of prepared presentations, comments, or data are to be submitted. Submissions are to be identified with Docket No. 82N-0158. Submissions may be seen in FDA's Docket Management Branch between 9 a.m. and 4 p.m., Monday through Friday, beginning May 26.

Dated: May 11, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-13127 Filed 5-11-82; 12:52 pm]

BILLING CODE 4160-01-M

Health Professional Organization Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming meeting with health professional organizations to be chaired by Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs.

DATE: The meeting will be held at 2 p.m., Tuesday, May 25, 1982.

ADDRESS: The meeting will be held at the Department of Health and Human Services North Building, Rm. 5051 (Snow Room), 300 Independence Ave. SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Audrey L. Wood, Office of Health Affairs (HFY-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5470.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs meets periodically with executives of the health professional organizations to share mutual concerns and help disseminate FDA proposals and decisions affecting the country's health care. The agenda items for discussion at the meeting include "orphan" drugs, patient education activities, and the use of human beings in demonstrations of sonographic equipment.

Dated: May 11, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 82-13280 Filed 5-13-82; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on May 7.

Public Health Service

Food and Drug Administration
- Subject: Drug Investigation—Statement of Investigator—*Revision*
- Respondents: Drug Manufacturers
- Subject: Drug Investigation—Statement of Investigator (Clinical Pharmacology)—*Revision*
- Respondents: Drug manufacturers/physicians
- Subject: Survey Report Form for Determining Expenditures, Programs and Services Administered by State Food and Drug Regulatory Agencies—*Revision*

Respondents: State food and drug agencies
Health Services Administration
Subject: Health Professions Student Loan and Nursing Student Loan Programs Administrative Forms—*New*
Respondents: Student borrowers/educational institutions
Health Resources Administration
Subject: Study of Functioning and Location of U.S. Citizen Foreign Medical Graduates Within the U.S. Medical Delivery System—*New*
Respondents: Individuals
National Institutes of Health
Subject: Evaluation of the Hyperlipoproteinemia Dietary Manual and Physician Handbook—*New*
Respondents: Physicians/dietitians/other health professionals/individuals
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Representative Payee Report (Individual) SSA-623-C2 (4-77)—*Extension*
Respondents: Individuals or households
Subject: Representative Payee Report (Institution) SSA-624 (1-76)—*Extension*
Respondents: Businesses or other institutions
Subject: Recipient Fraud in Public Assistance Programs—SSA-4110 (4-81)—*New*
Respondents: State or local governments
Subject: Claimants Work Background—HA 4633 (6-81)—*New*
Respondents: Individuals or households
OMB Desk Officer: Richard Eisinger

Office of the Secretary

Subject: Utilization of Products Disseminated by the National Diabetes Information Clearinghouse
Respondents: Health care providers/individuals
OMB Desk Officer: Gwendolyn Pla

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524.F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: May 7, 1982.

Robert F. Sermier,

Acting Assistant Secretary for Management and Budget.

[FR Doc. 82-13003 Filed 5-13-82; 8:45 am]

BILLING CODE 4150-04-M

Social Security Benefit Increases; Cost-of-Living Increase in Benefits Under Titles II and XVI of the Social Security Act and in Income Limitations for Beneficiaries Under the Supplemental Security Income Program

I hereby determine and announce a cost-of-living increase of 7.4 percent in benefits under titles II and XVI of the Social Security Act.

Under title II, old-age, survivors, and disability insurance benefits will increase by 7.4 percent beginning with the June 1982 benefits which are payable on July 2, 1982. This increase is based on the authority contained in section 215(i) of the Social Security Act (42 U.S.C. 415i), as amended by section 201 of Pub. L. 95-216 enacted December 20, 1977.

Under title XVI, supplemental security income payment levels will increase by 7.4 percent effective for payments made on July 1, 1982. This is based on the authority contained in section 1617 of the Social Security Act (42 U.S.C. 1382f).

Title II Benefits

Title II benefits are payable under the Federal old-age, survivors, and disability insurance program. Individuals entitled under this program include insured workers, wives, husbands, children, widows, widowers, mothers, fathers, and parents.

In accordance with section 215(i)(4) of the Social Security Act (the Act), the primary insurance amounts and the maximum family benefits shown in columns IV and V of the revised benefit table (table 1) set forth below were obtained by increasing by 7.4 percent the corresponding amounts established by: (1) The last cost-of-living increase; and (2) the extension of the benefit table made under section 215(i)(4) and published on October 30, 1981 at 46 FR 53791. The table applies only to those persons who attained age 62, became disabled or died before January 1979 and is deemed to appear in section 215(a) of the Act. Note that this table does not apply to those individuals who reach age 62, become disabled, or die after 1978; their benefits will generally be determined by a new benefit formula provided by the Social Security Amendments of 1977 (Pub. L. 95-216). For persons first eligible for benefits in the period 1979-1982, the 7.4 percent increase will apply beginning June 1982; but the 7.4 percent increase will not apply for persons first becoming eligible for benefits after 1982.

Section 215(i)(2)(D) of the Act also requires that, when the Secretary determines a cost-of-living increase in Social Security benefits, the Secretary shall publish in the **Federal Register** a revision of the range of the primary insurance amounts and corresponding maximum family benefits based on the dollar amount and other provisions described in section 215(a)(1)(C)(i)(II). These benefits are referred to as "special minimum benefits" and are payable to certain individuals with long periods of relatively low earnings. In accordance with section 215(a)(1)(C)(i)(II), the attached table 2 shows the revised range of primary insurance amounts and corresponding maximum family benefit amounts after the 7.4 percent benefit increase.

Section 227 of the Act provides limited benefits to a worker who became age 72 before 1969 and was not insured under the usual requirements, and to his wife or widow. Section 228 of the Act provides similar benefits at age 72 for certain uninsured persons. The current monthly benefit amounts of $117.00 for an individual and $58.70 for a wife established under sections 227 and 228 of the Act are increased by 7.4 percent to obtain the new amounts of $125.60 and $63.00, respectively.

Title XVI Benefits

Section 1617 of the Act provides that whenever title II benefits are increased under section 215(i), the amounts in sections 1611(a)(1)(A), 1611(a)(2)(A), 1611(b)(1) and 1611(b)(2) of the Act and in section 211 (a)(1)(A) of Pub. L. 93-66 shall be increased. The new amounts are effective for months after the month in which the title II increase is effective. The percentage increase is the same as the title II benefit increase and the annual payment amount is rounded, when not a multiple of $1.20, to the next higher multiple of $1.20.

In accordance with section 1617, Federal Supplemental Security Income (SSI) guarantees for the aged, blind, and disabled are increased effective with July 1982 by 7.4 percent. The current yearly Federal SSI guarantees of $3,176.40 for an eligible individual and $4,764.00 for an eligible individual with an eligible spouse are thereby increased to $3,411.60 and $5,116.80 respectively. The monthly payment is determined by dividing the yearly guarantee by 12 and then subtracting the monthly countable income. In the case of an eligible individual with an eligible spouse, the amount payable is further divided equally between the two spouses. The amount by which the Federal SSI guarantee amount is increased because of the presence of an essential person in the home, currently $1,591.20 per year for each essential person under section 211(a)(1)(A) of Pub. L. 93-66, is also

increased by 7.4 percent to obtain a new amount of $1,710.00.

Automatic Benefit Increase Determination

Section 215(i) of the Act requires that when certain conditions are met in the first calendar quarter of a year, the Secretary shall determine that a cost-of-living increase in benefits is due. Section 215(i) of the Act also specifies the formula for determining the amount of any cost-of-living increase in benefits. This formula utilizes the Consumer Price Index for urban wage earners and clerical workers reported by the Department of Labor.

Section 215(i)(2)(A) of the Act requires the Secretary to determine each year whether there is a cost-of-living computation quarter in that year. If the Secretary so determines, the Secretary shall, effective with June of that year, increase benefits for individuals entitled under section 227 or 228 of the Act, shall increase the primary insurance amounts of all other individuals entitled under title II of the Act, and shall also increase the maximum benefits payable to a family. Section 1617 of the Act requires that SSI benefits be increased by the same percentage increase as title II benefits, whenever title II benefits are increased under section 215(i). The percentage increase is equal to the percentage increase in the Consumer Price Index for the cost-of-living computation quarter over the index for the most recent cost-of-living computation quarter.

Section 215(i)(1) of the Act defines a base quarter as a calendar quarter ending on March 31 in each year after 1974, or any other calendar quarter in which occurs the effective month of a general benefit increase. Section 215(i)(1) also defines a cost-of-living computation quarter as a base quarter in which the Consumer Price Index prepared by the Department of Labor exceeds by not less than 3 percent the index in the later of (1) the last prior cost-of-living computation quarter or (2) the most recent calendar quarter in which a general benefit increase was effective. However, there shall be no cost-of-living computation quarter in any calendar year if in the prior year a general benefit increase was enacted or became effective. Section 215(i)(1) of the Act also provides that the Consumer Price Index for a cost-of-living computation quarter shall be the arithmetical mean of this index for the 3 months in that quarter.

The Department of Labor's revised Consumer Price Index for urban wage earners and clerical workers for each month in the quarter ending March 31, 1981, was: For January 1981, 260.7; for February 1981, 263.5; and for March 1981, 265.2. The arithmetical mean for this calendar quarter is 263.1. The corresponding Consumer Price Index for each month in the quarter ending March 31, 1982, was: For January 1982, 282.1; February 1982, 282.9; and for March 1982, 282.5. The arithmetical mean for this calendar quarter is 282.5. The increase for the calendar quarter ending March 31, 1982, is 7.4 percent. Thus, since the percentage of increase in the Consumer Price Index from the calendar quarter ending March 31, 1981, to the calendar quarter ending March 31, 1982, is not less than 3 percent, the quarter ending March 31, 1982, is a cost-of-living computation quarter. Consequently, a cost-of-living benefit increase of 7.4 percent is effective for benefits under title II of the Act beginning June 1982.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802–5, and 13.807 Social Security Programs)

Dated: May 10, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

BILLING CODE 4190–11–M

TABLE 1

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS BEGINNING JUNE 1982

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
	16.20	170.30		76	182.90	274.40
16.21	16.84	173.00	77	78	185.80	278.70
16.85	17.60	177.10	79	80	190.20	285.30
17.61	18.40	180.20	81	81	193.50	290.50
18.41	19.24	183.40	82	83	196.90	295.50
19.25	20.00	187.30	84	85	201.10	301.90
20.01	20.64	190.90	86	87	205.00	307.50
20.65	21.28	193.80	88	89	208.10	312.20
21.29	21.88	197.70	90	90	212.30	318.50
21.89	22.28	201.10	91	92	215.90	324.00
22.29	22.68	204.30	93	94	219.40	329.10
22.69	23.08	207.70	95	96	223.00	334.60
23.09	23.44	211.40	97	97	227.00	340.60
23.45	23.76	214.90	98	99	230.80	346.20
23.77	24.20	219.10	100	101	235.30	353.00
24.21	24.60	222.10	102	102	238.50	357.90
24.61	25.00	225.80	103	104	242.50	363.70
25.01	25.48	230.00	105	106	247.00	370.60
25.49	25.92	233.80	107	107	251.10	376.70
25.93	26.40	237.40	108	109	254.90	382.40
26.41	26.94	241.10	110	113	258.90	388.40
26.95	27.46	244.50	114	118	262.50	393.90
27.47	28.00	248.20	119	122	266.50	399.80
28.01	28.68	252.10	123	127	270.70	406.10
28.69	29.25	255.80	128	132	274.70	412.00
29.26	29.68	259.30	133	136	278.40	417.70
29.69	30.36	262.80	137	141	282.20	423.40
30.37	30.92	266.60	142	146	286.30	429.40
30.93	31.36	270.60	147	150	290.60	435.90
31.37	32.00	273.70	151	155	293.90	440.90
32.01	32.60	277.70	156	160	298.20	447.40
32.61	33.20	281.40	161	164	302.20	453.30
33.21	33.88	284.90	165	169	305.90	459.00
33.89	34.50	288.80	170	174	310.10	465.30

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
34.51	35.00	292.30	175	178	313.90	470.90
35.01	35.80	296.20	179	183	318.10	477.10
35.81	36.40	299.70	184	188	321.80	482.80
36.41	37.08	303.60	189	193	326.00	489.20
37.09	37.60	307.30	194	197	330.00	495.10
37.61	38.20	310.90	198	202	333.90	500.90
38.21	39.12	315.00	203	207	338.30	507.40
39.13	39.68	318.60	208	211	342.10	513.30
39.69	40.33	321.50	212	216	345.20	517.90
40.34	41.12	325.60	217	221	349.60	524.50
41.13	41.76	329.30	222	225	353.60	530.50
41.77	42.44	333.30	226	230	357.90	537.00
42.45	43.20	336.90	231	235	361.80	542.90
43.21	43.76	341.00	236	239	366.20	549.40
43.77	44.44	344.20	240	244	369.60	556.90
44.45	44.88	347.50	245	249	373.20	568.50
44.89	45.60	351.90	250	253	377.90	577.70
		355.30	254	258	381.50	588.90
		358.40	259	263	384.90	600.10
		362.90	264	267	389.70	609.20
		366.20	268	272	393.20	620.80
		370.20	273	277	397.50	631.90
		373.70	278	281	401.30	641.00
		377.40	282	286	405.30	652.50
		381.40	287	291	409.60	664.10
		384.50	292	295	412.90	673.00
		388.70	296	300	417.40	684.30
		392.30	301	305	421.30	696.00
		395.70	306	309	424.90	705.00
		399.70	310	314	429.20	716.30
		402.90	315	319	432.70	727.90
		406.70	320	323	436.70	736.90
		410.50	324	328	440.80	748.20
		413.90	329	333	444.50	759.60
		418.30	334	337	449.20	769.00
		421.20	338	342	452.30	780.10
		425.20	343	347	456.60	791.60
		429.20	348	351	460.90	800.60
		432.40	352	356	464.30	812.00
		436.60	357	361	468.90	823.50
		440.00	362	365	472.50	832.60
		443.40	366	370	476.20	844.00
		447.40	371	375	480.50	855.10
		451.20	376	379	484.50	864.60
		455.00	380	384	488.60	876.10
		458.30	385	389	492.20	887.30
		461.90	390	393	496.00	896.30
		466.00	394	398	500.40	908.00
		469.50	399	403	504.20	919.30
		473.50	404	407	508.50	928.20
		476.70	408	412	511.90	939.80
		480.00	413	417	515.50	951.00
		483.40	418	421	519.10	960.10
		487.30	422	426	523.30	971.60
		490.60	427	431	526.90	982.90
		493.60	432	436	530.10	994.40
		497.70	437	440	534.50	998.90

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
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AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		500.80	441	445	537.80	1004.90
		504.20	446	450	541.50	1010.40
		507.90	451	454	545.40	1014.70
		511.30	455	459	549.10	1020.40
		514.60	460	464	552.60	1025.90
		517.80	465	468	556.10	1030.90
		521.90	469	473	560.50	1036.40
		524.80	474	478	563.60	1042.20
		528.20	479	482	567.20	1046.80
		531.90	483	487	571.20	1052.70
		535.40	488	492	575.00	1058.40
		538.60	493	496	578.40	1062.90
		542.50	497	501	582.60	1068.40
		545.60	502	506	585.90	1074.00
		548.90	507	510	589.50	1078.70
		552.40	511	515	593.20	1084.40
		556.20	516	520	597.30	1090.40
		559.40	521	524	600.70	1094.60
		562.60	525	529	604.20	1100.40
		566.70	530	534	608.60	1106.00
		569.60	535	538	611.70	1110.60
		573.20	539	543	615.60	1116.40
		576.70	544	548	619.30	1122.10
		580.30	549	553	623.20	1127.80
		583.50	554	556	626.60	1131.10
		586.30	557	560	629.60	1135.70
		589.50	561	563	633.10	1139.20
		592.50	564	567	636.30	1143.80
		596.00	568	570	640.10	1147.00
		598.80	571	574	643.10	1151.50
		601.80	575	577	646.30	1155.30
		604.60	578	581	649.30	1159.50
		607.80	582	584	652.70	1163.10
		610.40	585	588	655.50	1167.70
		614.10	589	591	659.50	1171.00
		617.10	592	595	662.70	1175.60
		620.10	596	598	665.90	1178.70
		623.10	599	602	669.20	1183.70
		626.10	603	605	672.40	1187.00
		629.10	606	609	675.60	1191.30
		632.40	610	612	679.10	1195.00
		635.30	613	616	682.30	1199.50
		638.30	617	620	685.50	1204.10
		641.50	621	623	688.90	1207.40
		644.30	624	627	691.90	1212.10
		647.50	628	630	695.40	1216.40
		650.50	631	634	698.60	1222.40
		653.70	635	637	702.00	1228.10
		656.80	638	641	705.40	1234.00
		659.70	642	644	708.50	1239.50
		662.80	645	648	711.80	1245.40
		665.70	649	652	714.90	1250.90
		667.70	653	656	717.10	1254.50
		669.60	657	660	719.10	1257.90
		671.90	661	665	721.60	1262.70
		674.30	666	670	724.10	1267.20
		676.80	671	675	726.80	1271.40

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		679.30	676	680	729.50	1276.00
		681.50	681	685	731.90	1280.50
		684.20	686	690	734.80	1284.80
		686.40	691	695	737.10	1289.80
		688.60	696	700	739.50	1294.10
		691.20	701	705	742.30	1298.60
		693.60	706	710	744.90	1303.20
		696.20	711	715	747.70	1307.50
		698.50	716	720	750.10	1312.20
		700.90	721	725	752.70	1316.70
		703.40	726	730	755.40	1321.40
		705.70	731	735	757.90	1325.90
		708.20	736	740	760.60	1330.30
		710.50	741	745	763.00	1335.10
		712.60	746	750	765.30	1339.20
		715.00	751	755	767.90	1343.40
		717.10	756	760	770.10	1347.00
		719.10	761	765	772.30	1350.90
		720.80	766	770	774.10	1354.80
		723.00	771	775	776.50	1358.30
		725.00	776	780	778.60	1362.10
		727.10	781	785	780.90	1365.90
		728.90	786	790	782.80	1369.60
		730.90	791	795	784.90	1373.40
		733.00	796	800	787.20	1377.20
		735.10	801	805	789.40	1381.10
		737.10	806	810	791.60	1384.80
		739.10	811	815	793.70	1388.70
		741.10	816	820	795.90	1392.30
		743.10	821	825	798.00	1396.30
		745.10	826	830	800.20	1399.90
		747.10	831	835	802.30	1403.90
		749.00	836	840	804.40	1407.40
		751.10	841	845	806.60	1411.50
		752.90	846	850	808.60	1414.80
		755.20	851	855	811.00	1418.90
		757.10	856	860	813.10	1422.60
		759.10	861	865	815.20	1426.40
		761.20	866	870	817.50	1430.20
		763.20	871	875	819.60	1434.00
		765.10	876	880	821.70	1437.60
		767.20	881	885	823.90	1441.60
		769.00	886	890	825.90	1445.10
		771.10	891	895	828.10	1449.40
		773.10	896	900	830.30	1452.70
		775.30	901	905	832.60	1456.70
		777.20	906	910	834.70	1460.50
		779.30	911	915	836.90	1464.30
		781.50	916	920	839.30	1467.80
		783.20	921	925	841.10	1471.90
		785.10	926	930	843.10	1475.40
		787.10	931	935	845.30	1479.30
		789.20	936	940	847.60	1483.00
		791.20	941	945	849.70	1486.90
		793.20	946	950	851.80	1490.60
		795.40	951	955	854.20	1494.50
		797.60	956	960	856.60	1498.30

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		799.60	961	965	858.70	1501.80
		801.10	966	970	860.30	1505.80
		803.20	971	975	862.60	1509.70
		805.20	976	980	864.70	1513.20
		807.50	981	985	867.20	1517.00
		809.30	986	990	869.10	1520.80
		811.30	991	995	871.30	1524.70
		813.50	996	1000	873.60	1528.30
		815.30	1001	1005	875.60	1531.50
		816.70	1006	1010	877.10	1535.10
		818.80	1011	1015	879.30	1538.30
		820.70	1016	1020	881.40	1542.10
		822.40	1021	1025	883.20	1545.20
		823.90	1026	1030	884.80	1548.70
		826.00	1031	1035	887.10	1552.10
		827.70	1036	1040	888.90	1555.40
		829.60	1041	1045	890.90	1559.10
		831.60	1046	1050	893.10	1562.30
		833.00	1051	1055	894.60	1565.30
		834.90	1056	1060	896.60	1569.20
		836.90	1061	1065	898.80	1572.40
		838.70	1066	1070	900.70	1575.90
		840.50	1071	1075	902.60	1579.40
		842.20	1076	1080	904.50	1582.70
		844.20	1081	1085	906.60	1586.00
		845.80	1086	1090	908.30	1589.40
		847.70	1091	1095	910.40	1592.90
		849.70	1096	1100	912.50	1596.50
		851.20	1101	1105	914.10	1599.60
		853.10	1106	1110	916.20	1603.10
		855.00	1111	1115	918.20	1606.30
		856.70	1116	1120	920.00	1610.00
		858.60	1121	1125	922.10	1613.20
		860.30	1126	1130	923.90	1616.70
		862.10	1131	1135	925.80	1619.90
		864.00	1136	1140	927.90	1623.60
		866.00	1141	1145	930.00	1627.00
		867.70	1146	1150	931.90	1630.30
		869.20	1151	1155	933.50	1633.50
		871.30	1156	1160	935.70	1637.00
		873.10	1161	1165	937.70	1640.50
		874.90	1166	1170	939.60	1644.00
		876.80	1171	1175	941.60	1647.40
		878.40	1176	1180	943.40	1650.80
		880.00	1181	1185	945.10	1653.70
		881.80	1186	1190	947.00	1656.80
		883.30	1191	1195	948.60	1660.10
		885.10	1196	1200	950.50	1663.30
		886.80	1201	1205	952.40	1666.30
		888.50	1206	1210	954.20	1669.70
		890.10	1211	1215	955.90	1672.70
		891.80	1216	1220	957.70	1675.80
		893.50	1221	1225	959.60	1678.80
		895.30	1226	1230	961.50	1682.20
		896.80	1231	1235	963.10	1685.20
		898.40	1236	1240	964.80	1688.50
		900.20	1241	1245	966.80	1691.70

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		901.90	1246	1250	968.60	1694.80
		903.50	1251	1255	970.30	1697.80
		905.20	1256	1260	972.10	1701.10
		907.00	1261	1265	974.10	1704.30
		908.60	1266	1270	975.80	1707.40
		910.10	1271	1275	977.40	1710.30
		911.90	1276	1280	979.30	1713.70
		913.30	1281	1285	980.80	1716.50
		915.00	1286	1290	982.70	1719.50
		916.70	1291	1295	984.50	1722.40
		918.10	1296	1300	986.00	1725.40
		919.70	1301	1305	987.70	1728.30
		921.20	1306	1310	989.30	1731.30
		922.90	1311	1315	991.10	1734.20
		924.60	1316	1320	993.00	1737.30
		926.00	1321	1325	994.50	1740.00
		927.70	1326	1330	996.30	1743.30
		929.10	1331	1335	997.80	1746.20
		930.80	1336	1340	999.60	1749.20
		932.40	1341	1345	1001.30	1752.10
		933.80	1346	1350	1002.90	1755.00
		935.50	1351	1355	1004.70	1757.90
		937.00	1356	1360	1006.30	1760.90
		938.80	1361	1365	1008.20	1763.80
		940.10	1366	1370	1009.60	1766.80
		941.80	1371	1375	1011.40	1769.70
		943.40	1376	1380	1013.20	1772.70
		944.70	1381	1385	1014.60	1775.40
		946.30	1386	1390	1016.30	1778.30
		947.70	1391	1395	1017.80	1781.10
		949.10	1396	1400	1019.30	1783.90
		950.70	1401	1405	1021.00	1786.50
		952.10	1406	1410	1022.50	1789.40
		953.60	1411	1415	1024.10	1792.20
		955.10	1416	1420	1025.70	1795.10
		956.60	1421	1425	1027.30	1797.90
		958.00	1426	1430	1028.80	1800.70
		959.70	1431	1435	1030.70	1803.40
		961.20	1436	1440	1032.30	1806.20
		962.60	1441	1445	1033.80	1808.90
		964.20	1446	1450	1035.50	1812.00
		965.60	1451	1455	1037.00	1814.60
		967.00	1456	1460	1038.50	1817.50
		968.60	1461	1465	1040.20	1820.20
		970.00	1466	1470	1041.70	1823.00
		971.50	1471	1475	1043.30	1825.80
		972.90	1476	1480	1044.80	1828.40
		974.40	1481	1485	1046.50	1831.20
		975.70	1486	1490	1047.90	1833.60
		977.20	1491	1495	1049.50	1836.40
		978.50	1496	1500	1050.90	1839.00
		979.90	1501	1505	1052.40	1841.80
		981.30	1506	1510	1053.90	1844.10
		982.70	1511	1515	1055.40	1846.80
		984.20	1516	1520	1057.00	1849.50
		985.50	1521	1525	1058.40	1852.30
		986.90	1526	1530	1059.90	1854.60

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		988.30	1531	1535	1061.40	1857.30
		989.70	1536	1540	1062.90	1860.00
		991.10	1541	1545	1064.40	1862.70
		992.50	1546	1550	1065.90	1865.20
		994.00	1551	1555	1067.50	1867.90
		995.30	1556	1560	1068.90	1870.50
		996.70	1561	1565	1070.40	1873.20
		998.10	1566	1570	1071.90	1875.60
		999.50	1571	1575	1073.40	1878.40
		1000.80	1576	1580	1074.80	1881.00
		1002.30	1581	1585	1076.40	1883.60
		1003.70	1586	1590	1077.90	1886.10
		1005.10	1591	1595	1079.40	1888.90
		1006.50	1596	1600	1080.90	1891.50
		1007.90	1601	1605	1082.40	1894.20
		1009.30	1606	1610	1083.90	1896.60
		1010.60	1611	1615	1085.30	1899.40
		1012.10	1616	1620	1086.90	1902.00
		1013.50	1621	1625	1088.40	1904.70
		1014.90	1626	1630	1090.00	1907.20
		1016.30	1631	1635	1091.50	1910.00
		1017.60	1636	1640	1092.90	1912.40
		1019.10	1641	1645	1094.50	1915.20
		1020.50	1646	1650	1096.00	1917.70
		1021.90	1651	1655	1097.50	1920.40
		1023.30	1656	1660	1099.00	1922.90
		1024.60	1661	1665	1100.40	1925.60
		1026.10	1666	1670	1102.00	1928.20
		1027.40	1671	1675	1103.40	1930.90
		1028.90	1676	1680	1105.00	1933.50
		1030.30	1681	1685	1106.50	1936.20
		1031.70	1686	1690	1108.00	1938.70
		1033.10	1691	1695	1109.50	1941.40
		1034.30	1696	1700	1110.80	1944.00
		1035.80	1701	1705	1112.40	1946.70
		1037.10	1706	1710	1113.80	1949.20
		1038.50	1711	1715	1115.30	1951.80
		1039.90	1716	1720	1116.80	1954.40
		1041.30	1721	1725	1118.30	1957.20
		1042.80	1726	1730	1119.90	1959.70
		1044.10	1731	1735	1121.30	1962.40
		1045.60	1736	1740	1122.90	1964.90
		1046.90	1741	1745	1124.30	1967.70
		1048.30	1746	1750	1125.80	1970.20
		1049.70	1751	1755	1127.30	1972.90
		1051.10	1756	1760	1128.80	1975.50
		1052.60	1761	1765	1130.40	1978.30
		1053.90	1766	1770	1131.80	1980.60
		1055.30	1771	1775	1133.30	1983.30
		1056.70	1776	1780	1134.80	1986.00
		1058.10	1781	1785	1136.30	1988.80
		1059.50	1786	1790	1137.90	1991.10
		1060.90	1791	1795	1139.40	1993.80
		1062.30	1796	1800	1140.90	1996.50
		1063.70	1801	1805	1142.40	1999.20
		1065.10	1806	1810	1143.90	2001.70
		1066.50	1811	1815	1145.40	2004.40

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		1067.90	1816	1820	1146.90	2007.00
		1069.20	1821	1825	1148.30	2009.70
		1070.70	1826	1830	1149.90	2012.10
		1072.10	1831	1835	1151.40	2014.90
		1073.50	1836	1840	1152.90	2017.60
		1074.90	1841	1845	1154.40	2020.30
		1076.20	1846	1850	1155.80	2022.60
		1077.70	1851	1855	1157.40	2025.40
		1079.00	1856	1860	1158.80	2028.00
		1080.50	1861	1865	1160.40	2030.70
		1081.90	1866	1870	1161.90	2033.10
		1083.20	1871	1875	1163.30	2035.90
		1084.70	1876	1880	1164.90	2038.50
		1086.00	1881	1885	1166.30	2041.20
		1087.50	1886	1890	1167.90	2043.70
		1088.80	1891	1895	1169.30	2046.50
		1090.30	1896	1900	1170.90	2049.00
		1091.70	1901	1905	1172.40	2051.70
		1093.00	1906	1910	1173.80	2054.20
		1094.40	1911	1915	1175.30	2056.70
		1095.60	1916	1920	1176.60	2059.20
		1096.80	1921	1925	1177.90	2061.50
		1098.10	1926	1930	1179.30	2064.00
		1099.40	1931	1935	1180.70	2066.20
		1100.70	1936	1940	1182.10	2068.80
		1101.90	1941	1945	1183.40	2071.10
		1103.30	1946	1950	1184.90	2073.50
		1104.50	1951	1955	1186.20	2075.80
		1105.70	1956	1960	1187.50	2078.40
		1107.00	1961	1965	1188.90	2080.60
		1108.30	1966	1970	1190.30	2083.10
		1109.60	1971	1975	1191.70	2085.30
		1110.80	1976	1980	1192.90	2087.80
		1112.20	1981	1985	1194.50	2090.20
		1113.40	1986	1990	1195.70	2092.60
		1114.60	1991	1995	1197.00	2094.90
		1115.90	1996	2000	1198.40	2097.40
		1117.20	2001	2005	1199.80	2099.70
		1118.50	2006	2010	1201.20	2102.20
		1119.70	2011	2015	1202.50	2104.50
		1121.10	2016	2020	1204.00	2106.90
		1122.30	2021	2025	1205.30	2109.30
		1123.50	2026	2030	1206.60	2111.80
		1124.80	2031	2035	1208.00	2114.00
		1126.10	2036	2040	1209.40	2116.50
		1127.40	2041	2045	1210.80	2118.70
		1128.60	2046	2050	1212.10	2121.30
		1130.00	2051	2055	1213.60	2123.60
		1131.20	2056	2060	1214.90	2126.00
		1132.40	2061	2065	1216.10	2128.30
		1133.70	2066	2070	1217.50	2130.90
		1135.00	2071	2075	1218.90	2133.10
		1136.30	2076	2080	1220.30	2135.60
		1137.50	2081	2085	1221.60	2137.90
		1138.80	2086	2090	1223.00	2140.40
		1140.10	2091	2095	1224.40	2142.70
		1141.30	2096	2100	1225.70	2145.20

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		1142.60	2101	2105	1227.10	2147.40
		1143.90	2106	2110	1228.50	2150.00
		1145.20	2111	2115	1229.90	2152.20
		1146.40	2116	2120	1231.20	2154.70
		1147.70	2121	2125	1232.60	2157.00
		1149.00	2126	2130	1234.00	2159.50
		1150.30	2131	2135	1235.40	2161.80
		1151.50	2136	2140	1236.70	2164.30
		1152.70	2141	2145	1237.90	2166.50
		1154.10	2146	2150	1239.50	2169.10
		1155.30	2151	2155	1240.70	2171.40
		1156.60	2156	2160	1242.10	2173.80
		1157.80	2161	2165	1243.40	2176.00
		1158.90	2166	2170	1244.60	2178.00
		1160.00	2171	2175	1245.80	2180.20
		1161.10	2176	2180	1247.00	2182.20
		1162.20	2181	2185	1248.20	2184.40
		1163.30	2186	2190	1249.30	2186.40
		1164.40	2191	2195	1250.50	2188.50
		1165.50	2196	2200	1251.70	2190.60
		1166.60	2201	2205	1252.90	2192.70
		1167.80	2206	2210	1254.20	2194.80
		1168.90	2211	2215	1255.30	2196.90
		1170.00	2216	2220	1256.50	2199.00
		1171.10	2221	2225	1257.70	2201.10
		1172.20	2226	2230	1258.90	2203.20
		1173.30	2231	2235	1260.10	2205.30
		1174.40	2236	2240	1261.30	2207.20
		1175.50	2241	2245	1262.40	2209.40
		1176.70	2246	2250	1263.70	2211.40
		1177.80	2251	2255	1264.90	2213.60
		1178.90	2256	2260	1266.10	2215.60
		1180.00	2261	2265	1267.30	2217.80
		1181.10	2266	2270	1268.50	2219.80
		1182.20	2271	2275	1269.60	2221.90
		1183.30	2276	2280	1270.80	2224.00
		1184.40	2281	2285	1272.00	2226.10
		1185.60	2286	2290	1273.30	2228.20
		1186.70	2291	2295	1274.50	2230.30
		1187.80	2296	2300	1275.60	2232.40
		1188.90	2301	2305	1276.80	2234.50
		1190.00	2306	2310	1278.00	2236.60
		1191.10	2311	2315	1279.20	2238.70
		1192.20	2316	2320	1280.40	2240.70
		1193.30	2321	2325	1281.60	2242.90
		1194.40	2326	2330	1282.70	2244.90
		1195.60	2331	2335	1284.00	2247.10
		1196.70	2336	2340	1285.20	2249.10
		1197.80	2341	2345	1286.40	2251.30
		1198.90	2346	2350	1287.60	2253.30
		1200.00	2351	2355	1288.80	2255.50
		1201.10	2356	2360	1289.90	2257.50
		1202.20	2361	2365	1291.10	2259.60
		1203.30	2366	2370	1292.30	2261.60
		1204.50	2371	2375	1293.60	2263.70
		1205.60	2376	2380	1294.80	2265.80
		1206.70	2381	2385	1295.90	2267.90

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		1207.80	2386	2390	1297.10	2270.00
		1208.90	2391	2395	1298.30	2272.10
		1210.00	2396	2400	1299.50	2274.10
		1211.10	2401	2405	1300.70	2276.30
		1212.20	2406	2410	1301.90	2278.30
		1213.40	2411	2415	1303.10	2280.50
		1214.50	2416	2420	1304.30	2282.50
		1215.60	2421	2425	1305.50	2284.70
		1216.70	2426	2430	1306.70	2286.70
		1217.80	2431	2435	1307.90	2288.90
		1218.90	2436	2440	1309.00	2290.90
		1220.00	2441	2445	1310.20	2293.00
		1221.10	2446	2450	1311.40	2295.10
		1222.20	2451	2455	1312.60	2297.20
		1223.40	2456	2460	1313.90	2299.30
		1224.50	2461	2465	1315.10	2301.40
		1225.60	2466	2470	1316.20	2303.50
		1226.70	2471	2475	1317.40	2305.60
		1227.70	2476	2480	1318.50	2307.40
		1228.70	2481	2485	1319.60	2309.40
		1229.70	2486	2490	1320.60	2311.20
		1230.70	2491	2495	1321.70	2313.10
		1231.70	2496	2500	1322.80	2315.00
		1232.70	2501	2505	1323.90	2316.90
		1233.70	2506	2510	1324.90	2318.70
		1234.70	2511	2515	1326.00	2320.60
		1235.70	2516	2520	1327.10	2322.50
		1236.70	2521	2525	1328.20	2324.40
		1237.70	2526	2530	1329.20	2326.20
		1238.70	2531	2535	1330.30	2328.20
		1239.70	2536	2540	1331.40	2330.00
		1240.70	2541	2545	1332.50	2331.90
		1241.70	2546	2550	1333.50	2333.80
		1242.70	2551	2555	1334.60	2335.70
		1243.70	2556	2560	1335.70	2337.50
		1244.70	2561	2565	1336.80	2339.40
		1245.70	2566	2570	1337.80	2341.30
		1246.70	2571	2575	1338.90	2343.20
		1247.70	2576	2580	1340.00	2345.00
		1248.70	2581	2585	1341.10	2347.00
		1249.70	2586	2590	1342.10	2348.80
		1250.70	2591	2595	1343.20	2350.70
		1251.70	2596	2600	1344.30	2352.50
		1252.70	2601	2605	1345.30	2354.50
		1253.70	2606	2610	1346.40	2356.30
		1254.70	2611	2615	1347.50	2358.20
		1255.70	2616	2620	1348.60	2360.10
		1256.70	2621	2625	1349.60	2362.00
		1257.70	2626	2630	1350.70	2363.80
		1258.70	2631	2635	1351.80	2365.80
		1259.70	2636	2640	1352.90	2367.60
		1260.70	2641	2645	1353.90	2369.50
		1261.70	2646	2650	1355.00	2371.30
		1262.70	2651	2655	1356.10	2373.30
		1263.70	2656	2660	1357.20	2375.10
		1264.70	2661	2665	1358.20	2377.00
		1265.70	2666	2670	1359.30	2378.90

I (PRIMARY INSURANCE BENEFIT UNDER 1939 ACT, AS MODIFIED)		II (PRIMARY INSURANCE AMOUNT EFFECTIVE FOR JUNE 1980)	III (AVERAGE MONTHLY WAGE)		IV (PRIMARY INSURANCE AMOUNT)	V (MAXIMUM FAMILY BENEFITS)
IF AN INDIVIDUAL'S PRIMARY INSURANCE BENEFIT (AS DETERMINED UNDER SUBSEC. (D)) IS--		OR HIS PRIMARY INSURANCE AMOUNT (AS DETERMINED UNDER SUBSEC. (C)) IS--	OR HIS AVERAGE MONTHLY WAGE (AS DETERMINED UNDER SUBSEC. (B)) IS--		THE AMOUNT REFERRED TO IN THE PRECEDING PARAGRAPHS OF THIS SUBSECTION SHALL BE--	AND THE MAXIMUM AMOUNT OF BENEFITS PAYABLE (AS PROVIDED IN SEC. 203(A)) ON THE BASIS OF HIS WAGES AND SELF-EMPLOYMENT INCOME SHALL BE--
AT LEAST--	BUT NOT MORE THAN--		AT LEAST	BUT NOT MORE THAN--		
		1266.70	2671	2675	1360.40	2380.80
		1267.70	2676	2680	1361.50	2382.60
		1268.70	2681	2685	1362.50	2384.60
		1269.70	2686	2690	1363.60	2386.40
		1270.70	2691	2695	1364.70	2388.30
		1271.70	2696	2700	1365.80	2390.10

TABLE 2

TABLE FOR DETERMINING PRIMARY INSURANCE AMOUNT AND MAXIMUM FAMILY BENEFITS UNDER SUBPARAGRAPH (C)(i)(II) OF SUBSECTION 215(a)(1)

BEGINNING JUNE 1982

I (Years of coverage)	II (Primary insurance amount)	III (Maximum family benefits)
If an individual's years of coverage (as determined under sec. 215(a)(1)(C)(ii) are--	The amount referred to in sec. 215(a)(1)(C)(i)(II) shall be--	And the maximum amount of benefits payable (as provided in sec. 215(i)(2)(D)) on the basis of his or her wages and self-employment income shall be--
11	17.50	26.30
12	34.60	52.00
13	51.90	78.00
14	69.10	103.80
15	86.30	129.60
16	103.70	155.60
17	120.90	181.30
18	138.20	207.30
19	155.40	233.10
20	172.50	258.90
21	189.90	285.00
22	207.10	310.80
23	224.50	336.90
24	241.70	362.60
25	258.90	388.40
26	276.30	414.50
27	293.50	440.30
28	310.70	466.10
29	327.90	491.90
30	345.10	517.70

[FR Doc. 82-13196 Filed 5-13-82; 8:45 am]

BILLING CODE 4190-11-C

INTERSTATE COMMERCE COMMISSION

Freight Forwarders: Released Rate Applications

AGENCY: Interstate Commerce Commission.

ACTION: Notice: Released Rates Application No. 1526.

SUMMARY: Bekin Van Lines Co. seeks authority to establish and maintain a new Released Rates Rule to be published in its own tariff which is to be similar to R. R. O. MC–484 presently published in tariffs issued by Household Goods Carriers' Bureau, Agent.

The applicant requests this authority in order to extend the application of RRO 484 to commodities other than those specifically identified in MC–484 and amendments.

ADDRESS: Anyone seeking copies of this application should contact: Mr. Clifford C. Knowles, Vice President-Operations, High Technologies Division, Bekins Van Lines Co., P.O. Box 109, La Grange, IL 60525, telephone (312) 547–3481.

FOR FURTHER INFORMATION CONTACT: Howard J. Rooney, Jr., Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, telephone (202) 275–7390.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 U.S.C. 10730.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–13143 Filed 5–13–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 6]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s) Notice

The following applications(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Iowa Docket No. MC –94, filed October 10, 1981. Applicant: ARNIE'S MOTOR FREIGHT, INC., 701 1st Avenue North, Altoona, IA 50009. Representative: Russell H. Wilson, 4400 Merle Hay Road, Des Moines, IA 50310. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *general commodities:* between Duncombe, Fort Dodge, Jefferson, Monroe, Prairie City and Webster City, Iowa, and points and places which Applicant presently holds under Iowa Certificate No. C—130F, and Certificate of Registration MC–99532. Intrastate, interstate and foreign commerce authority sought, Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the Iowa Dept. of Transportation, 507 10th St., Des Moines, Iowa 50319, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T–10011, filed April 9, 1982. Applicant: GERALD L. GRIFFIN d.b.a. CANALTOWN RECORDS & INNOVATIVE PRODUCTS, 239 E. Main Street, Palmyra, NY 14522. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities:* Between the territory comprised of Monroe, Wayne, Ontario and Seneca Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–13144 Filed 5–13–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; 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 to use compensated intercorporate hauling operations as authorized in 49 U.S.C 10524(b).

1. Parent corporation and address of principal office: Abbott Laboratories, Abbott Park, North Chicago, IL 60064.

2. Wholly-owned subsidiaries which will participate in the operations are as follows:

Abbott Chemicals, Inc.
Abbott Energy, Inc.
Abbott Export Co.
Abbott Hospitals, Inc.
Abbott International Ltd.
Abbott Laboratories International Co.
Abbott Laboratories Pacific Ltd.
Abbott Laboratories Services Crop.
Abbott Laboratories Utilities Corp.
Abbott Pharmaceuticals, Inc.
Abbott Universal Ltd.
AHI Holding Co.
The Murine Company, Inc.
M & R Dietetic Laboratories, Inc.
Ross Laboratories, Inc.
Sorenson Research Co., Inc.
Swan-Myers, Incorporated
Tobal Products Incorporated
CMM Transportation, Inc.

All of the above subsidiaries are located at Abbott Park, North Chicago, IL 60064, except Sorenson Research Co., Inc., whose address is 4455 Atherton Drive, Taylorsville, UT 84107.

1. Dana Corporation, 4500 Dorr Street, Toledo, Ohio, 43615 is the parent corporation.

2. Wholly-owned subsidiaries which will participate in the operations and state(s) of incorporation are as follows:

i. Wix Corporation, a Delaware corporation;

ii. Tyrone Hydraulics, Inc., a Delaware corporation

iii. Boston Industrial Products, Inc., a Delaware corporation;

iv. Dana Distribution, Inc., a Delaware corporation;

v. DTF Trucking, Inc., a Delaware corporation.

1. Parent corporation and address of principal office: General Signal Corporation, High Ridge Park, Stamford, Connecticut 06904.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(a) Sola Basic Industries, Inc. (Wisconsin).

(b) OZ/Gedney Company (Connecticut).

(c) Edwards Company, Inc. (Connecticut).

(d) General Signal Mfg. Corp. (Delaware).

(e) General Signal Industries, Inc. (Delaware).

(f) Electroglas, Inc. (California).

(g) Tapco International, Inc. (Delaware).

(h) Telecommunications Technology, Inc. (Delaware).

(i) Xynetics, Inc. (Delaware).

(j) Blue M Electric Company (Delaware).
(k) Micro Automation, Inc. (Delaware).
(l) General Signal Appliance Corporation (Delaware).
(m) Kinney Vacuum Company (Delaware).
(n) Leeds & Northrup Company (Delaware).
(o) Mixing Equipment Company, Inc. (Delaware).
(p) General Signal Controls, Inc. (Delaware).

1. Parent Corporation—Household International, Inc., 2700 Sanders Road, Prospect Heights, Illinois 60070.

2. Wholly-owned subsidiaries of Household International, Inc., which will participate in the operations, and the addresses of their respective principal offices:

A. Household Finance Corporation, 2700 Sanders Road, Prospect Heights, Illinois 60070.
B. Household Merchandising, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018.
C. Coast-to-Coast Stores (Central Organization) Inc., 10801 Red Circle Drive, Minnetonka, Minnesota 55343.
D. Huffman-Koos Co., Route 4 at Main Street, North Hackensack, New Jersey 07661.
E. T.D.S. Transportation, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018.
F. T.G. & Y. Stores Co., 3815 North Santa Fe, Oklahoma City, Oklahoma 73125.
G. Vons Grocery Co., 10150 Lower Azusa Road, El Monte, California 91731.
H. White Stores, Inc., 3910 Call Field Road, Wichita Falls, Texas 76308.
I. Wallace Murray Corporation, 299 Park Avenue, New York, New York 10017.
J. Hydrometals, Inc., 299 Park Avenue, New York, New York 10017.
K. Thorsen Tool Co., 299 Park Avenue, New York, New York 10017.
L. Cameron Manufacturing Co., 299 Park Avenue, New York, New York 10017.
M. Peru Mining Co., 299 Park Avenue, New York, New York 10017.
N. Shannon Mining Co., 299 Park Avenue, New York, New York 10017.
O. United States Brass Corporation, 299 Park Avenue, New York, New York 10017.
P. King-Seeley Thermos Co., 2700 Sanders Road, Prospect Heights, Illinois 60070.
Q. National Car Rental Systems, Inc., 7700 France Avenue, South, Minneapolis, Minnesota 55437.

1. Parent corporation and address of principal office: Kaman Corporation, Blue Hills Avenue, Bloomfield, Connecticut 06002.

2. Wholly-owned subsidiaries which will participate in the operations, and States(s) of incorporation:

(i) Kaman Aerospace Corporation, Delaware.
(ii) Kaman Sciences Corporation, Delaware.
(iii) Kaman Instrumentation Corporation, Connecticut.
(iv) Kaman Aircraft Bearing Corporation, Connecticut.
(v) Kamatics Corporation, Connecticut.
(vi) Kaman Bearing and Supply-East, Connecticut.
(vii) Kaman Bearing and Supply-Midwest, Connecticut.
(viii) Kaman Bearing and Supply-Intermountain, Nevada.
(ix) Kaman Bearing and Supply-California, California.
(x) Kaman Bearing and Supply-Northwest, Idaho.
(xi) AirKaman, Incorporated, Connecticut.
(xii) AirKaman of Jacksonville, Inc., Connecticut.
(xiii) AirKaman of Omaha, Inc., Connecticut.
(xiv) AirKaman of Westover, Inc., Connecticut.
(xv) Ovation Instruments, Inc., Connecticut.
(xvi) Kaman Musical String Corporation, New Jersey.
(xvii) Kaman Music International Corporation, Connecticut.
(xviii) Currier Piano Company, Inc., North Carolina.
(xix) Coast Wholesale Music Co. of Los Angeles, California.
(xx) Coast Wholesale Music Co. of San Francisco, California.
(xxi) C. Bruno & Son, Inc., Connecticut.
(xxii) General Sales Western, Inc., Washington.

1. Parent corporation and address of principal office: Newell Enterprises, Inc., 726 Probandt Street, San Antonio, Texas 78204.

2. Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:

Newell Enterprises of Kansas City, Inc	Texas.
Southwest Recycling, Inc	Do.
Newell Products, Inc	Do.
Newell Products of Houston, Inc	Do.
Newell Products of Kansas City, Inc	Do.

1. Parent corporation and address: Syracuse Tank & Manufacturing Co., Inc., 723 Hiawatha Blvd. West, Syracuse, NY 13201.

2. Wholly-owned subsidiaries and State of Incorporation:

Alabama Metal Forming Co., Inc., 201–16th Street South, Pell City, Alabama 35125; Alabama.
American Tank & Culvert Co., Inc., 7435 Allentown Blvd., PO Box 6145, Harrisburg, Pa. 17112; Pennsylvania.
Augusta Tank & Culvert Co., Inc., Central Street, Box 345, Hallowell, Maine 04347; Maine.
Eastern Culvert Co., Inc., 239 Litchield Street, P.O. Box 266, Leominister, Massachusetts 01453; Massachusetts.
Palm Beach Tank & Culvert Co., Inc., 4735 Dyer Blvd., West Palm Beach, Florida, Mailing address: PO Box 9996, Riviera Beach, Florida 33404; Florida.
Palm Beach Tank & Culvert Co., Inc., 301 Ivy Lane, Rt #7 Box 569B, Orlando, Florida 32805; Florida.
Southern Tank & Culvert Co., Inc., P.O. Box 370, Cowpens, So. Carolina 29330; South Carolina.
Southwest Culvert Co., Inc., P.O. Box 6636, 5145 West Madison, Phoenix, Arizona 85005; Arizona.
Syracuse Steel Systems, Inc., 723 Hiawatha Blvd., West, Syracuse, N.Y. 13204; New York.
Georgia Culvert Co., Inc., P.O. Box 4996, Syracuse, N.Y. 13221; Georgia.

1. Parent corporation and address of principal office: Wheelabrator-Frye Inc., a Delaware corporation, Liberty Lane, Hampton, NH 03842.

Communications concerning this notice should be sent to the following address: Trailmobile Inc., ATTN: Manager, Fleet Operations, 723 North Fifth St., Charleston, IL 61920.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

The M. W. Kellogg Company, A Delaware Corporation, 200 South Michigan Avenue, Chicago, IL 60604.
Trailmobile Canada Limited, A Canadian Corporation, 100 Shaver Street, Brantford, Ontario, CANADA.
Garden City Fan & Blower Co., A Delaware Corporation, 1701 Terminal Road, Niles, MI 49120.
Transport Systems, Inc., A Texas Corporation, P.O. Box 1886, Denton, Texas 76201.
Whiting Corporation, An Illinois Corporation, 15700 Lathrop Avenue, Harvey, IL 60426.
Frye Copysystems, Inc., A Delaware Corporation, P.O. Box 4947, 7445 University Avenue, Des Moines, IA 50311.
Sinclair & Valentine Company, Inc., A Delaware Corporation, 7600 University Avenue, Des Moines, IA 50311.

Trailmobile Inc., A Delaware Corporation, 200 East Randolph Drive, Chicago, IL 60601.
Wheelabrator Corporation of Canada Limited, A Canadian Corporation, 401 Wheelabrator Way, Milton, Ontario, Canada.
Neptune International Corporation, A Delaware Corporation, 30 Perimeter Park, Atlanta, GA 40431.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-13140 Filed 5-13-82; 8:45 am]
BILLING CODE 7535-01-M

[Volume No. OP3-073]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Agatha L. Mergenovich,
Secretary.

MC 13845 (Sub-9) (Republication) filed September 4, 1981, previously published in **Federal Register** issue of September 22, 1981. Applicant: WILLIAM CARL & JAMES FRANKLIN RUSSELL d.b.a. FRANK RUSSELL & SON, 401 S. Ida Street, West Frankfort, IL 62896. Representative: William C. Russell (same address as applicant). A Decision by the Commission, Review Board 3, decided February 2, 1982, and served February 22, 1982, finds that the performance by applicant of service described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *mining equipment, mining materials and mining supplies,* between points in Illinois, Indiana, Kentucky, Missouri, Ohio, Pennsylvania, Virginia, and West Virginia, on the one hand, and on the other, points in the United States; that the applicant is fit, willing and able to properly perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the applicant's actual grant of authority.

MC 148105 (Sub-3) (Republication) filed January 18, 1982, previously published in **Federal Register** issue of February 10, 1982. Applicant: OVERLAND EXPRESS, P.O. Box 12332, Houston, TX 77017. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. A Decision by the Commission, Review Board 1, decided April 28, 1982, and served May 7, 1982, finds that the performance by applicant of service described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *Mercer commodities,* between points in Arkansas, California, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States (except Hawaii), (2) *machinery and earth drilling commodities,* between points in Alabama, Arkansas, California, Georgia, Florida, Louisiana, Texas, Oklahoma, and New Mexico, on the one hand, and, on the other, points in the United States, and (3) *iron and steel articles,* between points in Texas, Missouri, New Mexico, Oklahoma, and Louisiana; that the applicant is fit, willing and able to properly perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the applicant's actual grant of authority.

MC 148554 (Sub-3) (Republication) filed January 18, 1982, previously published in **Federal Register** issue of February 10, 1982. Applicant: WALD TRANSFER & STORAGE CO. a Corporation, P.O. Box 344, Houston, TX 77001. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. A Decision by the Commission, Review Board 1, decided April 27, 1982, and served May 10, 1982, finds that the performance by applicant of service described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *Mercer commodities,* between points in Arkansas, California, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in the United States (except Hawaii), (2) *machinery and earth drilling commodities,* between points in Alabama, Arkansas, California, Georgia, Florida, Louisiana, Texas, Oklahoma, and New Mexico, on the one hand, and, on the other, points in the United States, and (3) *iron and steel articles,* between points in Texas, Missouri, New Mexico, Oklahoma, and Louisiana; that the applicant is fit, willing and able to properly perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect the applicant's actual grant of authority.

[FR Doc. 82-13141 Filed 5-13-82; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 255]

Motor Carriers; Permanent Authority Decisions Restriction Removals Decision-Notice

Decided: May 7, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Canadian Carrier Applicants: In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC-157, *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 37918 (Sub-15)X, filed August 19, 1981, previously noticed in the **Federal Register** of September 11, 1981, republished as corrected this issue. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 2 Tippet Road, Downsview, Ontario, Canada M3H 5X3. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Applicant seeks to expand points within 8 miles of Detroit, MI in the lead to "Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties, MI". The purpose of this republication is to include Monroe and Washtenaw Counties, MI as two of the five counties within 8 miles of Detroit.

MC 116400 (Sub-9)X, filed August 26, 1981, previously noticed in the **Federal Register** of April 6, 1982, republished as corrected this issue. Applicant: LAWRENCE TRANSFER & STORAGE CORPORATION, 2727 Hollins Road, NE, P.O. Box 13025, Roanoke, VA 24030. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4G and 7F certificates to (1) broaden the commodity description from household goods to "household goods and furniture and fixtures" between points in 35 states and DC. The purpose of this republication is to correct errors of omission of the lead and Sub-No. 4G and 10 states plus DC in the original **Federal Register** publication of April 6, 1982.

MC 120171 (Sub-5)X, filed April 27, 1982. Applicant: FAIRSIDE TRUCKING, INC., 7 Chilton Road, Brockton, MA 02401. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. Subs 1, 2 and 3. Broaden: In Sub 1, such commodities as heavy machinery and other articles requiring specialized handling or rigging because of size or weight, and when transported therewith, to "such commodities which because of size or weight require the use of special equipment"; in Sub 2, such salvage and scrap materials as are removed from telephone lines or plants to "waste or scrap materials not identified by industry producing"; wood piling and telephone and power line poles and cables to "lumber and wood products and metal products"; cross arms for telephone and power line poles to "lumber and wood products and metal products" and equipment, materials and supplies used in the construction or maintenance of telephone lines or plants to "such commodities which because of size or weight require the use of special equipment"; and in Sub 3, wooden poles and wooden piling to "poles and piling; remove restriction to storage areas/construction or repair sites in ME, MA, NH, RI and VT; and restriction involving Brockton service to delivery/receipt of interchange traffic originating at/destined to points beyond Brockton in Sub 2; broaden from "points in Vermont, New Hampshire and Maine, south of a line extending in an easterly direction from Charlotte, VT to Augusta, ME, and west of a line extending in a southerly direction from Augusta, ME, passing through Gardiner and Bath, ME to the Atlantic Coast, including the points specified" to "points in Chittenden, Addison, Washington, Caldonia and Orange Counties, VT, Grafton, Coos and Carroll Counties, NH; and Oxford, Androscoggin, Cumberland, Kennebec and Sagadahoc Counties, ME", in Sub 1; to radial authority in Subs 2 and 3.

MC 143373 (Sub-5)X, filed May 3, 1982. Applicant: WEILAND TRUCKING CO., INC., Rt. 2, P.O. Box 268, Wautoma, WI 54982. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madision, WI 53719. Sub 4F permit: (1) broaden malt beverages to "food and related products"; and (2) broaden the territorial authority to between points in the U.S. (except AK and HI), under continuing contract(s) with a named shipper.

MC 145708 (Sub-4)X, filed April 29, 1982. Applicant: WILLIAM A. LONG, INC., Bealeton, VA 22712. Representative: Daniel B. Johnson, 4304 East-West Highway, Bethesda, MD 20814. Subs 1 and 2 certificates, and No. MC-134129 Subs 2 and 11 permits, (1) Broaden: (a) Concrete highway barriers to "clay, concrete, glass or stone products" in Sub 1; (b) reinforcing mesh, wire and nails to "metal products" in Sub 2 certificate; (c) culvert pipe, culvert sectional plate and couplings and coatings for culvert pipe and sections, culvert banding and coupling material, coating and steel plates used in the manufacture thereof and steel coil to "chemicals and related products, petroleum or coal products, rubber or plastic products, clay, concrete, glass or stone products and metal products", and plastic articles to "rubber or plastic products" in Sub 2 permit; (d) fence, fence fittings and fence accessories to "lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products and metal products", Sub-11, (e) remove restriction against transportation of commodities in bulk, in tank or hopper-type vehicles, in Sub-2 permit; (2) change to between points in the U.S. (except AK and HI), under a continuing contract(s) with named shippers, in both permits.

[FR Doc 82-13142 Filed 5-13-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP-3-070]

Motor Carriers; Permanent Authority Decisions, Decision-Notice

May 6, 1982.

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 of 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 applicant 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. 2, Members Carleton, Fisher, and Williams (Member Fisher not participating).

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.

FF–594, filed April 26, 1982. Applicant: SUNSHINE FORWARDING, INC., 726 Spruce Trail, Frazier Park, CA 93225. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. As a *freight forwarder,* transporting *used household goods, unaccompanied baggage and used automobiles,* between points in the U.S.

MC 2934 (Sub-120), filed April 26, 1982. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *electronic diagnostic equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Adac Laboratories of Sunnyvale, CA.

MC 16334 (Sub-20), filed April 28, 1982. Applicant: DEBRICK TRUCK LINE COMPANY, P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212, (913) 888–3386. Transporting *food and related products,* between points in Marshall County, MS, Ontario County, NY; and San Bernardino County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 559655 (Sub-46), filed April 19, 1982. Applicant: SHEEHAN CARRIERS, INC., P.O. Box 57, Suffern, NY 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 105424 (Sub-2), filed April 26, 1982. Applicant: PLAGGE TRUCK LINE, INC., 251 18th St., S.E., Mason City, IA 50401. Representative: Steven C. Schoenebaum, 1200 Register and Tribune Bldg., Des Moines, IA 50309, (515) 283–2076. Transporting *building materials, supplies, and products,* between points in the U.S., under continuing contract(s) with Key Wholesale Building Products, Inc. of Mason City, IA.

MC 109064 (Sub-44), filed April 28, 1982. Applicant: TEX-O-KAN TRANSPORTATION COMPANY, INC.: 3301 E. Loop 820 So., Ft. Worth, TX 76112. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *such commodities* as are dealt in by manufacturers or distributors of rubber and plastic products, and *clay, concrete, glass or stone products,* between Ft. Worth, TX, Salt Lake City, UT and points in Fresno County, CA and Harrison County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 119864 (Sub-79), filed April 21, 1982. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Rd., Perrysburg, OH 43551. Representative: Brian D. Craig (same address as applicant), (419) 874–7981. Transporting *such commodities* as are dealt in or used by grocery and food business houses, drug stores and department stores, between those points in the U.S. east of ND, SD, NE, CO and NM.

MC 129484 (Sub-11), filed April 28, 1982. Applicant: RAMDO TRANSPORT, INC., d.b.a. MELVIN WANG TRUCKING, 80–29th Ave., N. Fargo, ND 58102. Representative: Richard P. Anderson, P.O. Box 2581 Fargo, ND 58108, (701) 235–3300. Transporting *commodities in bulk,* between points in ND, SD, MN, MT, WI, IA, NE, and WY.

MC 145505 (Sub-5), filed April 20, 1982. Applicant: IRISH TRANSPORTATION, INC., 8007 South Meridian St., Indianapolis, IN 46227. Representative: Robert B. Hebert, 777 Chamber of Commerce Bldg. Indianapolis, IN 46204 (317) 639–4511. Transporting *motor vehicles,* between points in the U.S. (except AK and HI).

MC 145855 (Sub-9), filed April 27, 1982. Applicant: JOHN RAY TRUCKING CO., INC., P.O. Box 206, Eastaboga, AL 35260. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984, (205) 634–4885. Transporting *chemicals,* between points in Calhoun and Etowah Counties, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Company, of St. Louis, MO.

MC 146605 (Sub-10), filed April 27, 1982. Applicant: EVENSON BROS., INC., P.O. Box 328, Pelican Rapids, MN 56572. Representative: Thomas J. Van Osdel, 15 Broadway, Suite 502, Fargo, ND 58102 (701) 235–4487. Transporting *lumber and wood products,* between points in ID, MT, OR, and WA, on the one hand, and, on the other, points in IA, IL, and WI, and between points in IL, IA, MN, ND, SD, and WI.

MC 151325 (Sub-1), filed April 27, 1982. Applicant: H & R TRANSPORT, LTD., 3601 2nd Ave., N. Lethbridge, Alberta, Canada T1H 5K7. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *clay, concrete, glass or stone products,* between ports of entry on the International Boundary line between the United States and Canada, in ID and WA, on the one hand, and, on the other, points in WA, ID, and OR.

MC 151634 (Sub-6), filed April 26, 1982. Applicant: GOLDEN COACH, A.C., INC., Boston at Pacific, P.O. Box 1737, Atlantic City, NJ 08404. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022 (212) 838–0600. Transporting *passengers and their baggage,* in special operations, between points in CT, DE, MD, NJ, NY, PA, VA, and DC, on the one hand, and, on the other, Atlantic City, NJ.

MC 152395 (Sub-4), filed April 26, 1982. Applicant: KRUEGER TRUCKING, INC., 1330 Bellevue St., Green Bay, WI 54308. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *furniture and fixtures,* between points in the U.S. (Except AK and HI), under continuing contract(s) with Thomasville Furniture Industries, Inc. of Thomasville, NC and (2) *such commodities* as are dealt in or used by retail stores, discount and specialty stores, between points in the U.S. (except AK and HI), under continuing contract(s) with H. C. Prange Co. of Green Bay, WI.

MC 153174 (Sub-2), filed April 27, 1982. Applicant: AFFILIATED TRANSPORT SERVICES, INC., P.O. Box 158, Folcroft, PA 19032. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *chemicals and related*

products, between New York, NY, and Philadelphia, PA.

MC 156254 (Sub-9), filed April 26, 1982. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 580–1000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Kewaunee Scientific Equipment Corporation, of Adrian, MI.

MC 157884, filed April 26, 1982. Applicant: W. S. "RED" HANCOCK, INC., P.O. Box 207, Bentonia, MS 39040. Representative: Fred W. Jonson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *Mercer commodities,* between points in AL, AR, FL, GA, LA, MS, OK, TN and TX.

MC 157925 (Sub-1), filed April 23, 1982. Applicant: DANNY GOUGE, d.b.a. GOUGE TRUCKING COMPANY, Route 1, Box 34, Greenmountain, NC 28740. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., N.W., Washington, D.C. 20005, (202) 347–9332. Transporting *olivine,* between points in Yancey County, NC, on the one hand, and, on the other, those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 158234 (Sub-4), filed April 27, 1982. Applicant: PACIFIC MOTOR TRANSPORT, INC., P.O. Box 759, Tenino, WA 98589. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101, (206) 624–7373. Transporting *classes A, B, and C explosives* and *blasting agents,* (1) between points in NJ, PA, IL, MN, MO, AR, AL, TX, OK, LA, NM, AZ, CO, UT, NV, CA, OR, WA, ID, MT, and WY, and (2) between points in WA.

Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 160275, filed April 27, 1982. Applicant: TOM MILLLER TRUCKING COMPANY, INC., P.O. Box 99, Claremont, NC 28610. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NC, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River to its junction with the eastern boundary of Itasca County, MN, then northward along the eastern boundaries of Itasca and Koochiching Counties, MN, to the International boundary line between the U.S. and Canada.

MC 161675, filed April 26, 1982. Applicant: HUCK ASSOCIATES, INC., P.O. Box 278, Brighton, CO 80601. Representative: Richard S. Mandelson, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, (303) 861–4028. Transporting *Mercer commodities,* between points in CO, WY, KS, UT, NE, OK, TX, and NM.

MC 161685, filed April 26, 1982. Applicant: HENREDON TRANSPORTATION COMPANY, a Corporation, P.O. Box 70, Morganton, NC 28655. Representative: James M. Iseman, Jr., 1001 W. Fourth St., Winston-Salem, NC 27101, (919) 725–2351. Transporting (1) *such commodities* as are used in the manufacture of new furniture, between points in the U.S. (except AK and HI), under continuing contract(s) with Foothills, Inc., of Hickory, NC, and (2) *paper and paperboard,* between points in the U.S. (except AK and HI), under continuing contract(s) with ETTA Packaging, Inc., of Marion, NC.

MC 161694, filed April 26, 1988. Applicant: EZRA B. MARTIN, Rt. 6 Box 86, Hagertown, MD 21740. Representative: Ezra B. Martin, (same address as applicant), (301) 733–1506. Transporting *passengers and their baggage,* in charter operations, beginning and ending at points in Washington County, MD, and extending to points in PA, NJ, DE, WV, VA, and DC.

MC 161695, filed April 27, 1982. Applicant: DRUMMER AIR-LAND CARGO, INC., 19101 Snow Rd., P.O. Box 81363, Cleveland, OH 44181. Representative: Donald M. Rudy, 23203 Lorain Rd., North Olmsted, OH 44070, (216) 779–6330. Transporting *paint and paint solvents,* between points in Cuyahoga County, OH, on the one hand, and, on the other points in Oakland, Macomb, Genesse, Ingham, Eaton, Kent, and Wayne Counties, MI, Boone County, IL, Madison and Marion Counties, IN, Jefferson County, KY, Onongaga County, NY, and Rock County, WI.

MC 159075 (Sub-1), filed February 22, 1982, previously published in the **Federal Register** on March 10, 1982. Applicant: WILLIAM P. JONES, d.b.a. JONES BROS. TRUCKING, 2400 Old Fort Rd., Missoula, MT 59801. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *lumber,* between points in Stevens County, WA, on the one hand, and, on the other, points in IA, IL, MN, ND, SD, and WI.

Note.—This republication corrects the territorial description.

[FR Doc. 82-13213 Filed 5-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-114)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Gage County, NE; and Washington, Republic, and Cloud Counties, KS; Findings

The Commission issued a certificate authorizing Burlington Northern Railroad Company to abandon its 70.73 mile rail line extending from milepost 1.41 near Odell Jct., NE to milepost 72.14 at the end of the line near Concordia, KS, in Gage County, NE and Washington, Republic and Cloud Counties, KS. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial 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 Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 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. 82-13146 Filed 5-13-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29893]

Rail Carrier; Central of Georgia Railroad Co.—Exemption—Abandonment of Three Lines in Alabama, South Carolina, and Georgia

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements for prior approval under 49 U.S.C. 10903 and 10904 the proposed abandonment of (1) a 39-mile line between Clayton and Ozark, AL, (2) a 25-mile line between Greenwood and Waters, SC, and (3) a 37-mile line between Midville and Gough and between Torbit and Hephzibah, GA.

DATES: Exemption is effective on June 14, 1982. Petitions to stay the effective date must be filed by May 24, 1982, and petitions for reconsideration must be filed by June 3, 1982.

ADDRESSES: Send pleadings to:
(1) Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's representative: Nancy S. Fleischman, P.O. Box 1808, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; (202) 289–4357 DC Metropolitan Area, (800) 424–5403 toll free for outside DC area.

Decided: May 7, 1982.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–13145 Filed 5–13–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29905]

Rail Carrier; Enid Central Railway, Inc.—Acquisition and Operation—Chicago Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) Between Kremlin and Ponca City, OK

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of Enid Central Railway, Inc., to acquire and operate a 70 mile line of railroad owned by the Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), bewteeen Enid and Kremlin, OK and between Enid and Ponca City, OK.

DATE: Verified statements supporting or opposing the application must be received at the Commission by June 1, 1982.

ADDRESS: An original and 5 copies of all statements should make reference to Finance Docket No. 29905 and should be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, DC 20423, Attention: Rock Island Acquisition.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Enid Central Railway, Inc. (ECR), a subsidiary of the Centrail Corporation, filed an application on April 19, 1982 under Section 17(b) of the Milwaukee Railroad Restructuring Act, (MRRA) 45 U.S.C. 915(b) and 49 CFR Part 1111, et seq., for authority to purchase certain properties of the Chicago, Rock Island, and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (Rock Island) located in Oklahoma. A petition for waiver from certain information requirements of our regulations at 49 CFR Part 1111 was also filed.

The property involved consists of 70.03 miles of railroad between Enid and Kremlin, OK, and between Enid, and Ponca City, OK. ECR presently operates over the line under Service Order Number 1473. A sale and purchase agreement was signed by ECR and the Rock Island Trustee on March 29, 1982. No governmental assistance is involved in this proposal.

Because it is not clear from the application who is ECR's ultimate parent corporation, ECR is asked to explain this in its statement. We find that the application otherwise contains the information required. Accordingly, ECR's petition for waiver from certain of the information requirements of the Commission's regulations is dismissed as moot.

Comments on the proposal must be filed by June 1, 1982. A copy of comments should be served upon the Attorney General of the United States and the United States Secretary of Transportation, and upon Peter A. Greene, 1920 N Street N.W., Suite 700, Washington, D.C. 20036.

Preliminary approval of the proposed transaction by the Court overseeing the reorganization of the Rock Island *In the Matter of Chicago, Rock Island and Pacific Railroad Company, Debtor,* in No. 75 B 2697 (U.S. Dist. Court, N.D. Ill.), was obtained on April 8, 1982. The court has also directed the Commission to issue a final decision on this application on or before June 18, 1982.

Since this application involves a non-carrier applicant, we will evaluate it under 49 U.S.C. 10901 in order to certificate the applicant.

It is ordered:

1. The application in Finance Docket No. 29905 is accepted for consideration.
2. The petition for waiver is dismissed.
3. The parties shall comply with all provisions as stated above.
4. This decision is effective on May 14, 1982.

Dated: May 12, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha. L. Mergenovich,

Secretary.

[FR Doc. 82–13363 Filed 5–13–82; 11:32 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

U.S. v. American Consulting Engineers Council; Comments on Proposed Final Judgment

Pursuant to Subsection 16(b) and 16(a) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the Department publishes below two comments it received on the proposed Final Judgment in the case of *U.S. v. American Consulting Engineers Council,* Civil No. 80–2067 (D.D.C.). Also published is the Department's response to such comments.

Joseph H. Widmar,

Director of Operations.

U.S. District Court for the District of Columbia

United States of America, Plaintiff, v. *American Consulting Engineers Council,* Defendant.

Civil No. 80–2067.

Plaintiff's Response to Comments Regarding the Proposed Final Judgment

The plaintiff has received two comments regarding the proposed Final Judgment. Copies of these comments are attached. These letters and this response will be promptly published in the **Federal Register** as required by 15 U.S.C. § 16(d).

A. Response to Comments of Ferd E. Anderson, Jr.

By letter dated April 9, 1982, Ferd E. Anderson, Jr., a professional engineer, [1] objected to the Department challenging ACEC's ban on contingent arrangements. He was "absolutely amazed" that any lawyer could challenge ACEC's code provision on this subject. He requested the Department to provide him with "a single instance in which a consumer has been injured because an engineer member of ACEC has refused to accept a professional commission on a contingent basis under circumstances under which his professional judgment may be

[1] In the other comment received upon the proposed Final Judgment, infra, Mr. Raymond Alvine indicated that Mr. Anderson is a retired military officer who has not owned or been a principal in a consulting engineering firm which might either belong to ACEC or have been engaging in the activities involved in this litigation. The 1980–81 ACEC Director indicates, however, that Mr. Anderson apparently was Executive Director of the American Consulting Engineers Council of Nebraska until quite recently. (See also, Spiller Deposition Exhibit 1 at page 122 (1979–80 ACEC Directory)).

compromised." He also asked for "the details of the disciplinary action that ACEC took against the . . . engineer who created an injury to a consumer." He also requested the Department's recommendations "on changing federal procurement practices so that consumers who are federal agencies will be required to engage consulting engineers on a contingent basis where professional judgements may be compromised."

Mr. Anderson's comments are based upon misunderstanding of both the nature of the conspiracy and the terms and purpose of the proposed consent decree.

The government would have attempted to prove at trial that ACEC had a ban on all contingent arrangements. Although ACEC's code provision on this subject, Rule 5e of its former code of ethics, on its face purported to prohibit only those contingent arrangements involving a conflict of interest,[2] the government['s] would have offered eveicence to show that, as interpreted and applied, this rule was designed to ban *all* contingent arrangements used to promote or secure a commission.

It was this interpretation of the conflict-of-interest language as a total ban on contingent arrangements which was the crux of ACEC's conspiracy with respect to contingent arrangements. The proposed final judgment is designed to prevent the recurrence or continuation of that conspiracy and consequently, given ACEC's past interpretation of former Rule 5e, enjoins ACEC from having any rule, provision or policy which specifically prohibits or discourages contingent arrangements. The government has not challenged ACEC's general conflict-of-interest code of ethics provisions, former Rule 4 (a) and (b) [3] and current Rule(a),[4] and ACEC remains free to discipline a member under those rules in those specific situations where it can demonstrate that a member has not complied with its conflict-of-interest rule. In a similar vein, it is not, as Mr. Anderson apparently would have it, the purpose of the proposed final judgment to dictate or suggest to federal agencies or any other consumers that they should or should not use contingent arrangements. The function of the decree is to insure that these decisions are made by participants in specific transactions free of the contraint of a supplier's agreement on the subject.

[2] Rule 5e provided that "Members shall not request, propose or accept professional commissions on a contingent basis under circumstances under which their professional judgments may be compromised.

[3] Former Rule 4a provided that "Members shall avoid all known conflicts of interest with their clients and shall promptly inform their clients of any business association, interests, or circumstances which could influence their judgment or the quality of their services."

Former Rule 4b provided that "Members shall not undertake any assignments which would create a potential conflict of interest between Members and their clients."

[4] Current Rule 4a provides that "Consulting engineers shall disclose all known or potential conflicts of interest to their clients by promptly informing them of any business association, interest, or other circumstances which could influence or appear to influence their judgment or the quality of their services."

B. Response to Comments of Raymond G. Alvine

By letter dated April 14, 1982, Raymond G. Alvine, a professional engineer and principal of a member firm of ACEC, objected in general to the bringing of this suit. His basic position was that this case in his view represents a waste of taxes for a variety of reasons, including that by bringing it the Department was crushing professional organizations, that the Department should be putting its resources to better use by going after "true criminals and true abuses" by prosecuting organized crime and corrupt officials, and that the "low dollar" should not govern the hiring of professional judgment.

This case and proposed consent decree involves what the Department believes is a clear-cut and serious violation of the federal antitrust laws. Requiring associations like ACEC to comply with those laws does not, in our view, involve the "crushing" of professional organizations nor the wasting of taxpayers' money, and Mr. Alvine offers no evidence (nor are we aware of any) that entry of this decree would crush ACEC or any other organization. Nor, as Mr. Alvine suggests, [is the case,] is it the purpose or probable effect of the proposed final judgment that the "low dollar" will automatically govern the hiring of professional judgment. Rather, the proposed decree is designed to insure that individual consumers of engineering services have the opportunity to decide whether or not to purchase the "low dollar" proposal in a market free of a suppliers' agreement concerning terms directly effecting the pricing of those services.

Conclusion

After reviewing these comments, the United States still submits that entry of the proposed judgment would be in the public interest.

Dated: ———.

Respectfully submitted,

Edward D. Eliasberg, Jr.,

Gail Kursh,

Attorneys, Department of Justice, Antitrust Division, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530, Telephone: (202) 633–2582.

Certificate of Service

I, Edward D. Eliasberg, Jr., attorney for Plaintiff United States of America, hereby certify that a copy of the attached Plaintiff's Response To Comments Regarding The Proposed Final Judgment has been served this —th day of May, 1982 by first class mail, postage prepaid, upon Lewis A. Rivlin, Esquire, attorney for Defendant, Twelfth Floor, Connecticut Building, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.

Edward D. Eliasberg, Jr.,

Attorney, Department of Justice, 10th & Pa. Ave., N.W., Washington, D.C. 20530, Telephone: (202) 633–2582.

April 9, 1982.

Mr. John W. Poole Jr.,

Chief, Special Litigation Section, Antitrust Division, U.S. Department of Justice, 10th Street & Pennsylvania Avenue, N.W., Washington, D.C.

Dear Mr. Poole: I have recently received a copy of the Final Judgment of the USA vs. ACEC, Civil No. 80–2067. I note that a 60 day comment period was provided in the discussion of the Judgment and that this comment will fall within the 60 day period.

I ask that you provide to me as soon as possible the answers to several questions I am asking in this letter.

I am intrigued by this whole affair because of the enormous amount of time (18 months) dollars and talent expended by both the Department of Justice and ACEC to reach the Final Judgment. DOJ states that ACEC "conspired to restrain competition" by promulgating a code of ethics which stated "Members shall not request, propose or accept professional commissions on a contingent basis under circumstances under which their professional judgments may be compromised."

I have read that statement several times and I am absolutely amazed that any lawyer could challenge it as conspiritorial. Obviously the statement is designed to protect any client or consumer from biased or warped engineering judgments.

I am led to believe that the DOJ pursues law suits because it believes that someone has been injured, not on a far-fetched, extreme, hypothetical supposition that somewhere, someone might be injured. Therefore my first request to you is to provide me a single instance in which a consumer has been injured because an engineer member of ACEC has refused to accept a professional commission on a contingent basis under circumstances under which his professional judgments may be compromised.

My second request is that you furnish to me the details of the disciplinary action that ACEC took against the above mentioned engineer who created an injury to a consumer.

My third request to you is to provide me your recommendations on changing federal procurement practices so that consumers who are federal agencies will be required to engage consulting engineers on a contingent basis where professional judgment may be compromised. Obviously you believe that an engineer should offer services under circumstances that compromise his judgment.

Having again read the Final Judgment and explanation of the DOJ, I arrive at the conclusion that the most frightening aspect of this case is that you folks really believe that you have accomplished something.

Sincerely,

Fred E. Anderson, Jr., P.E.,

905 South 20th Street, Lincoln, NE 68510.

Alvine Associates,

April 14, 1982.

Re *U.S.A.* v. *American Consulting Engineers Council*, Civil No. 80–2067.

Mr. John W. Poole, Jr.,

Chief, Special Litigation Section, Anti-Trust Division, U.S. Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, D.C.

Dear Mr. Poole: I have just reviewed a letter to you written by Mr. Ferd E. Anderson, Jr., Professional Engineer. It may interest you to know that Mr. Anderson is a retired military officer and not a conspiring Professional Engineer as one of your bright-eyed lawyers who graduated in the late '60s might suspect. To my knowledge, Mr. Anderson has not owned or been a principle participant in a consulting engineering firm which might belong to the American Consulting Engineers Council and would have engaged in its activities that were so heroically banned by the Justice Department.

I can only say "Right on, Mr. Anderson!" In the past I also have written letters to the Department of Justice requesting an explanation, only to get a mindless, wandering answer that was the type of material that properly published could have emulated the success of Gulliver's Travels and Alice in Wonderland. It is indeed amazing how people such as Jimmy Hoffa, the Teamster's Union, organized crime and others can go around pursuing their vicious trades while the Justice Department is out literally crushing professional organizations that have served the nation so well. I guess easy victories are a real temptation to justify the size of your staff. You know best what they are qualified to do! I may not sound very kind in this letter, Sir, and I don't really intend to be. Through efforts such as the one recently completed by the Justice Department, the public will be served, but served less.

Enclosed find a copy of a cartoon you no doubt recently saw and it is, unfortunately, true. Man being an intelligent being saw the need for justice. To provide for justice, he came up with rules. Down through the centuries, rules became known as law. Lawyers long ago gave up the study of justice and took up the study of law and have become fascinated with "a rose is a rose is a rose is a rose" while the flower garden deteriorates.

If the legal profession were made to serve the public in the same fashion that they love to prescribe for other people, the legal profession would be in serious trouble and I do believe they're headed that way. You love to legislate and then adjudicate. It's tough to participate in a game where the opposition owns the umpires. I find it fascinating that in states such as Iowa, it's a state law that you have to belong to the Bar Association if you practice law. Is that conspiracy? If not, it is at least the best membership drive that any organization every conceived. I actually believe it is in the public interest.

Elsewhere, in the marble halls of wisdom of Washington, D.C., certain bureaucratic departments are suggesting that architects and engineers be required to bid on design projects. The low dollar should govern the hiring of professional judgment! Those within the government who are familiar with the process of designing buildings and sorting out the appropriate talents required have replied that they are appalled at such a concept. I can only hope those who promote the idea put their terminal illness out for bids to the cheapest doctor. I am certain the illness could not involve brain surgery. When you hire a professional service, you hire a person's judgements and abilities; you don't hire a person who is manufacturing a product.

Strangely, those who decide what we should do, do not understand what we do. They think, for instance, that architects and engineers build buildings. We do not. We use our professional training and experience to create a set of circumstances wherein an owner proposing to build a building will achieve essentially what he needs at a price he can afford. If this is accomplished, we are quite successful. This item, of course, is not germane to Case DOJ 80–2067 but is typical of what is happening along the Yellow Brick Road that wanders through Washington.

I find it most interesting that when I hear of a ludicrous proposition relative to professional services, you can usually trace it back to a legal mind that would not for a moment consider operating under the conditions that he proposes for other professionals.

I am waiting for your reply to Mr. Anderson's letter. I am certain it will be most entertaining. It probably will be entitled "Alice in Wonderland II".

Ordinarily, I do not engage in wasting my time in writing letters such as this. But I reflect, I believe, what many other people are saying. They are up to their ears in all the good things that Government does for us. We sort of wish that all of you would go home for a while and go back to your hobbies or at least spend the money going after true criminals and true abuses. Our Founding Fathers would be appalled to find that the bureaucrats have replaced Goerge III!

The American public believes that the President of the United States passes laws. They fail to understand that Congress passes laws and that is a major cause of why we're in trouble today. What they also fail to realize is that the real culprit in many instances is the fact that Congress has to turn to the various bureaucratic branches of Government for their input and advice on programs and "legal" issues. Governments pass laws and bureaucrats pass rules. The rules subsequently turn out to be laws that bureaucrats pass through enabling legislation called such things as E.P.A., etc. Congress issues the hunting license and mindless bureaucrats go hunting. D.O.J. Case Civil No. 80–2067 is a landmark example.

Wouldn't you rather investigate a man who spent his entire life as a civil servant or in public employment and wound up a multi-millionaire? Or was Lyndon Johnson a bit big for D.O.J.?

I do not request an answer to this letter and doubt if you would waste you time answering. In fact, I doubt if anybody in your department has guts enought to show the boss the letter. This is usually what happens, I find, when the head of a Federal agency such as yours receives a diatribe from a person who is sick and tired of having a bureaucrat waste his hard earned money that is confiscated in the form of taxes for unworthy purposes. Department of Justice? Never! Department of Law? Maybe.

A fascinated taxpayer,

Raymond G. Alvine,

P. E., FAPEC, FASHRAE.

Note.— Enclosure filed as part of original document.

[FR Doc. 82–13231 Filed 5–13–82; 8:45 am]

BILLING CODE 4410–01–M

National Institute of Justice

Notice of Solicitation

The National Institute of Justice plans to initiate a program of research to examine the impact of the exclusionary rule on police operations. The purpose of this effort is to explore whether or not the traditional and newly emerging interpretations of the exclusionary rule affect police efficiency and to examine whether or not there are more effective methods for obtaining criminal evidence while maintaining a balance between protecting society from the criminal and protecting citizens from police misconduct.

The solicitation, entitled "Regulating the Collection and Use of Criminal Evidence," asks for the submission of preliminary proposals rather than concept papers. The selection of the final applicant will be determined by a peer review panel process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than June 30, 1982. One grant of approximately $250,000 is expected to be funded. The time period for the research should be between 12–18 months in duration. To maximize competition for this award, both profit-making and non-profit organizations are eligible.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, "Regulating the Collection and Use of Criminal Evidence", National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Further information regarding the solicitation can be obtained by contracting Shirley S. Melnicoe, Office of Research Programs, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531 (202/724–2953).

Dated May 7, 1982.

James L. Underwood,

Acting Director, National Institute of Justice.

[FR Doc. 82–13151 Filed 5–13–82; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-81; Exemption Application No. D-2947]

Exemption From the Prohibitions for Certain Transactions Involving Alexander & Alexander Services, Inc.; Alexander & Alexander, Inc.; Located in New York, New York and Montag & Caldwell, Inc.; Located in Atlanta, Georgia

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the performance of services for employee benefit plans by Alexander & Alexander, Inc. (A & A), a wholly owned subsidiary of Alexander & Alexander Services, Inc., when those services may result in additional fees for Montag & Caldwell, Inc. (M & C), a wholly owned subsidiary of A & A. In addition to M & C, A & A has a number of other subsidiaries,. When reference is made in this exemption to A & A, all its subsidiaries except M & C are intended to be incorporated by reference.

FOR FURTHER INFORMATION CONTACT: Carol D. Gold of 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. (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 5, 1982, notice was published in the **Federal Register** (47 FR 5494) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406 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) of the Code, for the provision of various services by A & A to employee benefit plans. The notice set forth a Sumamry of Facts and Representations (the Summary) 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. Counsel for the applicant has represented that a copy of the notice of the proposed exemption was sent by first class mail within 10 days of its publication to the plan administrator of each plan with respect to which either (1) both A & A and M & C currently provide services or (2) both A & A and M & C had provided services of the type described in the exemption since May 30, 1980. A letter accompanied the notice that explained the proposed exemption and specifically noted the right to comment or request a public hearing. No requests for a hearing were received by the Department.

One comment was received by the Department from counsel for the applicant. The comment noted a change from the factual representations of the proposal in that as of January 1, 1982 M & C has become a wholly-owned subsidiary of A & A raher than a wholly-owned subsidiary of Alexander & Alexander Services, Inc. The comment also requested clarification of the Department's position with respect to those services for which an exemption was requested but was not proposed as explained in paragraph 11 of the summary. The services in question are:

(1) The performace by A & A of actuarial services, including the determination by A & A of funding levels for a plan in accordance with Act section 302 and Code section 412;

(2) The evaluation by A & A of the investment performance of plans subject to the Act;

(3) The evaluation by A & A of the composition of the portfolios of plans subject to the Act and the recommendation of appropriate portfolio compositions by A & A to plans subject to the Act;

(4) The exercise of investment management services by M & C for plans subject to the Act. A remote consequence of the provision of the first three of these services, after action by an independent fiduciary in response to any determination or evaluation by A & A, could be the eventual retention of M & C to provide services to the plan. If the conditions of the statutory exemption for the provision of services as set forth in section 408(b)(2) of the Act and section 4975(b)(2) of the Code, as amplified by the regulations issued thereunder, are met the four types of service listed above will be exempt from the prohibitions of section 406(a) of the Act and 4975(c)(1) (A) through (D) of the Code. Furthermore, in the absence of any arrangement whereby the provision of these services is intended by A & A or M & C to result directly in additional compensation for either A & A or M & C, there is no violation of section 406(b)(1) or 406(b)(2) of the Act or 4975(c)(1)(E) of the Code. Nothing in the facts as represented to the Department indicates that the provision of these Services will result in a violation of section 406(b)(3) of the Act or 4975(c)(1)(F) of the Code. The comment also requested that the representation in paragraph 6 of the summary, that when an A & A management search results in the recommendation of M & C, at least two other managers, independent of both A & A and M & C, are also recommended, be added as an express condition to the exemption. The commenter acknowledged that although it is a general rule that an exemption is subject to the express condition that all material facts and representations in the application are true, the inclusion of this representation as a condition is requested to highlight the obligations and expectations of those who will rely on the exemption. The Department has added the representation as a condition for the reasons set forth above. The condition is not intended by the department to become a standard for similar transactions; rather, any similar transaction will be scrutinized, as was this case, on the basis of its particular facts and circumstances.

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 releive a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is appliable from certain other provisions of the Act and the Code. These provisions include 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 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.

Section I. Covered Transactions.

Effective May 30, 1980, the restrictions of section 406 of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to:

1. The evaluation by A & A of the performance of M & C as an investment manager retained by an employee benefit plan;

2. The evaluation by A & A of the allocation of plan assets among investment managers, including M & C, retained by employee benefit plans and the recommendation by A & A of an appropriate allocation of plan assets among such investment managers;

3. The selection and retention of M & C by employee benefit plans that follows the evaluation and recommendation of prospective investment managers, including M & C, by A & A to independent fiduciaries of those plans.

Section II. Conditions.

The exemption provided for transactions described in Section I is available only if each of the following conditions is met:

(1) In the case of any recommendation or evaluation by A & A described in Section I, the reasons, including the objective criteria forming the basis for such recommendation or evaluation, are provided by A & A to an independent fiduciary of the plan to which such recommendation or evaluation is provided.

(2) Any recommendation or evaluation by A & A described in Section I is not adopted or followed by the plan until acted upon by an independent fiduciary of the plan to which such recommendation or evaluation is provided.

(3) Any evaluation or recommendation of M & C by A & A described in Section I shall contain a simple statement notifying the recipient of their corporate affiliation in a manner that neither emphasizes nor minimizes that affiliation.

(4) Any recommendation of M & C by A & A shall include a recommendation of at least two other investment managers, independent of both A & A and M & C.

(5) Except as herein exempted, the provision of the services described in Section I to employee benefit plans meets the conditions of the general statutory exemption for services set forth in section 408(d)(2) of the Act and section 4975(d)(2) of the Code and regulations written thereunder.

The availability of this exemption is subject to the express condition that the materials 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 7th day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services, Administration, Department of Labor.

[FR Doc. 82–13239 Filed 5–13–82; 8:45 am]
BILLING CODE 4510–29–M

[Application No. D–3240]

Proposed Exemption for Certain Transactions Involving Plastic Surgery Associates, Ltd. Pension Plan Located in St. Paul, Minnesota

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 of a certain parcel of real property (the Property) from the segregated investment account of Dr. Frank Pilney (the Account) in the Plastic Surgery Associates, Ltd. Pension Plan (the Plan) to Dr. Frank Pilney (Dr. Pilney), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, Dr. Pilney and any other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 16, 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–3240. 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: Mr. David Stander of the Department, telephone (202) 523–8881. (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), 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 by the trustee 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 FR 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 money purchase pension plan with four (4) participants. As of October 31, 1981, the Plan has total assets of $962,171, and the Account had total assets of $593,745. National City Bank of Minneapolis (the Bank) is the trustee of the Plan and invests Plan assets subject to the direction of Plastic Surgery Associates, Ltd., the sponsor of the Plan (the Employer). The Bank retains investment authority with respect to some of the Plan's assets.

2. The Employer is a medical practice engaged in plastic and reconstructive surgery. Dr. Pilney is the principal owner of the Employer.

3. On February 4, 1974, Dr. Pilney as a participant in the Plan directed the Bank, as trustee, to purchase the Property for his Account. The property was purchased from Big Sky, Montana, Inc., an unrelated party with respect to the Plan, for $13,500. The Property consists of 12,000 square feet of unimproved land, and is described as Lot 30, Block 4, Meadow Village, 2nd Filing, Big Sky, Montana. Since purchase the Property has remained unimproved and has not produced any income. Dr. Pilney's Account has incurred approximately $2,200 in expenses, consisting of taxes and water charges, since purchase.

4. The applicant seeks an exemption to sell the Property, at the Employee's direction, from the Account to Dr. Pilney at its appraised fair market value for cash. Mr. James F. Phennicie, an independent real estate broker for Hearth and Heather Real Estate, located in Bozeman, Monana, has determined that as of January, 1982, the Property had a market value of $14,000. Mr. Phennicie represents that he has personal knowledge of all properties in or around Big Sky and specializes in sales and appraisals in that area. The Plan will not incur any sales commission or other expenses with respect to the sale.

5. 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; (b) the only assets of the Plan which will be affected by the proposed sale will be those in the Account and Dr. Pilney desires that the transaction be consummated; (c) the Property will be sold at its appraised market value as determined by a qualified, independent appraiser; (d) the sale will be a one-time transaction for cash and the Plan will not incur any sales commissions or other expenses with respect to the sale; and (e) the trustee of the Plan represents that the proposed transaction will be in the best interests of the Plan.

Notice to Interested Persons

Because Dr. Pilney's Account will be the only Plan assets involved in the proposed transaction 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 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), 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 from Dr. Pilney's Account to Dr. Pilney for $14,000 provided that this amount is not less than the fair market of the Property on 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 10th day of May 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–13240 Filed 5–13–82; 8:45 a.m.]

BILLING CODE 4510–29–M

[Application No. D–3044]

Proposed Exemption for Certain Transactions Involving the Reisman, Milberg, Abramson & Magro, P.C. Defined Benefit Pension Plan Located in New York, New York

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 loans by the Reisman, Milberg, Abramson & Magro, P.C. Defined Benefit Pension Plan (the Plan) of funds not to exceed 25% of total Plan assets to Reisman, Milberg, Abramson & Magro, P.C. (the Employer) for a period of five years and the guarantee of the loans by the principal shareholders of the Employer. The proposed exemption, if granted, would affect the Employer, the Plan, and others participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 30, 1982.

TEMPORARY NATURE OF EXEMPTION: The exemption, if granted will be temporary in nature and will exire five years from the date of grant with respect to the making of loans by the Plan to the Employer. Subsequent to the expiration date of the exemption, the Plan may hold loans to the Employer provided such loans originated during the five year period.

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–3044. 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: Ms. Linda M. Hamilton of the Department of Labor, telephone (202) 523–7462. (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)(l) (A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf 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 applicant.

1. The Plan is a defined benefit pension plan with 15 participants and total assets of $216,200 as of September 30, 1981.

2. The Employer is a New York State Professional Corporation, incorporated in 1971, to conduct the practice of law.

3. An exemption is requested to allow the Plan, for a period of 5 years, to make loans (the Loans) on a recurring basis to the Employer. The proceeds of the Loans will be used by the Employer to purchase motor vehicles.

4. The total amount of the Loans will not exceed 25% of the dollar value of the total assets of the Plan.

5. Each of the Loans will be subject to the following conditions:

(a) Each Loan will be collateralized by a promissory note and a security agreement;

(b) Each Loan will have a first lien on the vehicle to be purchased and office equipment owned by the Employer such that at all times the Loans will be collateralized in an amount equal to 150% of the outstanding balance of the Loans. The fair market value of the office equipment has been established at $82,550 by Mr. Joseph L. Danuano of Lanier Business Products, an independent appraiser;

(c) Each vehicle purchased will be a new vehicle;

(d) No Loan will exceed 85% of the purchase price of the vehicle financed, excluding the sales tax, title and license costs;

(e) The maximum length of any Loan will be 48 months;

(f) The interest rate on each Loan will be fixed at a rate ½% above the prevailing rate set by the Citibank, N.A for new automobile loans in effect on the date of each Loan transaction;

(g) Each Loan will be personally guaranteed by the majority shareholders of the Employer; and

(h) Prior to the Plan entering into the Loan, each Loan will be certified by an independent fiduciary as an appropriate investment for the Plan.

6. The majority shareholders who will personally guarantee the Loans are Charles Reisman, Jack Abramson and Michael V. Magro. Reisman represents that he has a net worth of more than $600,000. Abramson represents that he has a net worth of more than $500,000 and Magro represents that his net worth exceeds $500,000.

7. Messrs. Lawrence and Harry Kramer, d.b.a. Lawrence J. Kramer Co. (Kramer), will serve as independent fiduciaries for the Loan transactions. Kramer is a partnership of certified public accountants with offices in New York. Kramer is unrelated to the Employer. Kramer will certify that each Loan would be an appropriate investment for the Plan and that the terms of such Loan are equal to or better than those obtainable in an arm's-length transaction with an unrelated party. The independent fiduciary will also be responsible for monitoring the payments on the Loans and for monitoring the fair market value of the collateral used in securing the Loans. Kramer will assure that the Plan will release money to fund a Loan only upon the Plan's receipt of (1) a promissory note and security agreement in proper form personally guaranteed by Reisman, Abramson and Magro, (2) an application for a certificate of title to the vehicle, a certified check of the Employer, payable to the seller of the vehicle covering the balance of the vehicle purchase price including sales tax, and (3) the written approval of Kramer.

8. In summary, the applicant represents that the proposed transaction meets the criteria of section 408(a) of the Act because:

(1) The Loans would substantially increase the rate of return on the Plan's investments;

(2) The Loans would be secured at all times by personal property valued at 150% of the outstanding balance of the Loans;

(3) The Loans will be personally guaranteed by the majority stockholders of the Employer; and

(4) An independent trustee has determined that the Loans would be in the interest of and protective of the Plan and its participants and beneficiaries.

Notice to Interested Persons

All Plan participants and beneficiaries will be given a copy of the Notice of Pendency as published in the **Federal Register** within 15 days after its publication by personal delivery. In addition, they will be given a statement informing them of their right to comment and/or request a hearing concerning the exemption.

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 thhe 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 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 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 aply to the Loans by the Plan to the Employer of funds not to exceed 25% of the total assets of the Plan, for a period of 5 years, and the guarantee of the Loans by the principal shareholders of the Employer, so long as the terms of the Loans are no less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

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 10th day of May 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Program Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–13241 Filed 5–13–82; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–3011]

Proposed Exemption for Certain Transactions Involving the Shearson/American Express, Inc. Keogh Plan Located in Longmeadow, Massachusetts

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

: 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 exempt (1) the sale to the Shearson/American Express, Inc. Keogh Plan for the account of Dr. George Franklin (the Plan) of a one-half interest in a parcel of real property by the Bar Realty Trust (the Realty Trust); and (2) the assumption by the Plan of the Realty Trust's obligations pursuant to a mortgage on the property. Because Dr. Franklin 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. The proposed exemption, if granted, would affect the Plan, the Realty Trust, and any other persons participating in the proposed transactions.

DATES: Written comments and requests for public hearing must be received by the Department on or before June 16, 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–3011. 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 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 on behalf of Dr. Franklin, 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.

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 retirement plan for self-employed individuals sponsored by Shearson/American Express, Inc. (Shearson). Pursuant to the Plan documents the complete authority to control and manage the operation and

administration of the Plan is placed with the individual properietorship or partnership adopting the Plan. Shearson acts as custodian with respect to the assets in the Plan.

2. Dr. Franklin adopted the Plan on March 2, 1981, when funds maintained for his account in a retirement plan for self-employed individuals sponsored by Freedom Federal Savings and Loan Association (the Freedom Plan), were transferred to the Plan. As of December 31, 1971, Dr. Franklin's account in the Plan had a market value of $32,542. The Freedom Plan is presently frozen as Dr. Franklin discontinued his sole proprietorship in 1978 and thereafter incorporated his business. Two employees of Dr. Franklin currently maintain accounts in the Freedom Plan.

3. The Realty Trust was declared on June 22, 1971, by Dr. Franklin and Ms. Pearl Wallace, an attorney in Longmeadow, Massachusetts. Dr. Franklin was appointed the trustee of the Trust, and pursuant to the Trust document maintains power, authority and discretion to invest the Trust's assets. The Realty Trust was formed in order to purchase and hold a one-half interest in a parcel of real property (the Property) located at 407 Memorial Drive, Chicopee Falls, Massachusetts. The Realty Trust has no other assets other than the Property and cash. The other one-half interest in the Property is owned by the Barmark Realty Trust, an unrelated party.

4. On June 29, 1971, the Property was leased by the Trusts to Harold Butler Enterprises, a Delaware corporation, for a twenty five year term on an "absolute net" basis (the Lease). In accordance with the terms of the Lease an improvement, a Denny's Restaurant, was constructed, at the lessor's expense, on the Property in 1972. The Lease provides that the lessee may extend the term of the Lease for an additional ten years on the same terms and conditions except for an adjustment in the rental amounts based on the consumer price index. At the termination of the Lease term the lessor and lessee may renegotiate a new lease or the lessor may seek a new tenant.

5. Mr. Paul Akerman, an MRA appraiser located in Springfield, Massachusetts, determined, as of October 1, 1981, that the Property had a market value of $210,000. The applicant requests an exemption for the Plan to purchase the Realty Trust's one-half interest in the Property for $105,000, one-half of its appraised value.

6. It is proposed that the Plan will assume the Realty Trust's obligations pursuant to a first mortgage dated March 3, 1972 from the Provident Institution for Savings in the Town of Boston. The mortgage was for a principal sum of $260,000 and bears interest at the rate of 9½%. As of January, 1982, the outstanding one-half principal balance of the mortgage was approximately $75,175. The Plan will pay the remaining purchase price in cash. The mortgage requires monthly payments of $2,678 and will be completely amortized by 1987. The monthly rental income received from the lessee is $2,940. The applicant represents that the Plan will have a substantial equity in the Property after the mortgage is completely amortized.

7. In summary, the applicant represents that the proposed transaction satisfies the statutory criteria for an exemption under section 4975(c)(2) of the Code because (a) the only participant in the Plan who will be affected by the proposed transaction will be Dr. Franklin and he desires that the transaction be consummated; and (b) the Plan will be purchasing the one-half interest in the Property at its appraised value.

Notice to Interested Persons

Because Dr. Franklin 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 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 benficiaries 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 sale to the Plan by the Realty Trust of its one-half interest in the Property and the assumption by the Plan of the Realty Trust's obligations pursuant to the mortgage on the Property, provided that the sale price of the one-half interest in the Property is not in excess of its fair market value at 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 10th day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–13243 Filed 5–13–82; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D-3271]

Proposed Exemption for Certain Transactions Involving the Robert B. Scheidt M.D., Pension Plan and Trust Located in Van Wert County, Ohio

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 of certain art works (the Artworks) by the Robert B. Scheidt M.D., Penson Plan and Trust (the Plan) to Robert B. Scheidt (Scheidt), a party in interest with respect to the Plan. The proposed exemption, if granted, would affect Scheidt, the participants and beneficiaries of the Plan and other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before June 24, 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 Consitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3271. 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: Richard Small of the Department, telephone (202) 523-8881. (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), 406(b)(1) and 406(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 by Scheidt, 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 applicant.

1. The Plan is a defined benefit plan which as of February 23, 1982 had two participants and assets of $125,376. The Peoples Bank and Trust Company (the Bank) located in Van Wert, Ohio is the trustee of the Plan. As a part of its assets, the Plan owns the Artworks which consist of four paintings; Punch and Judy, Snow Vista, Tunisian Women and Summer Breeze. The Artworks were purchased by the Plan over a period of years at a cost of $64,500. The Artworks were appraised on October 16, 1980 by Elizabeth Campanile, an independent art appraiser, located in Chicago, Illinois. Campanile, who is a member of the Appraisers Association of America, Inc., represents that as of October 16, 1980 the Artworks had a fair market value of $74,500.

2. The applicant is requesting an exemption which will permit the Plan to sell the Artworks to Scheidt for $74,500. The applicant represents that the proposed sale will allow the Plan to eliminate a non income producing asset and will allow the Plan to diversify its investments. The Bank, as the trustee of the Plan, recommends the proposed sale.

3. The applicant represents that the proposed sale will satisfy the criteria of section 408(a) of the Act as follows: (1) the trustee of the Plan represents that it is in the best interests of the participants and beneficiaries of the Plan; (2) the price of the Artworks was determined by an independent party; and (3) the Plan will be able to eliminate a non income producing asset and will be able to diversify its investments.

Notice to Interested persons

Within ten days of its publication in the **Federal Register**, a copy of of the notice of pendency and a statement advising each interested person of their right to comment or request a hearing will be hand delivered or mailed by certified mail to each participant or beneficiary of the Plan.

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), 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 proposed sale of the Artworks by the Plan to Scheidt for $74,500 provided that this amount is at least the fair market value of the Artworks at the time 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 10th day of May, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 82–13242 Filed 5–13–82; 8:45 am]

BILLING CODE 4510–29–M

[Application No. D–3030]

Proposed Exemption for Certain Transactions Involving the Wolverine Aluminum Corporation Profit Sharing Trust Located in Lincoln Park, Michigan

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 prohbited 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, effective January 1, 1975, the extension of credit between the Wolverine Aluminum Corporation Profit Sharing Trust (the Plan) and Wolverine Aluminum Corporation, the sponsor of the Plan (the Employer). The transaction was entered into before the effective date of the Act, but after July 1, 1974, the date specified in the transitional rules contained in sections 414 and 2003 of the Act. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, the Employer, and any other persons participating in the proposed transaction.

EFFECTIVE DATE: If granted, the exemption will be effective from January 1, 1975 to March 15, 1982.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 28, 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–3030. 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 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), 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 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 applicant.

1. The Plan is a profit sharing plan which, as of December 30, 1980, had 117 participants. The Plan is currently administered by three trustees, Messrs. Gregory C. Smith and Paul P. Baker and Ms. Annette D. Buchanan. The trustees are officers and/or directors of the employer. As of December 30, 1980, the Plan had total assets of $2,579,382.

2. The Employer is a manufacturer of aluminum and vinyl building products. As of September 30, 1981, the employer had a net worth of $18,399,000.

3. On August 15, 1974, the Plan, then known as the Wolverine-Pentronix, Inc. Salaried Employees' Profit Sharing Trust, sold a parcel of improved real property (the Property) to the Employer, then known as Wolverine-Pentronix, Inc. The Property contains 68,172 square feet of land and is improved by a building which constitutes a segment of the Employer's corporate office and main plant. The Property is located at 1650 Howard Street in Lincoln Park, Michigan. The Property had been leased to the Employer pursuant to leases dated January 15, 1964 and March 27, 1974. Messrs. Louis I. Flattery, MAI, and Mr. James E. Mawson of Reaume and Dodds, Incorporated, appraised the fair market value of the Property subject to the leases and, as of May 31, 1974, determined that the value of the leased fee interest was $624,000. The Property was subject to a first mortgage held by the Security Bank and Trust of Lincoln Park dated May 12, 1966. The first mortgage, as of August 1, 1974, had an outstanding principal balance of $254,851. On August 15, 1974, the Trustees of the Plan (the Trustees) were Mr. Baker, Ms. Buchanan and Mr. Norman H. Smith, an officer of the Employer.

4. Pursuant to the sale terms, the Employer purchased the property for its appraised value of $624,000. The Employer paid cash of $107,474, assumed the Plan's obligations under the first mortgage, surrendered a $20,000 security deposit on its leasehold, paid applicable state taxes, and was extended credit by the Plan in the amount of $240,000 (the Mortgage).

5. The Mortgage, dated August 15, 1974, was payable in 120 monthly amounts of $3,105 of principal and interest and bore an interest rate of 9½%. The first monthly payment was made on September 15, 1974 and all payments due since that date have been made on a timely basis. The Mortgage's remaining balance of $82,631 plus interest of $654 was repaid to the Plan on March 15, 1982.

6. The applicant represents that the sale of the Property was conducted on an arm's-length basis and consummated at fair market value. The applicant represents that the Mortgage was issued at the then prevailing market rate and was adequately secured. The applicant represents that there was sufficient equity in the Property to have enabled the Employer to obtain a second mortgage on the Property from a financial institution at the time of the transaction.

7. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act because (1) the sale of the Property was consummated at its fair market value and the Mortgage was issued at the then prevailing market rate and terms; (b) the Mortgage was adequately secured by the Property; (c) all payments under the Mortgage were made on a timely basis; (d) the Mortgage was repaid in full on March 15, 1982; and (e) the Trustees have determined that the subject transaction was appropriate for the Plan and in the best interests of its participants and beneficiaries.

Finally, the applicant represents that the subject transaction was entered into prior to the effective date of the Act without knowledge that the transaction would become prohibited on January 1, 1975. As soon as the applicant realized that the transaction had become prohibited the applicant submitted a good faith request for an exemption instead of terminating the transaction.

Notice to Interested Persons

Within ten days after its publication in the **Federal Register** notice of this proposed exemption will be conspicuously posted at locations of the Employer normally used for posting employee notices. Such notice will include a copy of this Notice of Proposed Exemption as published in the **Federal Register** together with a statement informing interested persons of their right to comment and/or request a hearing regarding the proposed exemption.

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), 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, from January 1, 1975 to March 15, 1982, to the Mortgage executed on August 15, 1974, as described herein, provided that the terms and conditions of the Mortgage were at least as favorable to the Plan as those which the Plan would have received from an unrelated party in a similar transaction.

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 which is the subject of this exemption.

Signed at Washington, D.C., this 10th day of May 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–13244 Filed 5–13–82; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL LABOR RELATIONS BOARD

Revision of Statement of Organization and Functions

AGENCY: National Labor Relations Board.

ACTION: Revision of statement of organization and functions.

SUMMARY: The National Labor Relations Board is revising its description of central organizations [1] of the Board to reflect a recent merger of functions of the Division of Information with those of the Office of the Executive Secretary. The sections and revised language of the organization and functions statement affected by this change are described under the heading "Supplementary Information," below.

EFFECTIVE DATE: April 12, 1982.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570, Telephone (202) 254–9430.

SUPPLEMENTARY INFORMATION: The National Relations Board has amended its description of central organization sections 201, 201.1, 201.1.1 and 201.1.4, to reflect a recent reorganization. Section 201.1.4 Division of Information is deleted in its entirety. Revised language for

[1] 32 FR 9588, as amended by 37 FR 15956, as amended by 44 FR 34215, as further amended by this document.

sections 201, 201.1 and 201.1.1 appears below.

Sec. 201 *The Board.* The Board, composed of five Members, has its central and principal office in Washington, D.C. Each of the Members is appointed by the President, with the approval of the Senate, for a term of 5 years. One Member is designated by the President to serve as Chairman of the Board. The Board is created by virtue of the provisions of the National Labor Relations Act, 49 Stat. 449, as amended by the Labor Management Relations Act, 1947, 61 Stat. 136, and the Labor-Management Reporting and Disclosure Act, 1959, 73 Stat. 519.

The Board has two principal functions under the National Labor Relations Act, as amended: (1) The prevention of a statutorily defined unfair labor practices on the part of employers and labor organizations or the agents of either, and (2) the conduct of secret ballot elections among employees in appropriate collective-bargaining units to determine whether or not they desire to be represented by a labor organization.

The Board is further empowered by the Act:

To conduct secret ballot elections among employees who have been covered by a union-shop agreement, when requested by 30 percent of the employees, to determine whether or not they wish to revoke their union's authority to make such agreements.

To determine in cases involving jurisdictional disputes which of the competing groups of workers is to be assigned the work task involved.

To conduct secret ballot elections among employees in national emergency situations.

The Board exercises full and final authority over the Office of the Executive Secretary and the Office of the Solicitor. The Board appoints administrative law judges and, subject to the provisions of the Administrative Procedure Act and section 4(a) of the National Labor Relations Act, as amended, exercises authority over the Division of Judges. Each Board Member exercises full and final authority over a staff of legal counsel, each staff being under the immediate supervision of the chief counsel of the respective Board Member.

The Board, with the General Counsel, approves the budget, opens new offices as deemed necessary, and appoints Regional Directors and Officers-in-Charge.

The Board establishes and publishes the Agency's Rules and Regulations and Statements of Procedures.

Sec. 201.1 *The Board's staff.* The Board's staff consists (in addition to its chief counsel and legal counsel referred to in sec. 201, above) of the Office of the Executive Secretary, the Office of the Solicitor, and the Division of Judges.

Sec. 201.1.1 *Office of the Executive Secretary.* The Executive Secretary, as the chief administrative and judicial management officer of the Board, represents the Board in dealing with parties to cases, and communicates on behalf of the Board with labor organizations, employers, employees, Members of Congress, other agencies, and the public; receives, dockets, and acknowledges all formal documents filed with the Board; issues and serves on the parties to cases all Board Decisions and Orders; and certifies copies of all documents which are a part of the Board's files or records. The Information Branch of the Office of the Executive Secretary coordinates the Agency's information and public relations programs by conducting briefings and disseminating information of Agency activities through all news media and to companies, unions, law firms, academic groups and others; and arranges for distribution of decisions and summaries of decisions.

* * * * *

Dated, Washington, D.C., May 10, 1982.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 82-13229 Filed 5-13-82; 8:45 am]

BILLING CODE 7545-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on June 1, 1982, Room 1167, 1717 H Street, NW., Washington, D.C. The Subcommittee will review the Nuclear Regulatory Commission's proposed FY 84–85 programs and budget and will develop specific comments on the NRC's Long-Range Research Plan as each relates to the area of Human Factors.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, June 1, 1982

1:00 p.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, David Fischer (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m. d.s.t.

Dated: May 10, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-13186 Filed 5-13-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittees on Electrical Systems and Qualification Programs for Safety-Related Equipment; Meeting

The ACRS Combined Subcommittees on Electrical Systems and Qualification Programs for Safety-Related Equipment will hold a meeting on May 27, 1982 in Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommittees will discuss the NRC-sponsored research programs, proposed research funding for FY 84–85, and those parts of the Long Range Research Plan which relate to the areas for which these Subcommittees are responsible.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its

consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, May 27, 1982—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., d.s.t.

Dated: May 10, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–13187 Filed 5–13–82; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Research Programs; Meeting

The ACRS Subcommittee on the Safety Research Program will hold a meeting on June 2, 1982, in Room 1167 at 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the NRC Safety Research program and budget for FY 1984 and FY 1985 and gather information for use by the ACRS in its report to the Commission on the NRC FY 1984 and FY 1985 safety research program budget.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (45 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, June 2, 1982—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this matter.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., d.s.t.

Dated: May 11, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–13188 Filed 5–13–82; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) will hold a meeting on June 1 and 2, 1982, Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the seismicity and associated seismic design for the CRBR plant.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary and Industrial Security information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, June 1, 1982—8:30 a.m. Until the Conclusion of Business

Wednesday, June 2, 1982—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Project Management Corporation, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., d.s.t.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary and Industrial Security information. The authority for such closure in Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: May 11, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–13189 Filed 5–13–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–368]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. NPF–6 issued to Arkansas Power and Light Company (the licensee), which revised the Technical Specifications for operation of

Arkansas Nuclear One, Unit No. 2, located in Pope County, Arkansas. The secondary water chemistry monitoring conditions become effective within thirty days from the date of issuance.

The amendment incorporates the requirements for a program to monitor seconday steam generator water chemistry conditions into the body of the license and deletes a requirement to specify secondary water chemistry limits from the Technical Specification.

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 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 the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 10, 1981, (2) Amendment No. 30 to Facility Operating License No. NPF–6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the Arkansas Tech University, Russellville, Arkansas 72801. 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 6th day of May, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82–13181 Filed 5–13–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Co. (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (facility) located in Middlesex County, CT. This amendment is effective as of its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications which incorporate requirements of Appendix J to 10 CFR Part 50, Containment Leakage Testing.

The applications for amendment comply 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 applications for amendment dated June 27, 1977 and September 2, 1979, (2) Amendment No. 49 to License No. DPR–61, 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 Russell Library, 119 Broad Street, Middletown, Connecticut 16457. 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 7th day of May, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82–13182 Filed 5–13–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. NPF–1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised the Technical Specifications for operation of the Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment allows the use of incore quarter-core flux maps for calibration of the excore axial flux offset detection system.

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 this 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 April 12, 1982, (2) Amendment No. 72 to License No. NPR–1 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 local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. 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 of Licensing.

Dated at Bethesda, Maryland, this 6th day of May 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactor Branch No. 3, Division of Licensing.

[FR Doc. 82-13183 Filed 5-13-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-77 and Amendment No. 4 to Facility Operating License DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change various sections of the Technical Specifications related to fire hose test pressure requirements, vital battery surveillance, ice bed temperature determination, isolation valve closing times, downscale failure alarms, visual inspection schedule on snubbers, maximum enrichment for reload fuel, quality assurance monitoring of plant effluents, land use census, and system flushing. The amendments are effective as of their dates of issuance.

The applications for the amendments comply 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 amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letters dated December 10, 1981 (two letters), March 1, March 9, and April 6, 1982, (2) Amendment No. 13 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 4 to Facility Operating License No. DPR-79 with Appendix A Technical Specification page changes; and (4) 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 Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 13 and Amendment No. 4 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 4th day of May 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-13184 Filed 5-13-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 40 and No. 24 to Facility Operating License Nos. NPF-4 and NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Units No. 1 and No. 2 (the facility) located in Louisa County, Virginia. The amendments are effective as of the date of issuance.

The amendments provide one-time relief from the facility Technical Specifications for the 18-month surveillance testing of large snubbers rated at greater than 50,000 inch-pounds. The one-time relief is applicable to the North Anna, Unit No. 1 Cycle 3 refueling outage and the North Anna, Unit No. 2 Cycle 1 refueling outage.

The application for the amendments 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 amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see the (1) application for amendments dated April 16, 1982, (2) Amendments No. 40 and No. 24 to Facility Operating License No. NPF-4 and NPF-7, respectively, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of item (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 6th day of May, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-13185 Filed 5-13-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 12425; (812-5088)]

Bankers Security Variable Annuity Funds D, E, F, G, H, I, M, P and Bankers Security Life Insurance Society

Filing of Application for an Order Pursuant to Section 11 of the Investment Company Act of 1940 for Approval of Certain Offers of Exchange

May 7, 1982.

Notice is hereby given that Bankers Security Life Insurance Society ("Company"), 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006, a stock life insurance company organized under the laws of New York in 1917, and Bankers Security Variable Annuity Funds D, E, F, G, H, I, M and P (referred to individually as a "Separate Account" with its letter designation, or jointly as the "Separate Accounts"), separate accounts of the Company registered under the Investment Company Act of 1940 ("Act") as parts of unit investment trusts, filed an application on January 21, 1982, and an amendment thereto on April 1, 1982, for

an order pursuant to Section 11 of the Act, approving certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the assets of Separate Accounts D, E, F, G, H and I, separate accounts registered under the Act as a single unit investment trust, are each invested in securities of a different registered open-end investment company (all of which are part of the Oppenheimer family of mutual funds). Variable annuity contracts issued by Separate Accounts D, E, F, G, H and I are subject to front-end deductions for sales and administrative charges of 6% and 8.5% on single payment contracts and periodic payment contracts, respectively. On September 25, 1981, the Company ceased offering variable annuity contracts issued through these Separate Accounts and does not intend to offer them in the future.

Applicants also state that the assets of Separate Accounts M and P, separate accounts registered under the Act as a single unit investment trust, are invested in Daily Cash Accumulation Fund, Inc., and Centennial Cash Accumulation Fund, Inc., respectively. Shares of the latter fund are not sold directly or indirectly to the general public but are available only through the purchase of a contract issued by the Company. The Company does not deduct a sales charge from purchase payments for variable annuity contracts issued by Separate Account P, but rather a contingent deferred sales charge of 4.0% of the amount withdrawn will be imposed against withdrawals of purchase payments held in the separate account for fewer than 72 months. In addition, on each anniversary, the Company will deduct an annual Contract Maintenance Charge of $30 from the contract value of contracts issued by Separate Account P.

Section 11

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides, in pertinent part, that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer to exchange the securities of registered unit investment trusts for the securities of any other investment company.

Applicants propose to permit contractholders in Separate Accounts D, E, F, G, H and I to exchange their contracts for contracts issued by Separate Account P. Such contractholders will be permitted to make such an exchange without payment of a fee, transfer charge or sales load. They would also not be subject to the otherwise applicable contingent deferred sales charge imposed on withdrawal of amounts from Separate Account P or any Contract Maintenance Charge deducted from the contract value of contracts issued by Separate Account P. Periodic payment contractholders in Separate Accounts D, E, F, G, H and I who exchange to Separate Account P may continue to make periodic payments into their Separate Account P contract. Except for any applicable premium taxes, all of such periodic purchase payments will be allocated to Separate Account P and no other deductions or charges will be made. The same minimum periodic purchase payments applicable for Separate Accounts D, E, F, G, H and I will be applicable for Separate Account P—$50 per payment ($25 under automatic checking or payroll deduction plans), and a total of $200 annually. The transferred amounts as well as all additional periodic payments will not be subject to the otherwise applicable contingent deferred sales charge or any Contract Maintenance Charge.

Applicants are requesting an order pursuant to Section 11, to the extent necessary to permit the proposed offer of exchange described in the application.

Notice is further given that any interested person may, not later than June 1, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following June 1, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-13134 Filed 5-13-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12427; 812-5139]

Family Life Insurance Co. et al., Filing of Application for an Order Exempting Applicants to the Extent Requested From Provisions

In the matter of Family Life Insurance Company, Merrill Lynch Variable Annuity Account, Park Place, Seattle, WA 98101, and Merrill Lynch, Pierce, Fenner & Smith, Incorporated, One Liberty Plaza, New York, N.Y. 10080.

May 10, 1982.

Notice is hereby given that Family Life Insurance Company ("FLIC"), a stock life and disability insurance company organized under the laws of Washington, Merrill Lynch Variable Annuity Account (the "Account"), a separate account of FLIC registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and Merrill Lynch, Pierce, Fenner & Smith, Incorporated ("MLPF&S"), the principal underwriter for the Account (hereinafter collectively referred to as "Applicants"), filed an application on March 18, 1982 and an amendment thereto on April 28, 1982 for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the State of Texas Revised Civil Statutes. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

FLIC is a wholly-owned subsidiary of Merrill Lynch & Co., Inc., a diversified financial services holding company. FLIC is also the depositor of the

Account. The Account was established for the purpose of funding certain variable annuity contracts to be issued by FLIC (the "Contracts"). The Contracts currently being issued by FLIC are individual deferred variable annuity contracts designed for use in connection with retirement plans meeting the requirements of Sections 401, 403, 404 or 408 of the Internal Revenue Code of 1954, as amended ("Code"), or plans not entitled to special income tax treatment under such or comparable provisions of the Code. Such Contracts are offered pursuant to a registration statement filed under the Securities Act of 1933.

In 1967, the State of Texas directed the governing boards of all Texas institutions of higher education to make availabe to certain employees an Optional Retirement Program (the "Program"), codified as Subchapter G of Chapter 51 of the Texas Education Code. Effective September 1, 1981, Subchapter G of Chapter 51 was repealed and Title 110B of the Texas Revised Civil Statutes was enacted ("new ORP statute"). The new ORP statute allows as the funding media for the Program fixed or variable annuity contracts purchased from any insurance or annuity company qualified to do business in Texas. Prior to its repeal, the statutory definition of the Program contained in Section 51.352 of Subchapter G provided that the benefits of such annuities were to be available only upon termination of employment in Texas public institutions of higher education, retirement, death or total disability of the participant.

Because of uncertainty regarding the effect of the provision described above, the University of Texas System (the "System") requested an opinion of the Attorney General of Texas. In response, the Attorney General rendered an opinion which interpreted Section 51.358 to prohibit provisions in a variable annuity contract issued in connection with the Program on or after June 14, 1973, which provided for making available the redemption value of the contract prior to the occurrence of one of the conditions specified in the statute, *i.e.*, termination of employment, retirement, death or total disability.

The new ORP statute contains language similar to that of Subchapter G of Chapter 51 interpreted in the above-mentioned Attorney General's opinion. Section 36.105 of the new ORP statute provides that the benefits of an annuity purchased under the Program are available only if the participant terminates participation in the Program by death, retirement or termination of employment in all institutions of higher education.

Exemptions Requested

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell and such certificate unless such certificate is a redeemable security Section 2(a)(32) of the Act defines "redeemable security" to mean any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer or to a person designated by the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder.

Applicants seek an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with the provisions of the new ORP statute as they pertain to redemption values of Contracts issued to participants in the Program. Applicants assert that absent the limited exemptions requested they will not be able to offer the Contracts to Program participants. Applicants further assert that the Commission should grant the requested exemptions because: (1) The limited restriction on redemption would be voluntarily assumed by participants, *i.e.*, eligible employees are not required to participate in the Program; (2) the restrictions were not formulated or suggested by Applicants; and (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the contributions of the State of Texas.

Applicants state that they will ensure that appropriate disclosure is made to persons who consider participation in the Program, informing them of the restriction on the availability of redemption values under Contracts to be issued to them and that this disclosure will take the form of an appropriate reference in each prospectus in the restrictions on redemption of the Contracts, as well as requiring each participant, as a part of the determination that the sale of the Contract is suitable for that participant, to sign a statement indicating that he or she is aware that these restrictions will be placed on his or her Contract when it is issued. In addition, Applicants state that they will ensure that all sales literature that is to be used in conjunction with the sale of the Contracts will be reviewed for the existence of material representations that are inconsistent with the restrictions to be placed on the Contracts, and the salespeople involved in soliciting in this market will be instructed to bring this restriction specifically to the attention of the participants.

Section 6(c)

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 4, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses

stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following June 4, 1982, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hering, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–13136 Filed 5–13–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22493; 70–6735]

Kentucky Power Co. and Indiana & Michigan Electric Co.; Proposed Sale of Electric Power Distribution Equipment to Nonassociate Industrial Customers

May 7, 1982.

In the matter of Kentucky Power Co., 1701 Central Avenue, P.O. Box 1428, Ashland, Kentucky 41101; Indiana & Michigan Electric Co., One Summit Square, P.O. Box 60, Fort Wayne, Indiana 46801.

Kentucky Power Company ("KPCo") and Indiana & Michigan Electric Company ("I&MECo") electric utility subsidiaries of American Electric Power Company, Inc. ("AEP"), a registered holding company, have filed a declaration with this Commission pursuant to Section 12(d) of the Public Utility Holding Company Act of 1935 ("ACT") and Rule 44 promulgated thereunder.

I&MECo proposes to sell to the Dana Corporation, a metal fabricator based in Fort Wayne, Indiana, its Salisbury Station, which consists of two 34.5 KV transformers and related equipment located on land now owned by Dana Corporation, for a total price of $320,521.00, which includes taxes and other expenses expected to be incurred by I&MECo in the sale. I&MECo also proposes to sell to General Electric Company, an electrical motor manufacturer in Fort Wayne, Indiana, its Taylor Street Station equipment, which consists of a 34.5 KV transformer and related equipment located on land now owned by General Electric Company, for a total price of $614,609.00, which includes taxes and expenses expected to be incurred by I&MECo in the sale. Each proposed sale of equipment is priced at the reproduction cost, less observed depreciation, for the equipment. The facilities involved in each proposed sale are installed at the purchasers' respective plant sites; are not now employed by I&MECo for providing service to any other customers other than the proposed purchasers; and are not adaptable, at those locations, for use in serving any customers other than the purchasers.

KPCo proposes to sell to Armco, Inc., a steel producer in Ashland, Kentucky, all of the transformation equipment and related facilities at KPCo's Bellefonte 34.5 KV switchyard, together with the switchyard site, consisting of approximately 2.3 acres of land with a two-story brick building thereon, for a total consideration of $1,008,608.50, which has been calculated on the basis of the present-day reproduction cost of the equipment, less observed depreciation, and the appraised value of the real estate and the structure thereon, and including taxes and other costs of the sale expected to be incurred by KPCo. This switching station, located adjacent to the Armco plant, is not used by KPCo, nor adaptable by KPCo at that site for use by KPCo, for any purpose other than for the purpose of continuing service to Armco.

The declaration states that the proposed sales will permit said industrial customers to realize a savings in the cost of retail electric service since they will be able to convert from service at a secondary voltage (i.e., current at a transformed voltage) to current at a primary voltage (i.e., current at a transmission or subtransmission voltage, typically 34.5 KV and above). The operating companies will benefit from such sales by recovering their investment in the transformation equipment and, more importantly, by shifting the costs of maintaining and servicing that equipment to the new owners.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 3, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–13137 Filed 5–13–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 18723; File No. SR–MSRB–82–7]

Municipal Securities Rulemaking Board; Filing of Proposed Rule Change

May 10, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 27, 1982, the Municipal Securities Rulemaking Board ("MSRB"), 1150 Connecticut Avenue, NW., Suite 507, Washington, D.C. 20036, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would make MSRB Rule G–33 effective on August 1, 1982, instead of June 7, 1982, as previously ordered by issuance of a Commission Release (Securities Exchange Act Release No. 18213, December 7, 1981), and by publication in the **Federal Register** (46 FR 60708, December 11, 1982). The MSRB has requested the additional delay in the effective date in order to give dealers adequate time to fully comply with two proposed amendments to MSRB Rule G–33 contained in companion filings SR–MSRB–82–5 and SR–MSRB–82–6.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before June 4, 1982. 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–MSRB–82–7.

Copies of the submission, all subsequent amendments, all written

statements with respect to the proposed rule change which are filed with the Commission, and 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 Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of the filing and any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-13139 Filed 5-13-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22490; 70-6729]

West Texas Utilities Co.; Proposed Issuance and Scale of Long-Term Debentures; Exception From Competitive Bidding

May 7, 1982.

West Texas Utilities Company ("WTU"), 301 Cypress, Abilene, Texas 79601, an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration and an amendmant thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

WTU proposes to issue and sell not later than December 31, 1982, up to $30,000,000 in principal amount of long-term, unsecured debentures ("Debentures") with a final maturity of not greater than 30 years. WTU seeks an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5) to negotiate the sale of the securities to an underwriting group represented by several major investment banking firms.

WTU proposes to sell the Debentures because the earnings test of WTU's First Mortgage Bond Indenture, as amended, restricts the amount of first mortgage bonds WTU may issue to an amount below its requirements for 1982. Generally, additional bonds may not be authenticated under the Indenture unless the net earnings of WTU for a 12-month period ending within 90 days preceding such authentication is equal to at least twice the interest for one year on all bonds to be outstanding under the Indenture immediately after such authentication and on all other indebtedness of WTU then secured by a lien on WTU's property equal or prior to the lien of the Indenture. In computing WTU's net earnings for purposes of determining earnings coverage under the Indenture, a deduction for maintenance, repairs, and depreciation must be made in an amount equal to at least 15% of WTU's gross operating revenues, after deducting from such revenues the cost of electricity purchased for resale. Because WTU's fuel costs have increased so rapidly in the last decade, with a resulting increase in gross operating revenues through the fuel adjustment clause in WTU's rate schedules, the required deduction for maintenance, repairs and depreciation in calculating earnings coverage has begun to limit WTU'S ability to issue first mortgage bonds under the Indeture. The significant increase in interest rates has exacerbated the problem.

For the 12-month period ending on December 31, 1981, the earnings coverage provision of the Indenture would have prohibited WTU from issuing first mortgage bonds.

WTU asserts that the proposed exception from competitive bidding is justified because of WTU's earnings coverage problem, as well as the limited size and frequency of its Debenture offerings. WTU proposes, and is hereby authorized, forthwith, (a) to negotiate with and select one or more investment banking firms to act as underwriters for the securities and (b) to negotiate the price and other terms upon which the securities will be issued to the public.

The net proceeds from the sale of the securities will be used by WTU to repay short-term borrowings incurred or expected to be incurred to finance construction expenditures estimated to total $55,971,000 in 1982 and $78,528,000 in 1983.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 1, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and may be permitted to become effective.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-13138 Filed 5-13-2; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22489; 70-6737]

Eastern Edison Co. and Montaup Electric Co.; Proposal To Issue and Sell First Mortgage Bonds and Debenture Bonds

May 7, 1982.

In the matter of Eastern Edison Company, 110 Mulberry Street, Brockton, Massachusetts 02403; Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722.

Eastern Edison Company ("Eastern"), a public utility subsidiary of Eastern Utilities Associates, a registered holding company, and Montaup Electric Company ("Montaup"), a generating subsidiary of Eastern, have filed an application-declaration with this Commission pursuant to Sections 6(b), 9, 10, 12(c) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42, 43, 45 and 50 thereunder.

Eastern proposes to issue and sell at competitive bidding, pursuant to Rule 50, not in excess of $25,000,000 principal amount of its first mortgage and collateral trust bonds, percent Series due 1992 ("New Bonds"). The proposed interest rate (which shall be a multiple of ⅛ of 1 percent) on and the price to be paid to Eastern (which shall be not less than 98 percent or more than 102¾ percent of the principal amount) for the New Bonds will be determined by competitive bidding. It is expected that the supplemental indenture relating to the New Bonds will contain a prohibition until June 1, 1987 against redemption of the New Bonds as part of or in anticipation of any refunding at a lower effective interest cost.

The net proceeds of the sale of the New Bonds will be applied to the purchase of not in excess of $25,000,000 of debenture bonds which Montaup proposes to issue and sell to Eastern. Eastern proposes to purchase from Montaup at their principal amount plus accrued interest, not in excess of $25,000,000 principal amount of percent Debenture Bonds due 2012 ("New Debenture Bonds"). The New

Debenture Bonds will be dated June 1, 1982, will mature June 1, 2012, and will bear interest (payable March 1, June 1, September 1 and December 1 in each year). The effective interest rate to Montaup will approximate the effective interest rate (including income tax effect) of the New Bonds. The New Debenture Bonds themselves will contain all of their terms and there will be no indenture or similar instrument governing them.

The proceeds to Montaup from the sale of the New Debenture Bonds are to be applied to reduce short-term bank indebtedness incurred for construction (including facilities owned or to be owned in common with other utilities) or incurred to repay earlier borrowings so incurred. It is expected that approximately $28,000,000 of bank borrowings of Montaup will be outstanding at the time the New Debenture Bonds are issued. Eastern will deposit and pledge the New Debenture Bonds under the indenture securing its outstanding first mortgage and collateral trust bonds, as required by the provisions of the indenture. Eastern proposes to open bids for the New Bonds on June 15, 1982. It is expected that the New Bonds and the New Debenture Bonds will be issued and sold on June 24, 1982.

Eastern considers it possible that market conditions at the time of the sale of the New Bonds may make it necessary to depart from the proposal that such sale be made in accordance with the competitive bidding requirements of Rule 50 and to endeavor instead to arrange a sale through a negotiated public offering or by private placement. In such event, Eastern may amend this application-declaration to request an exception from Rule 50 which would permit it to negotiate the tems of such a sale.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 1, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the cae of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

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

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-13135 Filed 5-13-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 806]

Bureau of Oceans and International Environmental and Scientific Affairs

AGENCY: Department of State.

ACTION: Finding of no significant impact.

SUMMARY: The Department of State has prepared an environmental assessment on the ratification of the Convention for the Conservation of Salmon in the North Atlantic Ocean, to promote the conservation, management and restoration of salmon stocks in that area. Following its adoption at a Diplomatic Conference held in Reykjavik, Iceland in January 1982, this Convention was signed by the United States, Canada, Iceland, Norway, Denmark (for the Faroe Islands) and the European Community. It will enter into force following ratification by not less than four Contracting Parties of which one must be the United States.

Based upon the findings of the environmental assessment, the Department anticipates no signifcant adverse impacts will result from ratification of the Convention. No irreversible or irretrievable commitments of resources have been identified.

Copies of the environmental assessment may be obtained from Ms. Irene Friedrichs, OES/ENH, Room 7820, Department of State, Washington, D.C. 20520 (202-632-2311).

Dated: May 4, 1982.

Donald R. King,

Acting Deputy Assistant Secretary for Environment, Health and Natural Resources.

[FR Doc. 82-13152 Filed 5-13-82; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Butte District, Montana; Wilderness Suitability Recommendations Relating to Eight Wilderness Study Areas in Madison and Beaverhead Counties, Montana; Availability of Draft Wilderness Planning Amendment/ Environmental Impact Statement; Notice of Public Hearings, and Start of Public Comment Period

May 5, 1982.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a document containing both a draft environmental impact statement and a draft wilderness planning amendment for eight Wilderness Study Areas (WSAs) in the Butte District, Montana. The eight WSAs are the Ruby Mountains, Blacktail Mountains, Farlin Creek, East Fork of Blacktail Deer Creek, Hidden Pasture Creek, Bell-Limekiln Canyon, Henneberry Ridge and Axolotl Lakes. Portions of the three first-mentioned WSAs totalling 27,211 acres are recommended as suitable for wilderness designation; portions of the first three and all of the last five areas, a total of 67,198 acres, are recommended as not suitable for wilderness designation.

The formal public comment period on the draft document begins on May 17, 1982 and runs until July 26, 1982. Pursuant to Section 3(d) of the Wilderness Act of 1964, notice is also given that public hearings will be held on the recommendations.

DATES: Wilderness Act hearings will be held:

—June 22, 1982, 7–10 p.m., St. Rose Family Center, Dillon, Montana.

—June 24, 1982, 1–5 p.m. and 7–10 p.m., Jorgenson's Motel, Helena, Montana.

Comments on the draft document may be submitted to the Dillon Resource Area Office, 730 North Montana, P.O. Box 1048, Dillion, Montana 59725.

ADDITIONAL INFORMATION: Copies of the draft document may be obtained by writing either the Butte District Office, P.O. Box 3388, Butte, Montana 59702, or the Dillon Resource Area Office.

Dated: May 10, 1982.

Kannon Richards,

Acting State Director.

[FR Doc. 82-13156 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-84-M

Lewistown District, Montana; Wilderness Suitability Recommendations for 12 Wilderness Study Areas in the Lewistown and Miles City Districts, Montana; Availability of Draft Wilderness Planning Amendment/Environmental Impact Statement; Public Hearings; and Start of Public Comment Period

May 5, 1982.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a document containing both a draft environmental impact statement and a draft wilderness planning amendment for 12 wilderness study areas (WSAs) in the Lewistown and Miles City Districts, Montana. The 12 WSAs are Dog Creek South, Stafford, Ervin Ridge, Woodhawk, Cow Creek, Antelope Creek, and Burnt Lodge in the Lewistown District and Bridge Coulee, Musselshell Breaks, Billy Creek, Seven Blackfoot, and Terry Badlands in the Miles City District.

Burnt Lodge and portions of Cow Creek, Antelope Creek, Seven Blackfoot, and Terry Badlands containing a total of 79,770 acres are recommended as suitable for wilderness designation. Dog Creek South, Stafford, Ervin Ridge, Woodhawk, Bridge Coulee, Musselshell Breaks, Billy Creek, and portions of Cow Creek, Antelope Creek, Seven Blackfoot, and Terry Badlands containing a total of 90,430 acres are recommended as not suitable for wilderness designation.

The formal public comment period on the draft document begins on May 17, 1982, and runs until July 26, 1982. Pursuant to Section 3(d) of the Wilderness Act of 1964, notice is also given that public hearings will be held on the recommendations.

DATES: Wilderness Act hearings will be held:

Jordan, Montana; June 16, 1982; VFW Hall at 7:00 p.m.
Terry, Montana; June 17, 1982; Prairie County State Grazing District Office, 612 Laundre at 7:00 p.m.
Malta, Montana; June 22, 1982; G–N Motor Hotel at 7:30 p.m.
Winifred, Montana; June 23, 1982; Winifred High School at 7:30 p.m.
Helena, Montana; June 24, 1982; Jorgenson's Motel, 1714 11th Avenue at 1:00 p.m. to 5:00 p.m. and 7:00 p.m. to 10:00 p.m.

Comments on the draft document may be submitted to the Lewistown District Office, Bureau of Land Management, Airport Road, Lewistown, Montana 59457.

ADDITIONAL INFORMATION: Copies of the draft document may be obtained by writing either the Lewistown District Office at the above address or the Miles City District Office, Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Date: May 10, 1982.

Kannon Richards,

Acting State Director.

[FR Doc. 82–13155 Filed 5–13–82; 8:45 am]

BILLING CODE 4310–84–M

[M 20575]

Montana; Partial Termination of Proposed Withdrawal and Reservation of Land

May 6, 1982.

The Forest Service, United States Department of Agriculture, filed an application for withdrawal of the following described land from operation of the public land laws, including location and entry under the mining laws. The Notice of Proposed Withdrawal was published as **Federal Register** Document No. 72–2168 on page 3195 of the issue of February 12, 1972; partially terminated in **Federal Register** Document No. 77–16316 on page 29566 of issue of June 9, 1977; and republished in **Federal Register** Document No. 77–16315 on page 29565 of issue of June 9, 1977. The applicant agency has cancelled its application in part as to the following:

Principal Meridian

Lewis and Clark National Forest, Dry Wolf Campground

T. 14 N., R. 9 E.,
Sec. 13, NE¼NE¼NE¼, S½NE¼NE¼, S½SW¼NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, NW¼SW¼NE¼, and NW¼SE¼NE¼, excluding the private lands in HES No. 63.

The area described contains approximately 59.1 acres in Judith Basin County.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b)(1), at 8 a.m. on June 25, 1982, such lands will be relieved of the segregative effect of the above mentioned application.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–13149 Filed 5–13–82; 8:45 am]

BILLING CODE 4310–84–M

National Petroleum Reserve—Alaska; Oil and Gas Lease Sale No. 822; Deletion of Tracts

AGENCY: Bureau of Land Management, Interior.

ACTION: Delection of tracts from the May 26, 1982 lease sale No. 822.

SUMMARY: The notice of sale published on April 9, 1982 (47 FR 15516), contains three tracts that are being deleted from Sale No. 822. Bids on tracts 31, 32, and 198 that appear in this Notice were rejected after the first sale, and appeals of the decision have been filed. While these appeals are pending tracts 31, 32, and 198 are not available for reoffer in the May 26, 1982 lease sale.

Dated: May 10, 1982.

James M. Parker,

Associate Director.

[FR Doc. 82–13215 Filed 5–13–82; 8:45 am]

BILLING CODE 4310–84–M

National Petroleum Reserve—Alaska; Oil and Gas Lease Sale No. 822; Notice of Sale; Correction

In the FR Doc. 82–9716, Friday, April 9, 1982, the following corrected legal description is made on page 15521 to read:

UMIAT MERIDIAN

Tract No.	Township/range	Acreage
822–148	T. 3S., R. 6 W., Secs. 1 to 10, inclusive, Secs. 16 to 20, inclusive, Sec. 30, all.	9,504

On page 15524, approximate aggregate total should be changed to read 3,519,515 acres.

Dated: May 6, 1982.

James M. Parker,

Associate Director.

[FR Doc. 82–13216 Filed 5–13–82; 8:45 am]

BILLING CODE 4310–84–M

New Mexico; Proposed Land Exchange Between City of Albuquerque and Bureau of Land Management and USDA Forest Service

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action on proposed land exchange.

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management (BLM) and the Region 3 Office of the U.S. Forest Service are proposing a land exchange with the City of Albuquerque, New Mexico.

SUPPLEMENTARY INFORMATION: The BLM has determined that the public lands described below are suitable for exchange or for disposal from federal ownership under authority of section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743) or Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869), as amended, respectively.

Tract Common name	Township	Range	Section (8) (all or portions)	Total acres per tract
			Bureau of Land Management Lands	
1. Placitas	13 N	4E	13:	
			Lot 6	26.89
			Lot 7	24.86
			Lot 8	22.84
			Lot 9	20.81
			S½	320.00
			14:	
			Lot 12	21.76
			Lot 13	31.58
			Lot 14	28.42
			Lot 15	39.70
			S½SE¼, NE¼SE¼	120.00
			15: Lot 10	3.96
			22:	
			Lot 6	29.03
			Lot 7	12.24
			Lot 8	29.66
			Lot 9	37.97
			Lot 10	29.22
			SE¼NE¼, NE¼SE¼	80.00
			23:	
			Lot 1	38.10
			N½, N½SW¼, SE¼SW¼, SE¼	600.00
			24:	640.00
			25: N½	320.00
			26:	
			Lot 1	18.20
			Lot 2	23.05
			Lot 3	43.26
			Lot 4	21.89
			Lot NE¼, NE¼NW¼, NE¼SE¼, S½SE¼	320.00
			Subtotal	2,903.44
	13 N	5 E	17:	
			Lot 1	30.51
			Lot 2	32.65
			Lot 3	34.79
			Lot 4	36.93
			S½S½	160.00
			18:	
			Lot 1	3.24
			Lot 2	3.65
			Lot 3	29.00
			Lot 4	40.00
			Lot 5	41.15
			Lot 6	39.05
			Lot 7	29.00
			SE¼SW¼, S½SE¼	120.00
			19:	
			Lot 1	28.93
			Lot 2	28.77
			Lot 3	28.63
			NE¼, E½NW¼	240.00
			20: NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼	480.00
			29:	
			Lot 1	14.86
			Lot 2	15.79
			Lot 3	16.71
			Lot 4	16.89
			30: SE¼	160.00
			31:	
			Lot 1	27.99
			Lot 3	19.89
			NE¼	160.00
			NE¼NW¼	40.00
			32: Lot 1	7.49
			Subtotal	1,885.92
			Unit total	4,789.36
2. Edgewood	9 N	7 E	5:	
			Lot 3	40.31
			N½ Lot 4 [1]	20.26
			S½NW¼	80.00
			6: N½ Lot 1 [1]	20.28
			SE¼NE¼	40.00
			8: W½NE¼, NW¼, NE¼SW¼, N½SE¼, SE¼SE¼	400.00
			9: S½S½NE¼	40.00
			S½N½S½NE¼	20.00
			17: NE¼NE¼	40.00
			25: SW¼SW¼	40.00
			26: SE¼NW¼, NW¼SE¼	80.00
			33:	
			Lot 1	28.27
			Lot 3	16.50
			Subtotal	865.62
	10 N	7 E	31:	
			Lot 7	43.65

Tract Common name	Township	Range	Section (8) (all or portions)	Total acres per tract
			Lot 9	21.87
			SE¼NE¼, NE¼SE¼, E½NW¼SE¼	100.00
			Subtotal	165.52
			Unit total	1,031.14
3. Cedar Crest	11 N	6 E	32: N½NW¼SW¼, NE¼SW¼NW¼SW¼, W½SW¼N a¼SW¼	27.50
			Unit total	27.50
4. Four Hills	10 N	4 E	33: SE¼SE¼	40.00
			Unit total	40.00
5. Alrisco	9 N	1 E	18:	
			Lot 1	40.07
			Lot 2	42.61
			Lot 3	36.02
			Lot 4	36.02
			Lot 5	36.02
			Lot 6	40.55
			NE¼, E½NW¼	240.00
			Subtotal	471.29
	9 N	1 W	10:	
			Lot 1	40.24
			Lot 2	40.24
			Lot 3	49.82
			Lot 4	20.22
			S½SE¼	80.00
			12:	
			Lot 1	40.39
			Lot 2	40.27
			Lot 3	40.17
			Lot 4	40.05
			S½S½ .160.00	
			14:	
			Lot 1	38.50
			Lot 2	38.63
			Lot 3	38.75
			Lot 4	38.88
			N½	320.00
			Subtotal	1,026.16
	10 N	1 W	30: SE¼NE¼, SW¼SE¼	80.00
			33:	
			Lot 1	13.40
			Lot 2	17.75
			Lot 3	10.85
			Lot 4	36.75
			Lot 5	20.23
			W½W½, SE¼SW¼	200.00
			Subtotal	378.98
			Unit total	1,876.43
6. Las Cruces—Urban Expansion	22 S.	2E	17: SW¼	160.00
			18:	
			Lot 7	20.84
			Lot 8	3.91
			E½SE¼	80.00
			19:	
			Lot 5	39.12
			Lot 6	9.08
			20:	
			Lot 1	39.09
			Lot 2	11.25
			Lot 3	38.52
			Lot 4	13.57
			N½NW¼, SE¼NW¼	120.00
			27: W½	320.00
			28: N½	320.00
			SE¼	160.00
			E½SW¼	80.00
			Lot 1	39.91
			Lot 3	5.02
			Lot 4	10.05
			Lot 10	5.02
			29:	
			Lot 4	32.15
			Lot 5	40.11
			Lot 6	2.83
			Lot 7	8.20
			NE¼NE¼	40.00
			33:	
			Lot 2	25.64
			Lot 3	44.68
			Lot 4	8.19
			Lot 5	10.05
			Lot 30	10.05
			SE¼NW¼	40.00
			E½	320.00
			34: W½	320.00
			Subtotal	* 2,377.28

Tract Common name	Township	Range	Section (8) (all or portions)	Total acres per tract
	23 S.	2 E.	4:	
			Lot 8	40.06
			Lot 9	40.36
			Lot 10	21.15
			Lot 11	13.23
			Lot 12	40.35
			Lot 13	40.35
			Lot 14	39.88
			Lot 15	40.57
			Lot 16	19.89
			Lot 17	40.60
			9:	
			Lot 7	41.89
			Lot 8	8.92
			10:	
			Lot 1	40.32
			Lot 2	40.32
			Lot 3	40.27
			Lot 4	40.21
			Lot 5	38.54
			Lot 6	40.12
			Lot 7	40.28
			Lot 8	40.28
			Lot 9	40.36
			Lot 10	40.30
			Lot 11	40.12
			Lot 12	16.40
			Lot 16	40.38
			Lot 17	12.87
			Lot 18	2.51
			Lot 19	2.51
			Lot 20	2.51
			Lot 21	2.51
			Lot 22	2.65
			Lot 23	2.23
			Lot 24	2.52
			Lot 25	2.52
			Lot 26	2.52
			Lot 27	2.52
			Lot 28	2.52
			Lot 29	2.52
			Lot 30	2.52
			Lot 31	2.52
			Lot 32	1.60
			Lot 33	10.08
			Lot 34	10.08
			Lot 35	10.08
			Subtotal	964.94
			Unit total	[2] 3,342.22
7. Las Cruces—Light Industrial Site	23 S.	1 W.	26: SE¼	160.00
			S½S½NE¼	40.00
			E½SW¼	80.00
			S½SE¼NW¼	20.00
			E½W½SW¼	40.00
			SE¼SW¼NW¼	10.00
			27: E½SW¼	80.00
			S½NW¼SW¼	20.00
			SW¼SW¼	40.00
			W½SE¼	80.00
			W½E½SE¼	40.00
			SW¼SE¼NE¼	10.00
			S½SW¼NE¼	20.00
			S½SE¼NW¼	20.00
			34: All	640.00
			35: N½	320.00
			SW¼	160.00
			SE¼	160.00
			Unit total	[3] 1,940.00
8. Farmington—(Lands Identified in Management Frame Work Plan Conveyance).	29 N.	11 W.	10: N½NW¼ (Except Patent ¿1221405)	75.00
			NW¼ SE¼NW¼	10.00
			N½ SW¼ SE¼NW¼	5.00
			S½NE¼ SE¼NW¼	5.00
			S½NW¼NE¼ SW¼	5.00
			SW¼NE¼ SW¼	10.00
			NE¼ SE¼ SW¼	10.00
			SW¼ SE¼ SW¼	10.00
			S½NW¼ SE½ SW¼	5.00
			15: SW¼NE¼NW¼	10.00
			S½NW¼NE¼NW¼	5.00
			N½ SE¼NE¼NW¼	5.00
			Subtotal	155.00
	29 N.	12 W.	4: Lot 4	39.72
			5:	
			Lot 1	39.77

Tract Common name	Township	Range	Section (8) (all or portions)	Total acres per tract
			Lot 2	39.95
			Lot 3	40.16
			SE¼NW¼	40.00
			N½NE¼ SW¼	20.00
			SW¼NE¼ SW¼	10.00
			Subtotal	229.60
	29 N	13 W	5:	
			Lot 1	39.98
			Lot 2: NE¼ & S½	29.97
			SW¼ SW¼	40.00
			SE¼NW¼	40.00
			N½NE¼ SW¼	20.00
			SW¼NE¼ SW¼	10.00
			12: S½ S½ SE¼ SE¼	10.00
			N½NW¼ SE¼ SE¼	5.00
			S½ SW¼NW¼ SE¼	5.00
			Subtotal	199.95
	29 N	14 W	12: NE¼NE¼	40.00
			15: NW¼NE¼	40.00
			Subtotal	80.00
	30 N	12 W	17:	
			Lot 1	40.90
			Lot 2	40.73
			Lot 3	40.57
			Lot 4	40.40
			Lot 5	40.32
			Lot 6	40.49
			Lot 7	40.66
			Lot 8	40.83
			Lot 9	40.75
			Lot 10	40.59
			Lot 11	30.32
			Lot 12	40.25
			Lot 13	40.18
			Lot 14	40.35
			Lot 15	40.52
			Lot 16	40.68
			19:	
			Lot 1	39.34
			Lot 2	39.30
			N½NE¼	80.00
			N½ SW¼NE¼	20.00
			SE¼ SW¼NE¼	10.00
			SE¼NE¼	40.00
			E½NW¼	80.00
			Lot 3	39.26
			Lot 4	39.22
			NE¼ SW¼	40.00
			20:	
			Lot 1	39.55
			Lot 2	39.52
			Lot 3	39.34
			Lot 4	39.30
			Lot 5	39.19
			Lot 6	39.23
			Lot 7—N½ & SE¼	29.76
			Lot 8	39.69
			Lot 9	39.53
			Lot 10	39.68
			Lot 11	40.42
			26:	
			Lot 1	39.17
			Lot 2	39.24
			33:	
			Lot 1	39.80
			Lot 2	39.31
			Lot 3	39.44
			34:	
			Lot 1	37.61
			Lot 2	37.86
	30 N	12 W	34:	
			Lot 3	38.22
			Lot 4	37.95
			Lot 5	39.23
			35:	
			Lot 1	39.23
			Subtotal	1,917.93
	30 N	13 W	26:	
			SW¼NE¼NE¼NE¼	2.50
			SE¼NW¼NE¼NE¼	2.50
			W½NW¼NE¼NE¼	5.00
			SW¼ SE¼NE¼NE¼	2.50
			E½ SW¼NE¼NE¼	5.00
			SW¼ SW¼NE¼NE¼	2.50
			N½NE¼NW¼NE¼	5.00
			SE¼NE¼NW¼NE¼	2.50
			NW¼NW¼NE¼	10.00
			NW¼ SW¼NW¼NE¼	2.50

Tract Common name	Township	Range	Section (8) (all or portions)	Total acres per tract
			N½N½ SE¼NE¼	10.00
			SW¼NE¼ SE¼NE¼	2.50
			S½NW¼ SE¼NE¼	5.00
			NE¼ SW¼ SE¼NE¼	2.50
			N½NE¼NE¼NW¼	5.00
			SE¼NE¼NE¼NW¼	2.50
			N½ SW¼NE¼NW¼	5.00
			SE¼ SW¼NE¼NW¼	2.50
			NW¼ SE¼NE¼NW¼	2.50
			SE¼NE¼NW¼NW¼	2.50
			W½E½NW¼NW¼	10.00
			W½NW¼NW¼	20.00
			NE¼ SE¼NW¼NW¼	2.50
			N½N½ SW¼NW¼	10.00
			SW¼NW¼ SW¼NW¼	2.50
			W½ SW¼ SW¼NW¼	5.00
			N½NW¼ SE¼NW¼	5.00
			SE¼ SE¼ SE¼NW¼	2.50
			W½NE¼NW¼ SW¼	5.00
			NW¼NW¼ SW¼	10.00
			N½ SW¼NW¼ SW¼	5.00
			SW¼ SW¼NW¼ SW¼	2.50
			NE¼NE¼ SW¼ SW¼	2.50
			S½NE¼ SW¼ SW¼	5.00
			N½NW¼ SW¼ SW¼	5.00
			SW¼NW¼ SW¼ SW¼	2.50
			NW¼ SE¼ SW¼ SW¼	2.50
			SW¼ SW¼ SE¼ SW¼	2.50
			NW¼ SE¼ SE¼ SW¼	2.50
			N½NW¼NE¼ SE¼	5.00
			NE¼NE¼NW¼ SE¼	2.50
	30 N	13 W	26:	
			SE¼NW¼NE¼ SE¼	2.50
			S1/2 SW¼NW¼ SE¼	5.00
			SW¼ SE¼NW¼ SE¼	2.50
			NW¼NE¼ SW¼ SE¼	2.50
			E½NE¼ SW¼ SE¼	5.00
			NE¼ SE¼ SW¼ SE¼	2.50
			W1/2 SW¼ SW¼ SE¼	5.00
			SE¼ SW¼ SW¼ SE¼	2.50
			27:	
			SE¼ SE¼	40.00
			W½	320.00
			E1/2NW¼ SE¼	20.00
			SW¼NW¼ SE¼	10.00
			SW¼ SE¼	40.00
			NE¼ SE¼	40.00
			34:	
			NW¼NW¼	40.00
			Subtotal	727.50
			Subunit total	3,309.98
			Grand total public land	26,771.32

The U SDA Forest Service has determined that the following described Forest lands are suitable for exchange out of federal ownership under the authority of the General Exchange Act of March 20, 1922 (42 Stat. 465 as amended: 16 U. S.C. 485, 486) and the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2758; 43 U. S.C. 1716, 1717).

9. Sedillo (U SDA Forest Service, Cibola NF)	9 N	6 E	3:	
			Lot 5	20.31
			S½ S½NE¼	40.00
			NE¼ SE¼	40.00
			9:	
			SE¼ SW¼, W½ SW¼ SE¼, W½E½ SE¼, E½ SE¼ SW¼ SE¼, S½ SE¼ SE¼.	95.00
			15:	
			N½, N½ S½, SE¼ Sw¼, SW¼ SE¼	560.00
	9 N	6 E	16:	640.00
			21: NW¼	160.00
			Subtotal	1,555.31
	10 N	6 E	21: E½NW¼, N½NW¼NW¼, S½ SW¼NW¼, W½NW¼ SW¼NW¼, W½ SW¼, SE¼ SW¼, SE½ SW¼NE¼ SW¼, SE¼NE¼ SW¼, N½NW¼NE¼ SW¼, SE¼.	422.50
			27: S½N½ SW¼NE¼	10.00
			S½ S½NE¼	40.00
			N½ S½	160.00
			N½ S½ SE¼	40.00
			S½NW¼	80.00
			S½N½NW¼	40.00
			S½ S½N½N½NW¼	10.00
			28:	640.00
			4: NE¼, N½NW¼, SW¼NW¼, N½ SE¼NW¼, SW¼ SE¼NW¼, NW¼ SW¼, W½NE¼ SW¼, N½ SW¼ SW¼, NW¼ SE¼ SW¼, SW¼ SE¼ SE¼, S½NW¼NW¼ SE¼ SE¼ SE¼, NW¼NW¼ SE¼ SE¼, NW¼ SE¼, N½NE¼ SE¼, N½ S½NE¼, N½ S½NE¼ SE¼, SE¼ SE¼NE¼ SE¼, SW¼ SW¼NE¼NE¼ SE¼.	492.50
			34: S½NE¼NE¼	20.00
			S½N½	160.00
			N½ S½	160.00
			SE¼ SW¼	40.00
			N½ SW¼ SE¼	20.00
			SE¼ SE¼	40.00
			Subtotal	2,375.00
			Grant total forest lands	3,930.31

[1] Will be redescribed upon completion of supplemental plats.
[2] Less and except the recreaton and public purpose parcels identified by the City of Las Cruces (but not yet legally described), containing approximately 500 acres and shown as the map included as Exhibit E, page 4 of the Elena Gallegos Grant exchange Environmental Assessment.
[3] Less and except the recreation and public purpose parcels identified by the City of Las Cruces (but not yet legally described), containing approximately 40 acres

In addition, the following lands: T. 13 N., R. 4 E., NMPM, sec. 24, S½ (320.0 acres) and sec. 25, N½ (320.0 acres) containing an aggregate of 640.00 acres (and listed on page 1 of the preceding legal description) will be included in this exchange. These lands were acquired by the City of Albuquerque through a Recreation and Public Purpose Patent and will be conveyed by the city to the United States for use in this exchange.

The total acreage of public (BLM) lands (including the 640.0 acres from the city) is 16,356.63 acres. The total public lands (including the 3,930.31 acres of the Cibola National Forest) is 20,286.94 acres, more or less.

In exchange for these lands the United States will acquire a parcel of private land from the City of Albuquerque in Bernalillo County, New Mexico containing approximately 7,400 acres which is part of the following larger parcel:

Legal Description of the Elena Gallegos Grant (Part)

A tract of land containing that part of the land described in the Elena Gallegos Grant, lying east of a line described as beginning at the closing corner between secs. 34 and 36 of T. 11 N., R. 4 E., on the south boundary of said grant and extending north 2,700 feet;

Thence, north 00° 03' 45" west, approximately 16,808.65 feet to the closing corner between secs. 13 and 14 on the north boundary of said grant of said township; thence south 81° 30' east, 2,316.42 feet along the boundary of said grant to a point on the north boundary of said grant, which point lies north 81° 31' west, approximately 150 feet from the 7½-mile corner of said grant;

Containing 8,101.21 acres, more or less.

The fair market value of the land to be exchanged is approximatley equal. Upon completion of the final appraisal, differences in value will be compensated for by acreage adjustments, the payment of money or by other arrangements that would be in the public interest.

In accordance with 43 CFR 2201.1(b), this notice shall segregate the public (BLM) lands identified herein from further appropriation under all the public land laws, including the mining laws. This segregation shall terminate upon issuance of patent or 2 years from the date of this publication, whichever occurs first.

The Forest Service lands were segregated from further appropriation when the public land records were noted on December 18, 1981, as set forth in 43 CFR 2201.1(b).

Rationale for Exchange

1. Since 1973 the Forest Service has tried to acquire portions of the Elena Gallegos Land Grant for its wildlife and recreational resource values adjacent to the City of Albuquerque. In 1978, Pub. L. 95–614 was enacted, authorizing the Forest Service to acquire 7,191.34 acres on the eastern edge of the Grant for inclusion into the Cibola National Forest. However, no federal funding was appropriated for the acquisition, and with the austere fiscal policy of the present administration, there are no Land and Water Conservation Funds available for purchase of this tract. Consequently, the only other feasible alternative for acquisition within the foreseeable future is through land exchange.

2. As part of the Secretary of the Interior's "Good Neighbor Policy" and the Bureau of Land Management's planning efforts, specific public lands have been identified and included in this exchange to provide for community expansion in the Las Cruces and Farmington areas.

3. The public lands proposed for disposal by exchange have only limited potential for public use as compared to the private lands to be acquired. One of their primary values is mineral development which can continue under a reservation of certain valuable minerals to the United States.

4. This exchange proposal is consistent with recommendation L–7.3 in the Rio Grande Management Framework Plan (MFP), recommendation L–1.1 and L–2.2 in the Southern Rio Grande MFP, and recommendations L–1.1 through L–1.5 in the San Juan MFP. All the recommendations identify specific lands that are included in this exchange as being suitable for disposal.

Terms and Conditions

The federal lands will pass from United States ownership subject to the following terms and conditions:

1. Authorized pipelines, powerlines, roads, highways, telephone lines, minerals, leases, use permits, communication sites, water wells, and a highway maintenance yard will be identified as prior existing rights.

2. The minerals that will be reserved to the United States are as follows:

Unit	USGS/MMS Report—Valuable for		
	Oil and gas	Coal (at least in part)	Geothermal
Placitas	X		
Ball Allotment	X	X	X
Edgewood	X		
Cedar Crest		X	
Four Hills	X		
Atrisco	X	X	
Las Cruces Urban	X		X
Las Cruces Industrial	X		X
Sedillo	[1] X		
Farmington	X	X	

[1] The Sedillo Unit may have potential value for oil and gas, however, discovery is improbable and the estate will be conveyed with the surface.

3. Grazing operators that will have their allotments affected by this exchange entitled to a 2-year adjustment period. However, a permittee or lessee may waive this 2-year notice.

4. Archeological clearance will be granted on all lands prior to conveyance of title.

5. Flood plain restrictions will be imposed on 175 acres of the Ball tract and on 110 acres of the Placitas properties. Intensive development will be precluded on these flood plain areas.

Detailed information concerning the exchange, including the environmental assessment, is available at the Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

On or before June 28 1982, interested parties may submit comments to the District Manager, Albuquerque District Office at the above address. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination.

Dated: May 5, 1982.

L. Paul Applegate,

District Manager, Bureau of Land Management.

[FR Doc 82–13030 Filed 5–13–82; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Department of Vertebrate Zoology, Natural History Museum, Smithsonian Institution, Washington, D.C. 20008; PRT 2–4749.

The applicant currently has a permit to import bones and keratin from all species of sea turtles (*Cheloniidae*) for an aging study. The applicant requests an amendment to salvage materials in

the United States and to allow export/reexport for scientific purposes. As with the current permit, all materials will be salvage and no turtles will be killed specifically for this project.

Applicants: Roosevelt Park Zoo, Minot, ND; PRT 2-9113.

The applicant requests a permit to purchase in interstate commerce one male and one female gibbon *(Hylobates lar)* for enhancement of propagation.

Applicant: Zoological Society of San Diego, San Diego, CA; PRT 2-9111.

The applicant requests a permit to import one female captive-born Malayan tapir *(Tapirus indicus)* from the Metro Toronto Zoo, Canada for enhancement of propagation.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications by June 14, 1982 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: May 10, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-13206 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Southern Appalachian Coal Region, Alabama; Request for Public Comment on Maximum Economic Recovery and Fair Market Value

AGENCY: Minerals Management Service; Interior.

The Minerals Management Service has identified seven tracts as candidates for possible lease sale in the Southern Appalachian Coal Region in Alabama. The seven tracts are currently under consideration for leasing by the Southern Appalachian Regional Coal Team. A description of these tracts is contained in Table I. More complete geologic data on these tracts are available in the engineering section of the delineation reports prepared for each tract. These reports are available for public inspection at the Office of the Eastern Region Minerals Manager, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180, and at the Bureau of Land Management, Tuscaloosa Office, 1315 McFarland Blvd., Tuscaloosa, Alabama 35405. Additional data on these tracts are available from the Final Environmental Impact Statement (FEIS). Copies of the FEIS are available from Bob Todd, EIS Team Leader, Bureau of Land Management, Tuscaloosa Office.

The public is invited to submit written comments on the fair market value of the listed tracts to the Minerals Management Service. Comments should address, but not be limited to, the following:

1. The quantity and quality of the coal resources for each tract by seam(s).

2. The mining method or methods which would achieve maximum economic recovery of the coal, including specification of seams to be mined on each tract and the most desirable timing and rate of production.

3. The demonstrated and inferred reserves of coal on each tract by seam(s).

4. Which of the tracts, if any, should be evaluated as part of a larger mining unit (i.e., those tracts which do not in themselves form a logical mining unit).

5. The configuration of the larger mining unit of which the tract may be a part.

6. Restrictions to mining which may affect coal recovery.

7. The price that the mined coal would bring in the marketplace.

8. The cost of producing the coal, including a discussion of mining and reclamation costs.

9. The percentage rate at which anticipated income would be discounted, either in the absence of inflation or including inflation, in which case the anticipated rate of inflation should be given.

10. Depreciation and other accounting considerations.

11. The value of the surface estate if privately held.

12. Documented information on the terms and conditions of recent and similar coal land transactions in the lease sale area.

If information submitted is considered to be proprietary, the information should be so labeled on the first page of the written comment(s). The Minerals Management Service will treat this information as confidential if authorized by the exemption provisions of the Freedom of Information Act. Comments should be sent to the Eastern Region Minerals Manager, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180. Comments should be received no later than 30 days after publication of this notice.

This request for comments should not be interpreted as a firm commitment by the Federal Government to lease any of the tracts listed in Table I. A decision to lease any or all tracts will be made not less than 30 days before the lease sale.

Departmental policy calls for release of all nonproprietary data which are used as input in the discounted cash flow evaluation model. Under this policy, we are releasing for public comment and review our initial estimates of: (1) The "coal selling price" which is an estimate of the range of current market prices and is based on the quality of the coal; (2) the "unit mining cost" which is an estimate of the range of all the operating costs used to produce the coal; and (3) the "nominal discount rate" which is the discount rate obtained from using a 10 or 12 percent real discount rate and a 9 percent inflation factor (see Table II).

These values may change as a result of comments received from the public and changes in the market conditions between now and when the final economic evaluations are completed.

Dated: May 11, 1982.

TABLE I.—DESCRIPTION OF POSSIBLE LEASE TRACTS IN THE SOUTHERN APPALACHIAN COAL REGION IN ALABAMA

Tract name	County, township and range, (Huntsville P.M.)	Tract acreage total/FMO [1]	Coal reserve base estimate (thousand tons) total/FMO [1]	Probable type of mine	BTU per pound	Sulfur content (percent)	Ash content (percent)
Little Tyro Creek	Fayette T16S, R9 & 10W, Tuscaloosa T17S, R10W	1080/560	704/438	Surface	13,120	2.7	8.2
Flatwoods	Fayette T16S, R9W	2000/520	2613/655	Surface	12,835	2.9	9.2
Brannon	Walker T14S, R9W, Fayette T14S, R10W	920.85/476.3	620/322	Surface	13,270	2.0	14.7
North Rock Springs Church	Tuscaloosa T17S, R9W	1200/400	1944/926	Surface	12,954	3.9	10.7
Dry Creek South	Tuscaloosa T16S, R9 & 10W	1120/400	184/54	Surface	13,300	2.0	9.0
Windham Springs	Tuscaloosa T18S, R9 & 10W	14120/7920	88788/44501	Underground	12,700	2.7	13.4

TABLE I.—DESCRIPTION OF POSSIBLE LEASE TRACTS IN THE SOUTHERN APPALACHIAN COAL REGION IN ALABAMA—Continued

Tract name	County; township and range, (Huntsville P.M.)	Tract acreage total/FMO [1]	Coal reserve base estimate (thousand tons) total/FMO [1]	Probable type of mine	BTU per pound	Sulfur content (percent)	Ash content (percent)
Wiley	Tuscaloosa T17 & 18S, R9 & 10W	7920/2040	54117/14323	Underground	12,460	2.5	13.2

[1] Federal Mineral Ownership.

TABLE II.—PRELIMINARY ESTIMATES OF ECONOMIC DATA TO BE USED IN DISCOUNTED CASH FLOW EVALUATION

	Underground	Surface
Mining Costs (dollar/ton)	22–27	21–27
Coal Selling Price (dollar/ton)	25–36	25–40
Discount rate (percent)	22.1	19.9

George F. Brown,

Minerals Manager, Eastern Region.

[FR Doc. 82-13230 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Big Thicket National Preserve, Texas; Availability of Plan of Operations and Environmental Analysis for the Purpose of Conducting Geophysical Exploration, GEO Seismic Services

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from GEO Seismic Services a plan of operations for the purpose of conducting geophysical exploration in the Lance Rosier Unit of Big Thicket National Preserve, Texas.

The Plan of Operations and Environmental Analysis are available for public review and comment until June 14, 1982 in the Office of the Superintendent, Big Thicket National Preserve, 8185 Eastex Freeway, Beaumont, Texas; the Jefferson County Courthouse, in Beaumont, Texas; and the Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, Santa Fe, New Mexico 87501. Copies of the document are available from the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501, and will be sent upon request.

Dated: May 5, 1982.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 82-13219 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-70-M

Chesapeake and Ohio Canal National Historical Park, Availability of Record of Decision and Finding of No Significant Impact for the Development Concept Plan

The National Park Service has prepared the Record of Decision and FONSI for the Cumberland/North Branch Maryland Development Plan. This record documents the selected course of action for the management and use of the Cumberland to Spring Gap area of the Chesapeake and Ohio Canal National Historical Park.

Written comments will be accepted until June 14, 1982 and should be addressed to the Superintendent, Chesapeake and Ohio Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Copies of the Record of Decision are available from:

Chesapeake and Ohio Canal NHP, P.O. Box 4, Sharpsburg, Maryland 21782

National Capital Region, 1100 Ohio Drive SW., Washington, D.C. 20242.

Dated: May 6, 1982.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 82-13221 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiage Concession Contract; Howard T. Rose, Co., Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that June 14, 1982, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Howard T. Rose Company, Inc., authorizing it to continue to provide marina facilities and services for the public at Fire Island National Seashore for a period of five (5) years from January 1, 1982, through December 31, 1986.

This contract renewal has been determined to be a categorical exclusion under the National Park Service regulations implementing the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under a prior contract which expired by limitation of time on December 31, 1981. It has continued to conduct satisfactory operations, at the request of the National Park Service, under the terms and conditions of this expired contract. Therefore, pursuant to the Act of October 9, 1965, as cited above, the foregoing concessioner is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants Howard T. Rose Company, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of Howard T. Rose Company, Inc. is substantially equal to others received. In the event a responsive proposal superior to that of Howard T. Rose Company, Inc. (as determined by the Secretary), is submitted, Howard T. Rose Company, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Howard T. Rose Company, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before June 14, 1982 to be considered and evaluated.

Interested parties should contact the Regional Director, North Atlantic Region, National Park Service, 15 State Street, Boston MA, 02109, for information as to the requirements of the proposed contract.

Dated: April 30, 1982.

Herbert S. Cables,

Regional Director, North Atlantic Region, National Park Service.

[FR Doc. 82-13225 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-70-M

Katmai National Park and Reserve, Alaska; Intent To prepare General Management Plan and Environmental Assessment and To Conclude Public Workshops and Scoping Meetings

AGENCY: National Park Service, Interior.

ACTION: Prepare a general management plan and environmental assessment and conduct public workshops and scoping meetings for Katmai National Park and Preserve, Alaska.

Preliminary discussions will be held during the summer of 1982 to establish the major environmental issues to be addressed in the environmental assessment and to solicit ideas for the development of reasonable and practical alternatives. Public meetings will be held in the winter of 1983 following the official release of the draft general management plan and its environmental assessment. The time and place of these meetings will be announced in the **Federal Register** and in the regional news media.

SUMMARY: The National Park Service intends to prepare a general management plan for the conservation and management of Katmai National Park and Preserve. The plan will chart the strategies for solving the park and preserve's problems and meeting its management objective over the next 10–15 years for resources management and protection, visitor use and interpretation, and general development at a level of detail that will, in most cases, facilitate implementation. An environmental assessment will be prepared in concert with the plan to evaluate major environmental issues and to determine if the environmental consequences are significant enough to require the preparation of an environmental impact statement.

The planning effort will consider the alternatives of no action, or continuing existing conditions and trends (no action alternative); the minimum actions required to meet the purpose of the area under Pub. L. 96–487 (Alaska National Interest Lands Conservation Act of 1980); and those reasonable and practical strategies developed during public and other agency participation in the planning process. Other than the alternatives of no action, there is no reasonable and practical alternative to locating some actions within the 100-year floodplain to accommodate boat and floatplane access to the area.

The plan was directed by Pub. L. 96–487 (ANILCA) will contain a review of wilderness suitability for those lands not already so designated by Congress. Sport hunting, access, and other activities will continue as specified in the Alaska National Interest Lands Conservation Act and the Regulations of 36 CFR Part 13.

FOR FURTHER INFORMATION CONTACT: David Morris, Superintendent, Katmai National Park and Preserve, P.O. Box 7, King Salmon, Alaska 99613, (907) 246–3305. In the Lower-48 contact Betty Janes, Team Captain, National Park Service, Denver Service Center (TWE), P.O. Box 25287, Denver, Colorado 80225, (303) 234–4509.

Douglas G. Warnock,

Acting Regional Director, Alaska Region.

[FR Doc. 82–13224 Filed 5–13–82; 8:45 am]

BILLING CODE 4310–70–M

Martin Luther King, Jr. National Historic Site; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Martin Luther King, Jr. National Historic Site Advisory Commission will be held at 10 a.m. on Thursday, May 27, 1982, at the Martin Luther King, Jr., Center for Non-Violent Social Change, Inc., Administration Building, Room 103, 449 Auburn Avenue, Atlanta, Georgia 30312.

The purpose of the Martin Luther King, Jr. National Historic Site Advisory Commission is to consult and advise with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr. National Historic Site. The agenda will include interim resource protection, Advisory Commission's planning responsibilities, interim visitor services and public-private partnerships.

The members of the Advisory Commission are as follows:

Mr. William Allison, Chairman
Mr. John H. Calhoun, Jr.
Dr. Elizabeth A. Lyon
Mr. Randy C. Humphrey
Mrs. Willie Christine King Farris
Mr. Handy Johnson, Jr.
Mr. Howard H. Arnold, III
Mrs. Freddye Scarborough Henderson
Mrs. Millicent Dobbs Jordan
Mr. John W. Cox
Reverend Joseph L. Roberts, Jr.
Mrs. Coretta Scott King, Ex Officio Member
Director, National Park Service, Ex Officio Member

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Janet C. Wolf, Superintendent, Martin Luther King, Jr. National Historic Site, 75 Spring Street, S.W., Atlanta, Georgia 30303, Telephone 404/221–5190. Minutes of the meeting will be available for public inspection at park headquarters approximately 4 weeks after the meeting.

Dated: May 3, 1982.

Robert M. Baker,

Regional Director, Southeast Region, National Park Service.

[FR Doc. 82–13220 Filed 5–13–82; 8:45am]

BILLING CODE 4310–70–M

Sleeping Bear Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1:30 p.m. (EST), June 18, 1982, at the Sail Inn Restaurant, M–115 and M–31, in Benzonia, Michigan.

The Commission was established by the Act of October 21, 1970, 84 Stat. 1076, 16 U.S.C. 460x–3, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. John B. Daugherty (Chairman)
Mr. Sidney Evans
Mr. Walter B. Hart
Mr. George T. Schilling
Mr. William B. Bolton
Mr. Lawrence J. Verdier
Dr. Michael Chubb
Ms. Evangeline J. Stanchik
Ms. Sylvia B. Kruger

The agenda for the meeting will include a report on the Benzie County Corridor Feasibility Study.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Richard R. Peterson, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan 49635, telephone (616) 352–9611.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan.

Dated: May 6, 1982.

Hugh Beattie,

Acting Regional Director, Midwest Region.

[FR Doc. 82-13223 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: National Park Service; Interior.

ACTION: Notice of meeting

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: May 28, 1982, 7 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159 (717/729–7135).

SUPPLEMENTARY INFORMATION: The Advisory council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include review of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council, c/o Upper Delaware National Secnic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: May 5, 1982.

Donald Castleburg,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 82-13222 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Outer Continental Shelf Advisory Board—Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–463, 5 U.S.C. App. 1 and the Office of Management and Budget's Circular No. A–63, Revised.

The Policy Committee of the Outer Continental Shelf Advisory Board will meet during the period 8:30 a.m. to 5:30 p.m., June 17, 1982, and 9:00 a.m. to 12:00 p.m., June 18, at the Whitehall Hotel, Cullen Center, Houston, Texas (713/659–5000).

The meeting will cover the following principal subjects:

June 17

1. 5-Year OCS Program:
- Overview of proposed program and streamlining
- Analytic assumptions
- Fair market value

2. Revenue Sharing.

3. Hard Mineral Leasing.

4. Advisory Board, role and structure.

June 18

1. Ocean Ranger: Status Report.

2. Offshore Safety: The Ocean Ranger in Perspective.

3. New Concepts in Arctic Offshore Exploration Units.

The meeting is open to the public. Upon request, interested persons may make oral or written presentations to the Committee. Such requests should be made no later than June 3 to Alan D. Powers, Office of OCS Program Coordination, Department of the Interior, Room 5150, Washington, D.C. 20240 (202/343–9314).

Requests to make oral statements should be accompanied by a summary of the statement to be made.

Minutes of the meeting will be available for public inspection and copying 8 weeks after the meeting at the Office of OCS Program Coordination, Room 5150, Department of the Interior, 18th and C Streets, NW., Washington, D.C.

Dated: May 10, 1982.

Alan D. Powers,

Director, Office of OCS Program Coordination.

[FR Doc. 82-13150 Filed 5-13-82; 8:45 am]

BILLING CODE 4310-10-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 94
Friday, May 14, 1982

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

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From May 13th Open Meeting

The following item has been deleted at the request of the Broadcast Bureau from the list of agenda items scheduled for consideration at the May 13, 1982, Open Meeting and previously listed in the Commission's Notice of May 6, 1982.

Agenda, Item No., and Subject

Television—1—Applications of Charleston, S.C. VHF television stations WCBD, WCIV, WCSC, and WITV to make changes in their facilities; petitions to deny. *Summary:* The Commission will consider whether grant of the applications will have an impact on UHF stations in Columbia and Florence, S.C., which would adversely affect the public interest.

Issued: May 11, 1982.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S–716–82 Filed 5–12–82; 1:10 pm]
BILLING CODE 6712–01–M

2

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, May 20, 1982.

PLACE: Board Room sixth floor, 1700 G. Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

MATTERS TO BE CONSIDERED:

Request for Modify Board Resolution—American Savings and Loan Association, Salt Lake City, Utah

Service Corporation Application—Geogia Federal Savings and Loan Association, Atlanta, Georgia

Applications for Bank Membership and Insurance of Accounts—Malibu Savings and Loan Association, Malibu, California (In Organization)

Transfer and Repurchase of Government Securities

Perfecting of Security Interest in U.S. Government Securities Collateralizing Retail Repurchase Agreements.

[No. 33, May 20, 1982]

[S–715–82 Filed 5–12–82; 9:06 am]
BILLING CODE 6720–01–M

3

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Thursday, May 20, 1982.

PLACE: Faneuil Hall, Boston, Massachusetts.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Proposed Rule to Delete Part 742 of NCUA's Rules and Regulations Entitled "Liquidity Reserves."
3. Final Rule to amend Part 747 of NCUA's Rules and Regulations dealing with Administrative hearings in the case of involuntary liquidations due to insolvency.
4. Final Rule to remove the Accounting Manual and Data Processing Guidelines from incorporation by reference into NCUA's Rules and Regulations; Final Interpretive Ruling and Policy Statement on full and fair disclosure requirements of Part 702.3 of NCUA's Rules and Regulations.
5. Proposed Deregulation of Parts 701.1, 701.3 and 701.4 of NCUA's Rules and Regulations dealing with "Organizing a Federal Credit Union," "Standard form of Bylaws," and "Amendment of Bylaws and Charters."
6. Revised Examination Cycle.
7. Regional Directors' Reports.
8. Presentation of new charter.

* * * * *

TIME AND DATE: 7:15 a.m., Thursday, May 20, 1982.

PLACE: Parker House Hotel, Tremont and School Streets, Boston, MA.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests from federally insured credit unions for special assistance under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Requests for mergers with special assistance under Section 208(a)(2) of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Budget Amendment. Closed pursuant to exemptions (2) and (4).
4. Personnel Actions. Closed pursuant to exemptions (2) and (6).
5. Organizational Structure. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telehone (202) 357–1100.

[S–720–82 Filed 5–12–82; 3:31 pm]
BILLING CODE 7535–01–M

4

PAROLE COMMISSION

[2P0401]

Public Announcement

TIME AND DATE: 2 p.m., Thursday, May 20, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

[S–718–82 Filed 5–12–82; 3:16 pm]
BILLING CODE 4410–01–M

5

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 19508, May 5, 1982.

STATUS: Open/closed meetings.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, April 30, 1982.

CHANGES IN THE MEETING: Additional items. The following additional item will be considered at an open meeting scheduled for Thursday, May 13, 1982, at 10:00 a.m.

Consideration of what response to make to the Board of Governors of the Federal

Reserve System commenting on the proposed acquisition by BankAmerica Corporation of Charles Schwab & Co., Inc. For further information, please contact Catherine McGuire at (202) 272–2407.

The following additional items will be considered at a closed meeting scheduled for Thursday, May 13, 1982, following the 10:00 a.m. open meeting:

Settlement of administrative proceeding of an enforcement nature.
Freedom of Information Act appeal.
Litigation matters.
Access to investigative files by Federal, State, or Self-Regulatory authorities.

Chairman Shad and Commissioners Loomis, Evans and Longstreth determined by vote that Commission business required consideration of these matters and that no earlier notice thereof was possible.

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: Diane Klinke at (202) 272–2178.

May 12, 1982.

[S-717-82 Filed 5-12-82; 1:21 pm]

BILLING CODE 8010-01-M

6

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1289]

TIME AND DATE: 10:15 a.m. (EDT), Wednesday, May 19, 1982.

PLACE: Conference Room B–32, West Tower, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Action Items

C—Power Items

1. Bill of sale and quitclaim deed covering conveyance of City of Tullahoma, Tennessee, of a 1.57-mile section of TVA's North Tullahoma-Wartrace 46-kV Line.
2. Deed and bill of sale covering conveyance of a portion of TVA's Charleston 161-kV Substation property to Olin Corporation.
3. Deed conveying to Chickasaw Electric Cooperative TVA's Somerville 46-kV substation site located in Fayette County, Tennessee.

*4. Replacement power contract with the Department of the Air Force covering arrangements for 10-year power supply for the Arnold Engineering Development Center.

5. Renewal power contract with Wear Kentucky Rural Electric Cooperative Corporation.
6. Renewal power contract with City of Murray, Kentucky.
7. Renewal power contract with City of Hopkinsville, Kentucky.

D—Personnel Items

1. Revised pay plan and salary schedule for certain management employees and physicians.

E—Real Property Transactions

1. Grant of permanent industrial easement to Inland Ports, Inc., and abandonment of certain flowage easement rights affecting Watts Bar Reservoir lands near Harriman Industrial Park in Harriman, Tennessee—Tract Nos. XWBR–695IE, XWBR–693IE, and WBR–1259F.

F—Unclassified

1. Sale of surplus property (two Caterpillar pan scrapers) located at the Fabius, Alabama, mine.
2. Supplement to contract with the federal Highway Administration and the State of Tennessee covering arrangement for construction of a four-lane highway bridge over TVA's Chickamauga Dam in Chattanooga, Tennessee, and approach roads to the bridge.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: May 12, 1982.

[S-719-82 Filed 5-12-82; 3:29 pm]

BILLING CODE 8120-01-M

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*Item approved by individual Board members. This would give formal ratification to the Board's action.

federal register

Friday
May 14, 1982

Part II

Department of Health and Human Services

Public Health Service

National Toxicology Program; Fiscal Year 1982, Annual Plan

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program Fiscal Year 1982 Annual Plan

The Director of the National Toxicology Program (NTP) announces the availability of the NTP Annual Plan for Fiscal Year 1982 and the quarterly NTP Technical Bulletins, solicits comments on the Annual Plan and urges all interested persons to propose chemical(s) for testing by NTP.

Background

The National Toxicology Program develops scientific information about potentially toxic and hazardous chemicals which can be used for protecting the health of the American people and for the primary prevention of chemically-induced disease. The NTP centralizes and strenghtens the DHHS' activities in toxicology research, testing, and test development/validation efforts and provides the necessary toxicological information needed by research and regulatory agencies. Four specific goals are identified:

- To expand the toxicological profiles of the chemicals nominated, selected, and being tested;
- To increase the number and rate of chemical testing, within funding limits;
- To develop, coordinate, and validate a series of tests/protocols more appropriate for regulatory needs;
- To establish and use a coordinated communications network to collect, evaluate, and disseminate toxicologic information.

To accomplish these four major aims the NTP was formed by bringing together the relevant toxicological programs, people, and resources from the Public Health Service.

The four DHHS agencies whose relevant toxicology programs comprise the NTP are the National Cancer Institute, National Institutes of Health (NIH); National Institute of Environmental Health Sciences, NIH; National Center for Toxicological Research, Food and Drug Administration; and National Institute for Occupational Safety and Health, Centers for Disease Control.

The NTP Executive Committee provides linkage between DHHS research and regulatory agencies to ensure that the toxicology research, testing and test development carried out under the aegis of the NTP are responsive to the needs of those agencies to the needs of the public. This unique and important aspect of the NTP brings together the research agencies doing fundamental biomedical research and the regulatory agencies. The governmental agencies that comprise the NTP Executive Committee are listed in the 1982 Annual Plan.

The NTP Board of Scientific Counselors provides scientific oversight of the NTP. The NTP Board advises the NTP Director and the NTP Executive Committee on scientific content, philosophy, and policy and evaluates the merit and overall quality of the science conducted in the NTP components. The members (enumerated in the 1982 Annual Plan) are appointed by the Secretary of the Department of Health and Human Services.

The program segments of the NTP are grouped into two categories—toxicological research and testing, and coordinative management activities. Individual NTP scientists are identified as leaders of the major program segments and subprogram activities and serve as the focus or contact persons for their particular program activities. Program and Project Leaders are identified in the 1982 Annual Plan.

The development and approval of the NTP Annual Plan remain central to the effective planning, coordination, and operation of the National Toxicology Program. As NTP Director, Dr. David P. Rall (also the Director of the National Institute of Environmental Health Sciences) reports to the Assistant Secretary for Health.

The National Toxicology Program's fourth annual plan consists of two parts published separately: Part I, "NTP Annual Plan for Fiscal Year 1982" (NTP-81-94), describes current year research, testing and validation efforts, resources and past year program accomplishments. (Part I is printed in full following this announcement.) Part II, "Review of Current DHHS, DOE, and EPA Research Related to Toxicology" (NTP-82-040), lists chemicals being tested by DHHS agencies, the Department of Energy, and the Environmental Protection Agency, and describes toxicology methods currently being developed by these agencies.

Written comments on the Fiscal Year 1982 Annual Plan are requested and welcome. These could be addressed to Dr. Larry Hart, Assistant to the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, NC 27709 (telephone: (919) 541-3971 or FTS 629-3971).

Regarding chemical nomination, NTP urges all those interested in proposing chemical(s) for testing to do so, and at a minimum to give the rationale for the nomination and to recommend the type test(s) to be considered. In addition, it would be desirable (but not essential) to supplement each nomination with the following information, if known.

I. Chemical identification.

II. Production, use, occurrence, and analysis.

III. Toxicology.

IV. Disposition and structure-activity-relations.

V. Ongoing toxicological and environmental studies in the government, industry, and academia.

To bridge the yearly gap between Annual Plans, NTP started a quarterly NTP Technical Bulletin in Fiscal Year 1980 to keep those persons or groups interested in the NTP informed about the NTP's most current and proposed activities. The NTP Technical Bulletins augment the Annual Plans by more timely and frequent announcements of the NTP research activities and specific actions.

To receive the NTP Annual Plan for Fiscal Year 1982; the Review of Current DHHS, DOE, and EPA Research Related to Toxicology; or the NTP Technical Bulletin, please indicate which publications you wish to receive and submit this information to: NTP Public Information Office, P.O. Box 12233, Research Triangle Park, NC 27709, (telephone: (919) 541-3991 or FTS 629-3991).

Dated: April 22, 1982.

David P. Rall,

Director, National Toxicology Program.

National Toxicology Program Annual Plan for Fiscal Year 1982

National Cancer Institute/National Institutes of Health, National Institute of Environmental Health Sciences/National Institutes of Health.

National Center for Toxicological Research/Food and Drug Administration, National Institute for Occupational Safety and Health/Centers for Disease Control.

NTP-81-94, March 1982.

Note.—All Fiscal Assumptions Are Based on the President's Proposed Fiscal Year 1982 Budget.

National Toxicology Program, Public Health Service, Department of Health and Human Services.

Department of Health and Human Services, National Toxicology Program

Annual Plan for Fiscal Year 1982

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NATIONAL TOXICOLOGY PROGRAM, ANNUAL PLAN FOR FISCAL YEAR 1982

Executive Summary [1]

The National Toxicology Program (NTP) begins its fourth year of operation and first year in permanent status in Fiscal Year (FY) 1982. The NTP was established in November 1978 as a Department of Health and Human Services (DHHS) cooperative effort to coordinate and provide information about potentially toxic chemicals to regulatory and research agencies and to strengthen the science base in toxicology.

The need for creation of such a program evolved from increasing scientific, regulatory and congressional concerns about the human health effects of chemical agents in the environment. It is now known that increases in certain human diseases can be traced directly or indirectly to chemical exposures. Limiting human exposure to hazardous chemicals can prevent some human disease and disability.

Under the broad objective of providing the necessary scientific information for prevention of human disease related to chemical exposure, the NTP emphasizes four principal goals: (1) broaden the toxicological characterization of chemicals that are tested; (2) increase the rate of chemical testing (as funding will permit); (3) develop protocols appropriate for regulatory needs; and (4) communicate Program plans and results to governmental agencies, the medical and scientific communities, and the public.

Although chemical testing for toxicity, particularly for carcinogenicity and mutagenicity, remains an important Program focus, there has been an increasing emphasis over the first three years on short-term test methods development and validation. A second major emphasis continues to be the broadening of the testing protocols through addition of special studies to the prechronic phases of the long-term bioassay, and, to a lesser extent, to the chronic phase of the bioassay.

A major organizational action occurred in FY 1981. The transfer of the carcinogenesis bioassay program from the National Cancer Institute (NCI) to the National Institute of Environmental Health Sciences (NIEHS) was approved by the Secretary, DHHS, in the fourth quarter of FY 1981. This action provides for direct NTP management of the NIH components of the Program. A second major organizational action occurred at the beginning of FY 1982 when the Secretary granted permanent status to the Program.

Accomplishments of NTP programs during FY 1981 and program plans for FY 1982 are described in the following sections of this FY 1982 *Annual Plan.* For each scientific or management activity, the name of a key staff person is given. These persons may be contacted for further information about the particular activity. A complete listing of program leaders and contact persons, along with addresses and phone numbers, appears in the Appendix. For the first time, a bibliography of NTP-related publications (FY 1979–1981), arranged by program area, is included in the Plan.

The following are highlights of important accomplishments of the NTP in FY 1981:

- Used broadened protocols in the prechronic phases of the toxicology and carcinogenesis bioassay process to give a more comprehensive measure of the toxicology of chemicals selected for testing; all 52 chemical test starts in FY 1981 included special studies.
- Made the completion of the 90-day study a major decision point in the NTP; that is, prechronic data together with results from special studies, e.g., genetic toxicology, fertility/reproductive assessment, chemical disposition, allow a more informed decision as to whether the two-year study should be initiated.
- Incorporated fertility and reproductive assessments into all 90-day prechronic studies.

[1] Page numbers correspond to the bound version of the plan available from the NTP Public Information Office.

- Stabilized numbers of chemical test starts in the microbial *(Salmonella)* mutagenesis assay at about 300 test/year.
- Completed validation and began testing chemicals in two other genetic toxicology assays: *in vitro* mammalian cytogenetics and the fruit fly *Drosophila melanogaster.*
- Completed peer review and approval of the technical reports for 23 carcinogenesis bioassays.
- Expanded and improved the quality assessment for the pathology component of the bioassay program.
- Continued assessment of the carcinogenicity of chemicals and certain complex mixtures found in the occupational environment.
- Completed validation of a comprehensive neurobehavioral test battery.
- Continued interlaboratory testing of an immunotoxicology test battery.
- Continued an interagency coordinated effort on benzidine, two benzidine congeners, and 13 benzidine and congener-based dyes with regard to their chemical disposition and mutagenic and carcinogenic effects.
- Started a major initiative to develop short-term prescreens for presumptive teratogenic activity of chemicals.
- Began a collaborative interlaboratory behavioral teratology initiative.
- Introduced a new research and methods development initiative in cutaneous toxicology.
- Continued evaluation of pulmonary function indices as a complement to standard pathologic assessment of lung injury.
- Initiated field studies on the utility of the toxicology data management system (TDMS) for meeting experimental data capture/processing needs of the bioassay program.
- Continued research aimed at modifying the experimental design of the chronic bioassay to provide better data for low-dose toxicology evaluation, for more complete toxicology profiles, and for risk assessment.
- Adopted major statistical modifications in the analysis of data and results for the NTP technical reports.
- Modified the chemical nomination and selection process to enhance the peer review of nominations and increase opportunityu for public comment.
- Held the third annual NTP Open Meeting in conjunction with the Society of Toxicology annual meeting.

The NTP's ongoing and planned activities in toxicological research, testing, test methods development, and validation efforts as well as other key program activities are described in capsule form in the following pages and in more detail in the main body of the *Annual Plan.*

Cellular and Genetic Toxicology

(See pages 35 to 73)

Genetic toxicology continues to be an area of major testing emphasis. During FY 1981, 264 tests were completed in the initial testing phase for chemical mutagens, the *in vitro* microbial assay in *Salmonella.* In FY 1982, there will be 300 more chemical test starts in *Salmonella.*

Validation of the *in vitro* mammalian cytogenetic assay was completed. Seventy-six chemical tests will be done using this system in FY 1982. Testing for heritable genetic effects began in the *Drosophila melanogaster* mutagenesis system in FY 1981 and 72 test starts are scheduled for FY 1982.

There was a markedly increased effort in methods development and validation in FY 1981. This emphasis which will continue in FY 1982 is being placed on short-term tests for mutagenicity and aneuploidy in microbial systems and yeasts as well as on development of methods for measuring mutagenicity, cytogenetic damage and transformation in mammalian cells.

Carcinogenesis Testing

(See pages 74 to 100)

During FY 1981, 23 long-term bioassays were completed and the conclusions and data evaluation were approved by the external NTP peer review panel. There were 52 new chemical starts in the prechronic testing phase of the bioassay. The major thrust continued to involve a broadening of the protocols for the prechronic phase to provide information on toxic endpoints other than cancer—fertility and reproductive assessment, for example. All bioassay starts begun in FY 1981 had an expanded design including one or more special studies. There were a number of new or ongoing long-term carcinogenesis studies concerned with chemicals or mixtures of chemicals which humans may encounter in occupational settings. In FY 1982, the NTP plans to start 19 new toxicology and carcinogenesis bioassays, all with expanded protocols, and expects to complete 27 long-term bioassays.

Toxicologic Characterization

(See pages 101 to 104)

Major testing initiatives are acute, 14-day and 90-day experiments with chemicals originally selected for evaluation as to carcinogenic potential. The completion of the 90-day study was made a major decision point in the NTP. There were major revisions of protocols in FY 1980–1981 to include measurement of organ weights, broadened pathology in prechronic studies, hematology, selected organ function assessment, and chemical disposition. A new program in cutaneous toxicology was initiated. In FY 1982, major additions to the general toxicology screen will include development and evaluation of clinical chemistry procedures for organ function assessment, and measures of reproductive dysfunction at the end of the 90-day phase.

Immunological Toxicology

(See pages 113 to 116)

In FY 1981 continued focus was placed on refining and validating a panel of immunology and host resistance procedures to define immunotoxicity of chemicals and correlate changes in immune function with changes in host resistance. Several chemicals were investigated using this panel.

Neurobehavioral Toxicology

(See pages 117 to 121)

Standardization and validation of a neurobehavioral test battery was completed in FY 1981. Neurotoxic profiles generated by the battery are in accord with known neurotoxicity in animals for a series of toxicants. Indepth studies are continuing on the neurotoxicity of Kepone in adult rats and in rats exposed during the perinatal period. Human, both laboratory and worksite, studies as well as animal studies were carried out to measure the neurobehavioral effects of exposure to single chemicals and combinations of chemicals found in the workplace. In FY 1982, further development of automated procedures is planned to assess toxicity in animals using naturally occurring domiciliary (home cage) behaviors, such as spontaneous motor activity and ingestive behaviors.

Pulmonary Toxicology

(See pages 122 to 124)

Assess of pulmonary function indices continued as a complement to standard pathologic evaluation of lung injury. After chronic inhalation exposure of rats to ozone, acrolein, and chlorine, the function tests were shown to be more sensitive in detecting small airway damage than pathologic examination at the light microscopy level. Also, increased pulmonary resistance indicated alterations of the large airways not observed during pathologic

examination. An animal (monkey) model of human occupational asthma was further perfected.

Reproductive and Development Toxicology

(See pages 125 to 134)

In FY 1981, testing standard teratologic assays was completed on six chemicals and was in progress for nine other chemicals. Studies on 10 to 12 additional chemicals will be initiated in FY 1982. A standardized protocol was developed for use in a collaborative behavioral teratology study. Six behavioral tests will begin to be evaluated in six laboratories in FY 1982 for their sensitivity to the behavioral teratogens, d-amphetamine sulfate and methyl mercuric chloride. The effects of a few chemicals on male and female reproductive function as well as on postnatal development was examined indepth. A primary emphasis in FY 1982 will be on developing short-term prescreens in reproductive system toxicology and teratology, including both *in vivo* and *in vitro* teratologic test systems and a continuous breeding assay for fertility assessment.

Resources and Planning Assumptions

(See pages 13 to 15)

The estimated budget for FY 1982 provides for a funding level of $72.1 million compared with FY 1981 obligations of $70.5 million. Emphasis will be put on: (1) stabilizing the number of chemicals NTP places on test, particularly those on long-term studies, and (2) devoting a greater proportion of resources and attention to test methods development and validation. NTP will start 19 chemicals in the prechronic phases of the bioassay, all of which will have broadened protocols aimed at more complete characterization of the toxic profiles. Emphasis will be given to developing methodologies needed to study chemical mixtures, their intersections and potential toxic effects, and to improving experimental designs and deriving new tests to permit better species-to-species extrapolation.

Oversight and Review

(See pages 16 to 23)

The Executive Committee continues to provide primary oversight and coordination for the Program, while the Board of Scientific Counselors provides scientific surveillance. A standing Board subcommittee supplemented with other non-government experts provided peer review for the technical reports of the results of NTP bioassays. It reviewed 23 toxicology and carcinogenesis bioassay reports in FY 1981.

Two special external reviews of the Program were effected in FY 1981, one by the DHHS Office of Management and Budget, and a second by the House of Representatives Committee on Science and Technology, Subcommittee on Investigations and Oversight. Both reviews noted considerable progress by the NTP in moving towards meeting objectives and were supportive of the Program.

Coordination and Communication

(See pages 24 to 27)

Two special initiatives were undertaken in FY 1981 which exemplified NTP's developing role as a focus for information exchange and collaboration among groups concerned with current problems of chemicals toxicology. One was an interagency testing initiative by the National Center for Toxicologic Research (NCTR), the National Institutes of Health (NIH), and the National Institute for Occupational Safety and Health (NIOSH) involving integrated studies on benzidine, two benzidine congeners, and 13 benzidine- and congener-derived dyes for mutagenicity, chemical disposition, pharmacokinetics, and carcinogenicity. The initiative was conceived by these agencies in collaboration with the Environmental Protection Agency (EPA), the Consumer Product Safety Commission (CPSC), and the Occupational Safety and Health Administration (OSHA) with cooperation from the dye industry.

For the second, the NTP and the Interagency Regulatory Liaison Group (IRLG) sponsored a joint conference on phthalate esters to survey the available information with respect to uses, exposures, potential substitutes, and known human health effects; to summarize Federal agency activities; to review animal toxicology and identify ongoing studies; and to assess additional testing and research needs. As a result the NTP was asked to serve as a central clearinghouse for data generated through ongoing studies and to coordinate future testing efforts, including its own testing initiative.

Organization

(See pages 28 to 29)

In July 1981, transfer of the carcinogenesis bioassay program from the NCI to the NIEHS was approved thereby completing the process begun in FY 1980 with assumption of administrative responsibilities for the bioassay program activities by NIEHS. The Toxicology Research and Testing Program, NIEHS, headed by the NTP Deputy Director, now combines under NIEHS management the broad-based chemical toxicity testing efforts transferred from NCI along with NIEHS testing and test development activities under the NTP.

Data Management and Analysis

(See pages 155 to 158)

A major effort was the continuing development, modification and initial implementation of the toxicology data management system (TDMS) to support the animal bioassay program. Attention in FY 1982 will be given to implementing the system in NTP contract laboratories and to coordinating use of the system. A chemical management and tracking system was initiated. Possible statistical modifications of the basic experimental design of the two-year bioassay are being investigated with an aim being to increase the usefulness of the bioassay for low-dose risk estimation and extrapolation. Several statistical modifications were introduced into the NTP technical reports.

Chemical Nomination Chemical Selection

(See pages 136 to 146)

During FY 1981, modifications were made in the chemical nomination and selection process intended to improve peer review of and increase public input on nominated chemicals. This includes the use of primary and secondary reviewers on the Chemical Evaluation Committee to more closely evaluate the available information and to recommend specific testing and external review by the Board of Scientific Counselors. Opportunity for public comment is provided through **Federal Register** announcements which list nominated chemicals and recommended testing.

Information General and Dissemination

(See pages 162 to 166)

The *Annual Plan* and the *NTP Technical Bulletin* continue to be the main communications media to keep interested persons and groups informed about the NTR's accomplishments and current proposed activities. The active mailing list now includes about 6500 entries. The third NTP Open Meeting was held March 1, 1981 in conjunction with the Annual Meeting of the Society of Toxicology.

Annual Report on Carcinogens

(See pages 167 to 170)

The *Second Annual Report on Carcinogens* will be published during

the first quarter of FY 1982, and includes entries on 88 substances, chemicals, or manufacturing processes which are either known to be carcinogenic or may reasonably be anticipated to be carcinogenic for humans and to which a significant number of persons residing in the United States are exposed. The Report summarizes the available information on human exposure data, evidence for carcinogenicity from human and animal studies, production and use data, and applicable Federal regulations.

Introduction

In October 1981, the National Toxicology Program (NTP) began its fourth year of operation and its first year in permanent status as a major cooperative component of the Department of Health and Human Services (DHHS). Although still a young organization, the NTP has nevertheless achieved a degree of maturity as evidenced by its accomplishments and by its establishment as a permanent program by the Secretary of HHS in October 1981.

The National Toxicology Program was established by the Secretary, Department of Health, Education, and Welfare (now DHHS), in November 1978 as a Department-wide effort to provide information about potentially toxic chemicals to regulatory and research agencies, and to strengthen the science base in toxicology.

The need for creating such a program evolved over the past two decades from the increasing scientific, regulatory, and congressional concerns about the human health effects of chemical agents in the environment. Increases in many human diseases can be traced directly or indirectly to chemical exposures. Thus, decreasing or eliminating human exposure to such chemicals will prevent some human disease and disability.

The following sections describe the recent history of Federal toxicology testing and methods development activities leading to the establishment of the NTP, and delineate the structure, objectives and current future direction of the Program.

Evolution of Federal Testing Programs—The earliest Federally mandated efforts to deal with problems of chemical toxicity took place in the pharmaceutical and food additive industries where extensive safety testing was required by the Federal Food, Drug, and Cosmetic Act of 1938. This testing, however, was primarily for acute toxic effects and did not address the consequences of long-term exposure to chemical agents. Then in the early 1960s the National Cancer Institute (NCI) began a program intended to determine whether particular substances could cause cancer in experimental animals as a result of long-term exposure. Later NCI contracted for a screening study of a number of pesticides to determine if they were carcinogenic. These early efforts were the antecedent of NCI's carcinogenesis bioassay program; the long-term administration of chemicals to laboratory animals remains the principal method for determining whether substances are carcinogenic. But while such laboratory testing contributed greatly to the development of the knowledge base regarding the carcinogenic potential of chemicals, it did not attempt to predict for toxic effects other than cancer.

Attention on Endpoints Other Than Cancer—Prior to the 1960s and continuing into the decade of the seventies, advances were being made in other areas of research that eventually would permit a more comprehensive approach to the problems of chemical toxicity. Information was developed that indicated many environmental chemical agents interfere with cell replication, and thus, might have an adverse effect on genetic inheritance. Moreover, information was developed that provided presumptive evidence that many compounds which are mutagenic also may be carcinogenic. Thus, the testing of compounds for mutagenic activity held some promise for decreasing the number of compounds that require testing in a complete cancer bioassay, thereby resulting in significant savings in time and resources.

These findings resulted in great energy and resources being invested in developing rapid and inexpensive means to establish the potential toxicity of chemical substances. Central to these efforts were programs within the NIEHS, NCTR and NIOSH that were developing tests for toxicologic endpoints other than cancer, such as mutagenesis. These had evolved from broad based toxicology research programs at these agencies which covered the spectrum from basic research to chemical testing. The NCI also was supporting an extensive validation effort in mutagenesis.

Interest of Congress and Regulatory Agencies—During the 1970s largely in response to increasing public awareness of environmental hazards, there was major congressional activity aimed at providing legislative tools for the regulatory agencies to reduce or prevent exposure to hazardous substances. This new legislation (especially the 1976 Toxic Substances Control Act, TSCA) greatly increased the need of the regulatory agencies to know more about the toxicity of environmental agents. In addition, as has been illustrated by the recent controversies surrounding saccharin and nitrates, the regulatory agencies have recognized they must interpret the results of laboratory and animal tests in terms of their relevance to humans and make those interpretive implications understandable to the public—thus, the increased activity in the area of risk assessment.

Identification of Testing Programs' Limitations—As a result of their specific regulatory or research needs, Federal agencies began to develop or intensify test programs in a variety of areas. Most of these test programs were limited in scope, and therefore did not take into account either exposure sources and amounts or toxicities other than the ones of specific interest to the sponsoring agency. In addition, the research and regulatory agencies often were looking at the same compounds, but for different reasons, thereby contributing to the appearance of overlap and duplication among their programs. In looking at the broad field of toxicology testing, it became apparent that the Federal testing capacity was not being used to best advantage, and would benefit from better coordination and program integration. Given that the Public Health Service of DHHS is responsible for safeguarding the public's health, and prevention of human exposure to toxic substances is integral to disease prevention, the establishment of the NTP was a logical outgrowth from the need for better coordination and program integration of Federal toxicology research and testing.

Program Structure—In structuring the new program, the Secretary wanted to meet two overriding needs: (1) integrate DHHS activities to permit the most effective use of the Department's resources and consolidate expertise in those areas of science required to determine the full toxicologic potential of selected chemicals, and (2) establish an effective dialogue between the research and regulatory agencies so that stronger links could be forged between toxicology research and the needs of the regulatory agencies.

The NTP was envisioned as a means of bringing together the Department's major toxicological research and testing activities—most of which had been developed to support different organizational mission—to mount a coordinated attack on the problems of toxic chemicals. Because there was no general agreement within the Department on how best to structure these activities, the Secretary, as an

interim measure, decided to establish a program supported through voluntary allocations of staff, space and resources from the relevant DHHS agencies that would be managed by a Program Director.

The NTP consists of the relevant toxicology activities of the National Cancer Institute (NIH/NCI) and the National Institute of Environmental Health Sciences (NIH/NIEHS); the Food and Drug Administration's National Center for Toxicological Research (FDA/NCTR); and the Centers for Disease Control's National Institute for Occupational Safety and Health (CDC/NIOSH). Resources for the program originate from the budgets of these agencies. The NTP activities to which these agencies allocate their resources are planned and carried out as a coordinated whole under the leadership of the Program Director, Dr. David P. Rall, who also is Director of the NIEHS. For purposes of the NTP, he reports to the Assistant Secretary for Health, DHHS.

Each year, when resources of the DHHS agencies are identified, memoranda of understanding are prepared and signed by the head of each agency and the NTP Director. These memoranda:

1. Specify those resources to be devoted to the Program.
2. Identify Program components by organizational title.
3. Identify project areas and projects to be devoted to the Program.
4. Identify supporting elements of the agencies, and their responsibilities.

The capabilities of the NTP are also augmented through an interagency agreement with the National Library of Medicine that provides the NTP with expertise in toxicology-related portions of its technical information services.

Incorporation of Regulatory Concerns—So that regulatory concerns would be joined with the Program, the Secretary asked the Occupational Safety and Health Administration (OSHA) of the Department of Labor, the Environmental Protective Agency (EPA), and the Consumer Product Safety Commission (CPSC) to participate in the NTP as active members of the Executive Committee.

The Executive Committee, the NTP's major advisory group, is made up of the heads of both the DHHS research agencies and the regulatory agencies. Also included are the Director of NIH and the Office of the Assistant Secretary for Health, DHHS. This unique NTP aggregation assures continuing input from the research and regulatory agencies into critical phases of the NTP operations including nomination, selection, and setting of priorities for chemicals to be placed on test; determination of priorities for test methods development and validation; and oversight of program planning and balance.

This organizational arrangement brings together the Department's expertise in toxicology and the regulatory agencies' experience and concerns to produce a more coordinated approach to toxicology research and testing of chemicals. In this way, information needed for controlling hazardous substances and for protecting the health of the American people can be developed.

Objectives of the Program—Within the framework of its charge to identify those chemicals potentially toxic to humans, the broad goal of the NTP is to coordinate and strengthen the activities of the Department of Health and Human Services in testing chemicals of public health concern, as well as to develop and validate new and better integrated test methods. Four specific goals are identified:

—To expand the toxicologic profiles of the chemicals nominated, selected, and being tested. In the carcinogenesis bioassay process, a variety of special studies were integrated into all prechronic and chronic experiments begun during FY 1981.

—To increase the number and rate of chemical testing, within the funding limits. For instance, the rate of chemical testing for mutagenic effects has increased each year.

—To develop, coordinate, and continue to validate a series of test protocols more appropriate for regulatory needs. The protocol for the two-year carcinogenesis bioassay has been broadened to include special studies aimed at detecting other types of toxicity during the acute and 90-day testing phases. Test batteries for the assessment of genetic, neurobehavioral, and immunological toxicology and effects on reproduction and fertility have been or are being developed and validated.

—To establish a coordinated communications network to collect, evaluate, and disseminate toxicology information generated by the Program: research and test results, methods development and validation, and other Program activities. As a quarterly complement to the *Annual Plan*, a *NTP Technical Bulletin* began publication in FY 1980.

Current and Future Directions—During the first three years, the NTP has made considerable progress toward its objectives. Much remains to be accomplished, however, and certain important shifts in organization and program emphasis are noted:

Two major organizational actions occurred, one late in FY 1981 and the other early in FY 1982. The Program, which had existed under an experimental status since its inception, was granted permanent status by the Secretary of HHS in October 1981. Presumably, this recognition of the continuing need for the Program will enable better long-range planning and enhance recruiting efforts for key staff positions. Secondly, the transfer of the NCI carcinogenesis bioassay program, including its peronnel and resources, to the NIEHS was approved by the Secretary in the fourth quarter of FY 1981. Administrative responsibilities for the activities of the bioassay program had been transferred in FY 1980. This action has already enhanced the overall integration, coordination, and management of the NIH component of the NTP.

Changes in program direction over the first three years are marked in two areas, one being an increasing emphasis on short-term test methods development and validation coupled with a decreased emphasis on standard testing, particularly in the long-term bioassay. For example, a major initiative was started in FY 1981 to develop short-term prescreens for teratogenesis. A second major shift in program emphasis has been to broaden the protocols through addition of various special studies for the prechronic phases of the long-term bioassay and thereby establish the prechronic-chronic interface as a major decision point. This serves both to better set priorities for the fewer numbers of compounds committed to chronic tests and to provide more information on toxic endpoints other than cancer. An important area, just began in FY 1981, was the effort to improve the experimental design of the long-term bioassay to enhance the value of the information obtained for possible use in risk estimation. The ultimate value of data derived from toxicologic studies lies in how well the findings predict for humans.

The following chapters discuss Program resources, oversight and review, coordination and communication, organizational structure, and describe in detail the NTP's ongoing and planned efforts in toxicology research, testing, and test methods development and validation as well as other key program activities such as chemical nomination and selection, information generation and dissemination, and data management and analysis.

Resources and Planning Assumptions

The NTP is not funded by separate appropriations: instead NTP relies on voluntary contributions from the member DHHS agencies. The amount of resources allocated to the NTP is specified in memoranda of understanding drawn after the agencies receive their funding through the Congressional appropriations process. The NTP's FY 1981 obligations were $70.5 million. Using the member agencies' current NTP allocations, the estimated budget for FY 1982, compared with the actual obligations for FYs 1979, 1980, and 1981, is shown in Figure 1.

Personnel ceiling increases provided the NTP have been in the carcinogenicity testing area. These increases were required to meet the commitment to shift from use of a prime contractor to government managment of many of the NCI testing contracts. This significant change reflects NTP's adherence to a strong recommendation made in a study by the Government Accounting Office.

Original program goals were based on the assumption that NTP's resources would increase annually to a greater degree than has occurred. Thus early projections for the number of chemicals that could be started on test in the pre-chronic and chronic bioassays and in special studies and for a broad range of test methods that could be developed and validated, have been modified as a result of subsequent budgetary constraints. Therefore, NTP's ability to increase the scope of test development and validation activities was delayed because of long-range obligations that had to be met with the available resources. For example, the carcinogenesis bioassay program, originally under NCI and now under NIEHS—which continues to receive the largest amount of funds for NTP—had a major commitment to long-term carcinogenesis testing. Congress specified that additional funds allocated to NTP were to be used primarily for long-term carcinogenicity testing. From chemical selection for the two-year bioassay through the issuance of the technical report takes about 64 months. It is only now—in its third year of operation—that NTP's impact on program balance is clearly evident. Recent improvements in the chemical selection process and in the experimental design of the pre-chronic testing phase have enabled the NTP to reduce the number of chemicals requiring two-year toxicology and carcinogenesis bioassays. This reduction allows increased allocation of resources to short-term test methods development and validation activities.

With future budget projections and the state-of-the-art for toxicology as the basis for planning, the NTP has determined that it must concentrate on: (1) Stabilizing the number of compounds placed on test in each particular program area, particularly in long-term testing, and (2) Focusing its test methods development and validation efforts in those areas closest to fruition as well as in those areas most urgently needed.

While NTP will be shifting from a relatively large testing program to a more focused one, an attempt will also be made to improve and increase the information to be gleaned from the integrated testing activities. This will be accomplished through the continued improvements in experimental test designs expected as a result on NTP's investigation of optimum dose levels and experimental animal model parameters and adaption of test protocols to specific chemicals. Through this means, NTP will be able to develop data more useful for low-dose toxicity extrapolation, while preserving the detection potential of the current carcinogenesis bioassay protocols.

In the area of methods development and validation, NTP will concentrate on: (1) completing validation of test methods now under development; (2) developing the sophisticated research tools and knowledge needed to study the urgent problem of chemical mixtures, their interactions, and their toxic effects; and (3) developing methodologies needed to permit low-dose extrapolation from test species to other species, including humans (as an example, NTP already has initiated a program evaluating DNA repair to complement its mutagenicity screening so that such testing will approximate more closely the human situation).

In the coming years, the NTP expects to devote more of its resources and attention to the critical task of test methods development and validation. This has been cited repeatedly by the regulatory agencies, and by the private and industrial sector, as the area to which NTP should devote a major effort.

Oversight and Review

Because of the complex scientific tasks assigned to the NTP, and the need to integrate the programmatic activities of a variety of agencies, the NTP considered it necessary to establish more than a single mechanism for oversight and review of the Program. These mechanisms, which include the Executive Committee and the Board of Scientific Counselors, also have helped ensure integration of NTP efforts and coordination of activities among the health research and health regulatory agencies, as well as with industry. Through these mechanisms, the NTP is assured that:

- Program planning and balance are designed with input from the health research and health regulatory agencies, as well as from the public, industry, and other non-government groups;
- testing and test methods development and validation activities are responsive to the needs of the other agencies, are coordinated with those activities to be carried out by the other agencies and industry, and are complementary to efforts undertaken elsewhere;
- research and testing efforts receive extensive peer review for scientific adequacy, merit, and relevance;
- applied research needs are identified and can be targeted;
- chemicals selected for testing are evaluated thoroughly; and
- planning and decision-making processes are open, with opportunity provided for public input and comment.

The non-DHHS agencies associated with the Program also profit from these NTP oversight and review mechanisms. They are assured:

- participation in the nomination, evaluation, and selection of chemicals for testing;
- involvement in developing test protocols pertinent to their needs;
- input into science policy issues that impact on their programs and activities;
- a role in overseeing test progress;
- early access to test results to aid in health and regulatory policy analysis;
- timely information exchange, not only with the other research and regulatory agencies but with industry as well; and
- a primary source within government to serve as the repository for information on testing and test methods development and validation, as well as a source for consultation on issues related to chemical toxicology.

NTP Executive Committee: Primary oversight for the National Toxicology Program is provided by the Executive Committee, composed of the heads of the research and regulatory agencies, which serves as NTP's major advisory group and meets about six times a year. The Committee is responsible for advising the Director on research and testing needs and for selecting and setting priorities for the specific chemicals to be tested. It also serves as a forum for discussion of science policy issues and provides for timely information exchange among the various agencies as well as with industry and

other interested groups. One of the key tasks for the Executive Committee is review and approval of the NTP *Annual Plan.*

Current members of the Executive Committee are:

Mr. Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health Administration, Department of Labor

Dr. Edward N. Brandt, Jr., Assistant Secretary for Health, Department of Health and Human Services (non-voting)

Dr. Vincent T. DeVita, Jr., Director, National Cancer Institute

Mrs. Anne Gorsuch, Administrator, Environmental Protection Agency

Dr. Arthur H. Hayes, Jr., Commissioner, Food and Drug Administration (Chairperson)

Dr. Thomas E. Malone, Acting Director, National Institutes of Health

Dr. J. Donald Millar, Director, National Institute for Occupational Safety and Health

Dr. David .P Rall, Director, National Institute of Environmental Health Sciences

Mrs. Nancy Steorts, Chairman, Consumer Product Safety Commission.

The Chairperson is elected by the Committee and serves a one-year term.

Through this mechanism, the NTP is assured of continuing interface with the health research and health regulatory agencies and receiving input into critical phases of NTP operation, including oversight of program planning and balance. Likewise, through participation in the Executive Committee, health research and health regulatory agencies are assured participation in the nomination, evaluation, and selection of chemicals for testing; a role in developing test protocols pertinent to their needs; involvement in overseeing test results; and early access to results to aid in health and regulatory policy analysis and to permit prompt response to potential problems within their jurisdictions.

Board of Scientific Counselors—The National Toxicology Program Board of Scientific Counselors provides scientific oversight. The Board, composed of eight non-governmental scientists appointed by the Secretary of DHHS, is responsible for reviewing the Program for scientific adequacy and merit and for identifying program needs. The Board meets an average of three times a year in open session. Additionally, scientists with expertise in particular scientific areas are chosen on an *ad hoc* basis to supplement the Board for review of specialized segments of the Program.

Current members of the Board are:

Margaret Hitchcock, Ph.D., Assistant Professor of Pharmacology, Yale University Medical School;

Majorie G. Horning, Ph.D., Professor of chemistry, Baylor University College of Medicine;

Mortimer L. Mendelsohn, M.D., Ph.D., Director, Biomedical Sciences Division, Lawrence Livermore Laboratory, University of California;

Norton Nelson, Ph.D., Professor of Environmental Medicine, New York University School of Medicine (Chairperson);

Alice S. Whittemore, Ph.D., Adjunct Professor of Family, Community and Preventive Medicine, Stanford University.

Three members retired from the Board during the fiscal year. They were:

- Joseph C. Dunbar, Ph.D., Associate Professor of Physiology, Wayne State University School of Medicine;
- Curtis Harper, Ph.D., Associate Professor of Pharmacology, University of North Carolina School of Medicine;
- Thomas H. Shephard, M.D., Professor of Pediatrics and Head of Central Laboratory for Human Embryology, University of Washington School of Medicine.

Replacements have been chosen and their nominations have been submitted to the Secretary for approval.

The Board of Scientific Counselors held three open meetings during FY 1981. These meetings are summarized as follows:

October 16–17, 1980 Meeting, Bethesda, MD

Further changes in the NTP chemical nomination and selection process were discussed and approved. These included the solicitation of public advice and the role of the Board as a public advisory group. A Board working group was formed to study and make recommendations to NTP on appropriate hazard statements based on toxicology test results. There was discussion of proposed changes in experimental design for tests and statistical analyses of carcinogenesis bioassays. Pathology quality assessment procedures were reviewed. Toxicology testing and test development activities were reviewed, as were activities in cellular and genetic toxicology testing and test methods development.

January 15–16, 1981 Meeting, Research Triangle Park, NC

A progress report was given on the implementation of changes in the chemical nomination and selection process. A Board working group presented recommendations that NTP adopt definitions, with modification, used by the International Agency for Research on Cancer (IARC) for categorizing animal bioassay results as to strength of evidence for carcinogenicity in experimental animals. The report on the review of the toxicology data management system (TDMS) was presented by a team of three experts to the Board and NTP staff. Their recommendation was to use TDMS for meeting the automated data processing needs of the animal bioassay programs. The NTP Animal Bioassay Program received concept review and approval by the Board. All new contracts and interagency agreements proposed by NIH/NTP are reviewed for concept by the Board. This review precedes technical review and focuses on the feasibility and appropriateness of a proposed concept. Six contract initiatives dealing with test development and validation in cellular and genetic toxicology were reviewed for concept by the Board; five were approved. Three concept proposals in reproductive and developmental toxicology were reviewed and approved by the Board.

May 27–28, 1981 Meeting, Research Triangle Park, NC

The Board peer reviewed NIH/NTP programs in chemical disposition and immunotoxicology. A status report was given on the NTP interagency benzidine congener and derived dye initiative. An overview was given of current NIH/NTP programs, staffing, available or projected resources, and ongoing or projected initiatives in the major areas of mutagenesis, *in vivo* carcinogenesis, toxicologic characterization, and reproductive assessment and development toxicology. Three contract initiatives were reviewed and approved for concept. Further discussions were held on the issue of categorizing animal bioassay results as to strength of evidence for carcinogenicity. The Board peer reviewed 17 nominated chemicals and made recommendations on testing of these chemicals. The recommendations were to be incorporated in the executive summaries for these chemicals and sent to the Executive Committee for action.

Peer Review: Peer review of NTP projects is a multi-level process involving review of project concepts, project proposals, and completed technical bioassay reports. Internally, the NTP Steering Committee (see Coordination and Communication Section, pp. 25 to 26) performs an initial review of the NIH/NTP research and testing proposals to determine if the proposals should be developed further.

The Board of Scientific Counselors performs external concept peer review for the Program; and it reviews all NTP proposals to be carried out by contract to determine their relevance, need, and priority.

Once grant applications or contract proposals for projects are submitted to the NIH/NTP, they are evaluated for scientific merit by the Environmental Health Sciences Review Committee (ESRC). The ESRC, which was established recently as part of the NIH-wide peer review process, is composed of 21 members selected from authorities in such fields as pharmacology, toxicology, pathology, biochemistry, mutagenesis, and clinical disciplines.

When projects are completed and technical bioassay reports on the results are prepared, the Technical Reports Review Subcommittee of the Board of Scientific Counselors, supplemented by an *ad hoc* panel of expert reviewers, evaluates the reports for technical and scientific merit. Through this extensive review, the NTP is assured that its program efforts are of high quality and relevance. During FY 1981, the Subcommittee and panel met in open session in October, February and June and completed peer review on 23 carcinogenesis or toxicology and carcinogenesis bioassay reports from the NTP bioassay program. (See Table 9 in Carcinogenesis Testing Section, pp. 82 to 87.) The first meeting of this peer review group in FY 1982 will be on December 16, 1981, in Bethesda, Maryland at which time six technical reports of bioassays will be evaluated.

The members of the Subcommittee and panel of experts during FY 1981 were as follows:

Subcommittee Members

- Dr. Margaret Hitchcock (Chairperson)
- Dr. Curtis Harper
- Dr. Thomas Shepard
- Dr. Alice Whittemore

Panel Members

- Dr. Norma Breslow, Professor of Biostatistics, School of Biostatistics, University of Washington;
- Dr. Joseph H. Highland, Environmental Defense Fund;
- Dr. Charles Irving, Veterans Administration Hospital, Memphis;
- Dr. Frank Mirer, Assistant Director, Social Security Department, International Union, United Auto Workers;
- Dr. Sheldon D. Murphy, Professor of Toxicology, Department of Pharmacology, Medical School at Houston, University of Texas;
- Dr. Svend Neilsen, Professor of Pathology, College of Agriculture and Natural Resources, The University of Connecticut;
- Dr. Bernard A. Schwetz, Director, Toxicology Research Laboratory, Dow Chemical Company;
- Dr. Roy Shore, New York University Medical Center;
- Dr. James Swenberg, Chief of Pathology, Chemical Industry Institute of Toxicology;
- Dr. Gary M. Williams, Chief, Division of Experimental Pathology, Naylor Dana Institute for Disease Prevention, American Health Foundation.

Operations Management System—The Secretary, DHHS, established this management tracking system in FY 1980 for the purpose of holding DHHS agency and program heads accountable for specific, major operational achievements. The Operations Management System (OMS) monitors progress and effectiveness of selected program initiatives by measuring actual monthly and quarterly achievements against projected goals set at the beginning of the fiscal year. The carcinogenesis bioassay and mutagenesis testing programs of the NTP, as well as the development of the Annual Report on Carcinogens, continued to be monitored in FY 1981.

In FY 1982, the NTP proposes to divide its current OMS carcinogenesis testing initiative into two distinct categories: general toxicologic characterization and two-year bioassays, since these more accurately reflect current testing. NTP also proposes to initiate tracking of appropriate programs in methods development and validation.

In addition to regular and continuing oversight and review of the NTP, there were special Departmental and Congressional reviews of the Program in FY 1981:

DHHS Management Review—Because the NTP represents a new way of coordinating research throughout the Department, the Secretary asked that the Office of Management and Budget (OMB), DHHS, conduct a review of the Program in 1981. The OMB study team found indications of initial success by the NTP in moving toward each of its goals. Specifically, the study team reported progress in expanding the number of tests, especially in the short-term testing area; in broadening the scope of the tests, particularly in the long-term test area; and developing agreement on protocol design. The study team also indicated that the long-term nature of the goals of the Program, and the newness of the NTP, made it impossible to evaluate definitively the NTP on the basis of end results achieved during the short period of its existence.

For this reason, the MB study team turned to an identification and assessment of process goals to gauge the potential of the present organization to meet its mission. The study team selected three broad process goals to assess the performance of the NTP: consensus building, guidance issuance, and operational responsiveness. In terms of tangible end results, the study team found that the special set of organizational arrangements known as the NTP has resulted in progress being made in the management of toxicologic activities. Three indicators of this progress are: (1) development by NTP of a list of chemicals that have been reviewed thoroughly and selected for testing, (2) prevention of unnecessary duplicative testing of chemicals by DHHS and other governmental agencies through the interaction encouraged by the NTP, and (3) establishment of a single organization within DHHS to serve as the repository for chemical testing information, as well as a source of consultation on issues relating to chemical toxicology.

Based on its findings, the MB study team recommended that NTP be established as the permanent mechanism for coordinating DHHS toxicologic research and testing. The study team expressed its belief that, because some form of coordinative mechanism must be used, the NTP offers the highest probability for success because of the experience it has gained and the relationships it has developed.

Congressional Oversight Hearings: On July 15, 1981, the House Committee on Science and Technology, Subcommittee on Investigations and Oversight (chaired by Rep. Albert Gore, D–TN) held the first oversight hearings on the NTP to evaluate the progress made during its first three years. The hearings were preceded by an extensive fact findings exercise by the Subcommittee staff and the General Accounting Office. The Subcommittee focused on the following questions:

1. How effective has the organization of the National Toxicology Program been in bringing together the far-flung testing functions of the government?

2. How successful has the Program been in identifying critical problems of research design in toxicology that have inhibited the usefulness of toxicology for regulatory purposes?

3. What is the record of the Program in turning toxicology away from routine, and perhaps over-simplified bioassays

to more sophisticated and perhaps more predictive tests?

4. To what extent can the experience of the National Toxicology Program be used as a model for other Federal scientific programs, and particularly for the diverse basic research toxicology programs in other agencies of government?

5. Can we depend in the future on the National Toxicology Program to do more of the scientific work necessary before regulatory programs go forward?

6. To what extent should government toxicology programs like the NTP be used as a supplement, rather than a substitute, for the private testing that is required under a number of Federal regulatory statutes?

Testimony was given by Dr. Gilbert S. Omenn, University of Washington; Dr. Edward O. Brandt, Assistant Secretary for Health, DHHS; Dr. David P. Rall, Director, National Toxicology Program, and Director, National Institute of Environmental Health Sciencies; Dr. Vincent T. DeVita, Jr., Director, National Cancer Institute; Dr. Ronald W. Hart, Director, National Center for Toxicological Research; and Dr. J. Donald Millar, Director, National Institute for Occupational Safety and Health. Following the testimony and questioning by members of the Subcommittee, the Subcommittee commended the DHHS and the NTP for progress to date.

Coordination and Communication

Communication to Program activities and results of chemical testing and test development efforts, and coordination of related scientific programs among different agencies represent two key elements essential to Program success.

NTP Annual Plan—Central to both elements is the development and approval of the *Annual Plan* to which the DHHS member agencies (NIH, NCTR and NIOSH) contribute. The *Annual Plan* is the principal instrument for describing the coordination of toxicology research, test development and chemical testing among the relevant health research and regulatory agencies. This annual document represents NTP's strategy for testing, test methods development and validation, and contains an annual report detailing the NTP's accomplishments in the preceding year. The *Annual Plan* is distributed widely and is also published in the Federal Register. Published separately is the *Review of Current DHHS, DOE and EPA Research Related to Toxicology.* To foster greater awareness regarding toxicology research both inside and outside of the government, it is hoped that information about chemical toxicology activities in other Federal agencies will be included in future volumes. The *NTP Technical Bulletin,* published three to four times a year, serves as the Program's major vehicle for more frequent communication of NTP's past, current, and upcoming activities.

Annual Open Meeting—The NTP Annual Open Meeting is one of the ways NTP gives the public the opportunity to provide comment on and receive information about the Program. Specifically, the Open Meeting (1) gives the NTP staff a public forum to provide information on current and planned research, test development and testing activities, (2) allows public comment on these activities and on the *Annual Plan,* and (3) encourages nominations of chemicals for testing.

The third annual Open Meeting was held in San Diego, California in conjunction with the annual Society of Toxicology meeting on March 1, 1981. The change in site from previous meetings was aimed at reaching a larger segment of the national toxicology community, an objective which was realized. Dr. John Moore, NTP Deputy Director, gave a detailed overview of the background, objectives and components of the NTP. Dr. Raymond Tennant, Program Leader for Cellular and Genetic Toxicology, described the activities in cellular and genetic toxicology of the NIH component including short-term testing and test development and validation. Dr. Carole Kimmel, NTP Acting Program Leader for Reproductive and Developmental Toxicology, described the coordinated research, testing and test development activities in reproductive and developmental toxicology at NTP components in NCTR, NIEHS and NIOSH.

Interagency Coordination—Benzidine-Based Dyes—A good illustration of NTP's success in integrating efforts related to toxicologic research and testing and in expanding the test protocols is the NTP special initiative on benzidine and benzidine congener dyes. Prior to the creation of NTP, research was ongoing on this class of dyes. Prior to the creation of NTP, research was ongoing on this class of dyes at NCI, NCTR, and NIOSH. Following the NTP establishment, the results from the NCI 90-day studies on three benzidine-based dyes were reported at an Executive Committee meeting where they stimulated interest by the participating research and regulatory agencies in these classes of dyes. As a result, the NTP held a science-policy briefing for its members on the benzidine dyes in June 1980, during which the state of knowledge and the regulatory agencies' data needs were summarized. Afterwards, CPSC, EPA, and OSHA jointly submitted a test proposal to the NTP Executive Committee; and scientists from CPSC, EPA, NCTR, NIOSH, NCI, NIEHS, NTP, and OSHA joined together to develop a special testing initiative involving integrated testing of benzidine, two benzidine congeners, and 13 benzidine- and congener-based dyes for mutagenicity, carcinogenicity, and chemical disposition. (Table 1). This testing is expected to provide results that may be applicable to other dyes in the benzidine and benzidine congener classes. Industry, through the Dyes Environmental Toxicology Organization (DETO), cooperates in this effort. (Contact Person: Dr. J. Mennear, NIEHS)

Interagency Coordination—Phthalates—The NTP and the Interagency Regulatory Liaison Group (IRLG*) sponsored a joint conference in FY 1981 on phthalates to survey available information with respect to uses, exposure, potential substitutes, and known health effects; to identify ongoing studies; and to assess additional testing needs. The Chemical Manufacturers Association (CMA) was a participating member of the conference's organizing committee. At the three-day conference, attended by approximately 500 participants from private and public sectors, the NTP was asked to serve as a central clearinghouse for data generated through the ongoing studies and to coordinate future testing efforts. The NTP has developed a testing initiative on the phthalate esters. The Program will exchange information with the CMA on its testing protocols to ensure that the separate testing programs of the NTP and CMA are complementary, rather than overlapping. (Contact Person: Dr. W. Kluwe, NIEHS)

Thus, with the benzidine and phthalate initiatives, the NTP is developing into an active center for information exchange and collaboration for those groups concerned with current problems of chemical toxicology.

Interagency Liaison—The NTP continues liaison with foreign agency counterparts. For instance, contacts have been established with the World Health Organization's International Program on Chemical Safety, with the International Agency for Research on Cancer, with the International Registry

*The IRLG consists of representatives from EPA, CPSC, FDA, OSHA, and the U.S. Department's of Agriculture Federal Safety Inspection Service (FSIS).

of Potentially Toxic Chemicals, and others.

NTP staff also participate in interagency liaison groups, including the DHHS Committee to Coordinate Environmental and Related Programs, the Task Force on Environmental Cancer and Heart and Lung Disease, and the Interagency Collaborative Group on Carcinogenesis.

NTP Steering Committee—The Steering Committee was formed in July 1980 to increase coordination and information exchange and promote interagency working relationships within the Program. Composed of the NTP director and the operating heads of the DHHS agencies (NIEHS/NIH, NCTR/FDA and NIOSH/CDC), along with key support staff, the Committee meets approximately bimonthly. The group plans agendas for upcoming NTP meetings, reviews ongoing programs and projects as well as proposed programs, resolves interagency problems, and makes agency allocations for chemicals approved for testing by the Executive Committee.

Science Seminar—A two-day seminar aimed at enhancing coordination of scientific programs within the NTP was held at NIEHS in late FY 1981. Scientific and administrative staff from the three DHHS agencies, CDC, FDA, NCI, OSHA and NLM participated.

Organization

The NTP is a confederacy of independent agencies within the Public Health Service which are linked by common goals. These goals are to strengthen the science base in chemical toxicology, develop and validate new or improved toxicological test methods, and evaluate substances or classes of substances that might pose threats to the public health, while eliminating or at least minimizing duplication of effort.

As the NTP has developed as a program, essentially two components have emerged. The first is the NIH component, which represents the majority of the NTP budget. This commitment to central NTP control is reflected in the NIH transfer of the cancer carcinogenesis testing program from NCI to NIEHS, formalizing this direct management. The CDC and FDA components have developed into much more loosely coordinated programs. Both agencies have fully participated in overall NTP activities. However, CDC and FDA coordination has been accomplished through key agency staff, not by central NTP management.

Since its establishment in 1978, the NTP has made significant progress in integrating the DHHS activities in toxicology research and testing and in developing stronger links between toxicology research and the needs of the regulatory agencies. The formation of the NTP Steering Committee (see Coordination and Communication section, pp. 25 to 26) in FY 1980 has helped to strengthen coordination and promote interagency working relationships within the Program.

The program segments of the NTP can be grouped broadly into two categories—toxicologic research and testing, and coordinative management activities.

Toxicologic Research and Testing—These activities include research, test methods development, and testing of chemicals, ranging from the design of experiments to evaluation of the data and writing the reports or manuscripts. Program areas include cellular and genetic toxicology, carcinogenesis, toxicologic characterization, chemical disposition, cutaneous toxicology, immunological toxicology, neurobehavioral toxicology, pulmonary toxicology, and reproductive and developmental toxicology.

Coordinative Management—The NTP coordinative management activities facilitate and support the research and testing activities and provide information on program plans and progress. They include chemical nomination and selection, chemical test management, collaborative services, planning and coordination, quality assurance-good laboratory practices, chemical and pathology repositories, data management and analysis, laboratory animal medicine and quality control, laboratory health and safety, and information generation and dissemination. Through these activities the NTP ensures a coordinated communications network to collect, evaluate, and disseminate toxicologic information concerning data compilation, test results, methods development and validation, and other NTP activities.

Program Leaders—Within the agencies, individual NTP professional staff members are identified as leaders of the major scientific and program support segments, and serve as the focus or contact persons for their particular program activities. In the following sections of the *Annual Plan*, program leaders or project officers are identified for individuals or groups of scientific or coordinative management activities. A listing of NTP professional staff along with their agency addresses and phone numbers is given in Appendix A.

Consolidation of the NIH Components—In July 1981, the transfer of the carcinogenesis bioassay program from the NCI to the NIEHS was approved by the Secretary, DHHS, completing the process which had begun with assumption by NIEHS in FY 1980 of administrative responsibilities for the activities of the bioassay program. The Toxicology Research and Testing Program (TRTP) headed by the NTP Deputy Director Dr. J. A. Moore, combines under NIEHS management the chemical toxicity testing efforts transferred from NCI with NIEHS testing and test development activities. The TRTP is responsible for all NIH/NTP operations and is composed of six branches: Program Operations, Program Resources, Carcinogenesis and Toxicology Evaluation, Systemic Toxicology, Cellular and Genetic Toxicology, and Chemical Pathology. The heads of these branches along with the head ofthe Data Management and Analysis group (from the NIEHS Biometry and Risk Assessment Program) form the core membership of the NIH/NTP Implementation Committee. The Committee was established originally to ensure coordination and communcation among the NIH components. This committee, which meets at least monthly, is responsible for planning and implementation of NIH/NTP activities.

Toxicology Research and Testing Overview

Toxicology research and testing activities within the NTP are broadly encompassed by four major program areas: Mutagenesis (cellular and genetic toxicology); carcinogenesis; toxicologic characterization; and fertility and reproduction (reproductive and developmental toxicology). Through increasing coordination and integration of the activities of the member agencies (NIH, NCTR, NIOSH), the NTP is developing the capabilities in toxicologic research and testing necessary not only to improve testing of chemicals by means of a comprehensive approach to evaluating chemical toxicity, but also to put greater emphasis on development and validation of new assay methods, as well as on providing better information for risk estimation.

Testing under the NTP's toxicologic research and testing activities has been expanded to include a more comprehensive approach involving mutagenesis, chemical disposition, immunotoxicology, clinical chemistry and urinalysis, and reproductive and developmental toxicology screening, in addition to the prechronic and long-term carcinogenesis bioassays. Chemicals no longer are tested only for their carcinogenic potential, but also for other toxicologic effects such as damage to

genes and chromosomes and to critical targets such as the lungs, liver, and immune and nervous systems. These composite toxicologic data are then used to better design the long-term studies or to conclude that further studies may not be necessary. This has resulted in major improvements in the government testing efforts, related mainly to the fact that a more complete toxicologic potential of chemicals now may be studied. This should lead to better dose-effect extrapolation from laboratory animals to humans and make test results more applicable to human exposures. This integrated approach to testing permits the most effective use of the government's testing resources.

The NTP's most significant long-term objective is the development and validation of better, more specific test methodologies. In the development of new short-term test systems, the NTP wants to ensure that the test is adequately sensitive, minimizes false positives and false negatives, can be standardized, and produces results that are reproducible from laboratory to laboratory and that are more meaningful in terms of human health. Priority areas are determined by research that has identified "new" means by which chemicals may exert a toxic effect or where current tests are inadequate, or predict innovative approaches which may supplement existing methods and provide toxicologic results in a faster or more definitive manner. With regard to new test methods, NTP started a major initiative in FY 1981 developing short-term prescreens for teratogenesis and completed validation of the neurobehavioral test battery. NTP expects to complete validation of fertility and reproductive assessment assays in about two years. It has begun an interlaboratory testing study of the immunotoxicology battery of tests. Major emphasis in cellular and genetic toxicology has been placed on development and validation of both *in vitro* and *in vivo* systems for measuring somatic mutations and cellular transformation, and for measuring heritable mutations.

Although the Program's emphasis is changing, major resources are still focused on chemical testing primarily reflecting the relatively high costs of the two-year animal bioassay. However, dollar outlays for testing have increased only slightly from FY 1980 to 1982, while funding for test methods development and validation has increased about 16% over this same time period (Figure 2). Figure 3 depicts the costs in FY 1981 for testing, methods development and test validation for the four major program areas. The continuing large numbers of dollars for testing reflect, in large part, the "one year" costs for bioassay starts initiated prior to NTP involvement. This investment will gradually scale down starting in FY 1983 with fewer bioassay starts and more funds being devoted to tests as alternatives to the bioassay. Beginning in FY 1982, NTP will keep the level of bioassay starts at 20 to 25 per year including model or class compounds, such as benzidine. Thus, because a full testing profile takes nearly five years, 100 to 125 chemicals would be in various testing phases at any one time.

The major research and testing initiatives for FY 1981 and FY 1982 are briefly summarized below (descriptions of specific program activities are detailed starting on p. 35).

Mutagenesis—Test starts in the short-term genetic toxicology screen using the *Salmonella typhimurium* assay are stabilized now at a level of about 300 tests per year, which in FY 1982 an average level of 50 chemical starts per year each will be reached in cultured mammalian cells and in the *Drosophila melanogaster* system. There was also a marked increase in cellular and genetic toxicology methods development and validation in FY 1981. This emphasis, which will continue in FY 1982, is placed on short-term tests for mutagenicity and aneuploidy in microbial systems and yeasts, as well as on tests for mutagenicity, cytogenetic damage, and transformation in mammalian cells. Evaluation of *in vivo* tests for heritable genetic effects in mice, the heritable translocation assay, and the morphological specific locus test, will begin or continue in FY 1982. Research on the mechanisms of DNA damage and repair is being pursued in FYs 1981–1982.

Carcinogenesis—During FY 1981, 23 bioassays were completed and the reports on the findings approved after peer review by the Board of Scientific Counselors. There will be 19 new chemical starts in FY 1982. The two-year carcinogenesis bioassay is still the standard and most definitive method for detecting chemical carcinogens in animals. The major thrust beginning in FY 1980 and continuing thereafter has been to broaden and improve the protocols for the prechronic phases to provide information on toxic endpoints other than cancer. All bioassay starts begun in FY 1981 had an expanded design including one or more special studies. There were a number of long-term carcinogenesis studies, not formally part of the bioassay program, initiated or in progress in FY 1981 which were concerned with chemicals or mixtures of chemicals especially encountered by humans in occupational settings. Validation of the mouse lung adenoma test system will be completed in FY 1982.

Toxicologic Characterization—Major testing initiatives are acute, 14-day, and 90-day experiments with chemicals originally nominated and selected to evaluate carcinogenic potential in experimental animals. Continuing emphasis is on improving the test protocols to give information on a variety of toxic endpoints as well as enable better experimental designs of chronic bioassays. The completion of the 90-day study has been made a major decision point in the NTP. Another principal area of activity is the development and validation of methodology for the toxicologic characterization of the renal, immune, neurobehavioral and pulmonary systems. Validation of a comprehensive neurobehavioral test battery was completed in FY 1981. The immunological toxicology program continued to focus on refining and validating a panel of immunology and host resistance procedures to define immunotoxicity of chemicals and correlate changes in immune function with alterations in host resistance. The pulmonary toxicology effort continues to assess the value of pulmonary function indices as a complement to standard pathologic evaluation of lung injury.

Fertility and Reproduction—Primary emphasis has been on developing short-term tests in both reproductive toxicology and teratology, including both *in vitro* and *in vivo* teratologic test systems and continuous breeding assay for fertility assessment. A collaborative interlaboratory behavioral teratology study continues in FY 1982. In FY 1981, testing by standard teratologic methods was completed on six chemicals and was in progress on nine other chemicals. Studies on 10 to 12 additional chemicals will be initiated in FY 1982.

Cellular and Genetic Toxicology

The aims of NTP cellular and genetic toxicology efforts are to provide an integrated testing and research program using short-term test systems to evaluate the genetic activity of selected chemicals. The program is also aimed at understanding mechanisms of cellular and genetic toxicity to provide a basis for further tests system development and interpretation of test results. Emphasis is presently placed on short-term tests that measure mutagenicity and aneuploidy in microbial cells, as well as mutagenicity, cytogenetic

damage, and transformation in mammalian cells. Test data are used to set priorities for further testing and in the design and interpretation of long-term animal carcinogenicity, mutagenicity and toxicity studies.

Goals of the short-term test effort are to establish a scheme of short-term testing that can be used to predict chemical carcinogenicity and mutagenicity and thereby reduce the need for *in vivo* assays and to assist in setting testing priorities for long-term bioassays. For short-term test results to be predictive several criteria must be fulfilled. These criteria include a knowledge of both the reproducibility of individual test results and the relationship of the endpoint measured to carcinogenicity, mutagenicity or other toxic effects *in vivo*. The application of a battery of complementary tests which meet these criteria should ultimately result in an effective system for screening chemicals. An important part of the program is to produce sufficient short-term test data, particularly across speciess and chemical classes, to relate short-term test results to known carcinogenicity in animals. Even with the appropriate use of available test systems, some potential carcinogens (or co-carcinogens) may not be identified, particularly those which do not induce damage leading to observable gene mutations or chromosomal changes. It is, therefore, important to develop new assays capable of detecting those carcinogens not identified by assays currently in use and to remain responsive to basic research developments with potential application.

Mutation studies can be divided into two categories: measurement of mutation in somatic cells and measurement in germinal (gonadal) cells. The major difference between the two is that mutations arising in germinal cells can be transmitted via the sperm or ova to the next generation, while somatic mutations can only be expressed in the exposed individual. Mutagenicity testing systems can be designed to measure either somatic or germinal mutations. *In vitro* test systems are considered relevant for somatic mutation because they measure mutagenicity in mitotically dividing cells. However the information gained from tests using *in vitro* systems has implications for heritable mutation risk determination because a chemical that is mutagenic *in vitro* has the potential to be mutagenic in gonadal cells *in vivo*. Other assay systems have been designed to strictly measure induction of heritable mutations *in vivo*.

The major portion of the programs concerned with test development, validation, and screening of chemicals are performed through extramural contracts and interagency agreements. Research efforts into basic mechanisms, new test systems and data management and analysis activities are usually performed intramurally.

FY 1981 Accomplishments

Somatic Mutation and Cellular Transformation

• *In vitro* Microbial and Fungal Test Systems

Salmonella/Microsome Test System I—The primary goals of this project are to evaluate and validate microbial mutagenicity assays for their reproducibility and predictive value in assessing the carcinogenic potential of chemicals through cooperative studies in four laboratories. Coded chemicals have been systematically tested using a standardized protocol consisting of five strains of *Salmonella typhimurium* (TA1535, TA1537, TA1538, TA98, and TA100) in the presence and absence of metabolic activation. The 9000 x g (S–9) preparations used for metabolic activation were derived from the livers of non-induced and Aroclor 1254-induced mice, rats, and hamsters. Testing has been completed on approximately 130 coded compounds (some coded compounds being the same chemical under different codes). Of these, approximately 90 have been decoded. Partial results have shown excellent qualitative agreement with results reported in the literature. The few exceptions seem to be chemicals whose mutagenic dose, as reported in the literature, was above the maximum dose specified in the standard protocol. The assay has been found to be reproducible within a laboratory as indicated by responses for chemicals tested at different times under the same code. A good qualitative correlation among the four participating laboratories has also been observed. (Contact Person: Dr. E. Zeiger, NIEHS)

Salmonella/Microsome Test System II—Interim results from study I contributed to the design of the test protocols in study II. The purpose of this project is to test a total of 1125 samples for mutagenicity in *Salmonella* strains TA98, TA100, TA1535 and TA1537 using a preincubation modification of the *Salmonella* assay. All chemicals are incubated with the tester strains in suspension prior to the addition of soft agar and plating for detection of induced mutants. Exogenous metabolic activation is provided by liver S–9 preparations from Aroclor 1254-induced rats and hamsters. Coded chemicals are tested at five doses, in triplicate, in each strain, and are retested at least one week later. Results were received in FY 1981 on 264 test samples, representing 199 different chemicals (Table 2). It was anticipated that a total of approximately 300 tests would be completed and the results made available by the end of the fiscal year and that 300 samples will be tested per year in future years. Based upon results from these tests, chemicals may be selected for further testing in *Drosophila melanogaster* (mutagenicity and aneuploidy), mammalian cells (cystogenetics, transformation) and other toxicity tests. (Contact Person: Dr. E. Zeiger, HIEHS)

Development of New Tester Strains of Neurospora and Salmonella—A major activity addresses the improvement of short-term mutagenesis assay systems. New tester strains (N23 uvs-2 and N24 uvs-2) for the adenine-3 reverse mutation assay system of *Neurospora crassa* have been constructed by incorporation of a uv-sensitive genetic marker. For the arabinose resistant forward mutation assay system of *Salmonella typhimurium*, a new strain, SV–50, contains a R factor plasmid. Comparative dose response mutagenesis studies have shown that the new tester strains are more sensitive to mutation induction by chemicals than the original tester strains. Therefore, these new tester strains, especially SV–50 of *Salmonella typhimurium*, could be extremely useful for the detection of the mutagenic activity of industrial chemicals and environmental mixtures. It was also found that the bacterial fluctuation test is a very sensitive mutagenesis assay system for several industrial chemicals and mixtures. An *in vitro* mutagenesis testing contract was awarded during FY 1981. (Contact Person: Dr. T. Ong, NIOSH)

Salmonella—Research and Development Studies—An intramural research program with *Salmonella typhirmurium* has been directed toward three major efforts:

1. Characterization of the *Salmonella* mutagenicity tests in order to better understand the kinetics and dynamics of the *in vitro* metabolic activation systems used in the tests and to improve the methodology. A simple scheme has been developed which will permit the rapid confirmation of genetic markers in microbial strains at the time of each test. Also, in collaboration with the Biometry and Risk Assessment Program, NIEHS, a statistical method has been developed for evaluation of *Salmonella* plate test data. Two studies on metabolic activation systems have just been

completed. The first demonstrates that the *Salmonella* plate test can be used to identify the specific cytochromes responsible for activation of certain chemicals and that this mutagenicity test can be a useful adjunct for *in vitro* chemical metabolism studies. The second study has demonstrated the ability of prostaglandin synthetase, a non-cytochrome-dependent metabolic activation system present in many body tissues, to metabolize polycyclic aromatic hydrocarbon derivatives to mutagenic products.

2. Performance of mutagenicity tests on chemicals of interest in order to elucidate structure-activity relationships as they relate to the mutagenicity of the chemicals and to their carcinogenicity. The mutagenicity of a series of dimethylaminoazobenzene (butter yellow) derivatives has been examined and these results will be related to the chemical structures and the carcinogenic activity of the chemicals, where known. Also a series of the metabolites of the flame retardant tris(1,3-dibromo-2-propyl) phosphate (Tris-BP) have been tested in an attempt to identify the ultimate mutagen(s). This study showed that none of the metabolites studied was the ultimate mutagen but the relative mutagenic activity of these compounds and structurally related chemicals pointed to the dibromopropyl side chain moiety as the ultimate mutagen.

3. Development and characterization of an intrasanguinous host mediated assay protocol which will allow the detection of mutagenic metabolites formed *in vivo* in specific organs of the mouse or rat. A procedure has been developed which allows the injected *Salmonella* cells to colonize and proliferate in the organs of interest (liver, lungs, kidneys, testes). (Contact Person: Dr. E. Zeiger, NIEHS)

• *In Vitro* Mammalian Test Systems

In Vitro Cytogenetics—Mammalian cells in culture allow the detection of chromosomal aberrations and sister chromatid exchanges which are endpoints not detectable with bacterial cells. A protocol has been standardized for the simultaneous detection of chromosome aberrations and sister chromatid exchanges in cultured Chinese hamster ovary (CHO) cells. In the presence and absence of a rat liver S-9 activation system, a total of approximately 200 chemicals will be tested in two laboratories over the four-year duration of the study. The results for the first thirteen chemicals are presented in Table 3. (Contact Person: Dr. E. Zeiger, NIEHS)

In Vitro Mammalian Cell Mutagenesis—The purpose of this study is to evaluate the reproducibility and usefulness of L5178Y mouse lymphoma cells (TK+/−) as an *in vitro* mutagenesis assay system. The project is being run as a collaborative study between two laboratories and has proceeded in two phases; the first phase was concerned with protocol standardization and the second phase with the validation of the protocol using coded chemicals. Results on 23 of these chemicals are shown in Table 4. (Contact Person: Dr. W. Caspary, NIEHS)

In Vitro Transformation—This project was designed to develop, standardize and evaluate a protocol for performing *in vitro* transformation assays with the BALB/c-3T3 cell line. This assay is used to measure the ability of chemical agents to induce alterations in a population of cells (derived from mouse embryo fibroblasts) from a pattern of controlled monolayer growth to one exhibiting clonal foci of disoriented cells against a background monolayer. Addition of mouse liver S-9 fractions and other methods of exogenous metabolic activation are being evaluated. The testing and evaluation of 70 coded samples are presently underway. (Contact Person: Dr. W. Caspary, NIEHS)

• Speical Applications—*In Vitro* Microbial and Mammalian Testing

Mutagens Formed from the Cooking of Food—The objectives of this study are: (1) to determine the nature and mechanism of formation of mutagens that arise during the routine cooking of foods and devise strategies to prevent or limit their formation; (2) to indentify and confirm the chemical structure of the mutagens formed; (3) to assess the spectrum of genetic toxicity of the mutagens, both purified and as they occur in the food, using short-term microbial and mammalian bioassays; and (4) to estimate the risk to the human population posed by the ingestion of these mutagens in the diet. To date, this study has determined the kinetics of mutagen formation during the grilling of hamburger and boiling of beef stock. Procedures for the extraction of hamburger mutagens have been greatly improved, and the sensitivity of the various *Salmonella* strains and *in vitro* metabolic activation systems for the detection of hamburger mutagens have been characterized. Known pure food mutagens have been, or are being synthesized, and studies are underway to determine whether the mutagenicity of hamburger and boiled beef extract can be accounted for by these chemicals or whether additional mutagenic substances are also present. Other cooked proteinaceous foods are being examined for mutagenicity. (Contact Person: Dr. E. Zeiger, NIEHS)

Mutagenic Monitoring for Coal Conversion Workers—A contract concerned with mutagenic monitoring for coal conversion workers was awarded. The experimental protocol calls for analysis of the urine for mutagenic activity using the *Salmonella* assay, and measurements of sister chromatid exchange and chromosome aberrations in lymphocytes from the workers and a matched control population. In addition, samples of ambient air particulates will be collected and analyzed for mutagenicity. The study will commence in FY 1982 and be completed in FY 1984. (Contact Person: Dr. T. Ong, NIOSH)

Germ Cell Mutation

• Heritable Effects—Nonmammalian Assays

Drosophila Mutagenesis—The *Drosophila* mutagenesis effort centers on testing chemicals for heritable effects. The induction of sex-linked recessive lethal (SLRL) mutations is determined from male flies treated by feeding the test chemical. If no induced mutants are detected, the chemical is retested by injection. A chemical positive in the sex-linked recessive lethal test is also tested for its ability to induce reciprocal translocations; a chemical giving a negative result is not tested in the translocation test.

Three contract laboratories capable of studing a total of 210 coded samples (70/laboratory) are participating in this four-year effort. Validation activities whereby randomly selected coded chemicals are tested in more than one laboratory are superimposed on the testing sequence. Results of chemicals tested are presented in Table 5. (Contact Person: Dr. J. Mason, NIEHS)

Aneuploidy Assays—Assays for the detection of chemically induced aneuploidy, a genetic event not identified by other mutagenesis test systems, will be developed for large-scale testing programs. Aneuploidy assays would, when used in addition to other short-term tests, allow a more comprehensive evaluation of the spectrum of genetic damage induced by a chemical. Use of insect *(Drosophila)* and yeast *Saccharomyces)* systems will allow interspecies comparisons as well as tests for aneuploidy in both mitotic and meiotic (germinal) cells. The three (one *Drosophila,* two yeast) contracts are primarily developmental in this

initial year. (Contact Person: Drs. M. Resnick and J. Mason, NIEHS)

• Heritable Effects—Mammalian Assays

Mouse Morphological Specific Locus Study—A major health concern arising from human exposure to mutagenic chemicals is the induction of mutations in germ cells and the subsequent transmission of such mutations to future generations. The risk of such health effects must presently be approached through whole-mammal assays since tests involving lower organisms or mammalian cells *in vitro* have the disadvantages of not addressing heritability of induced mutations, germ cell stage specificity, and special metabolic and physiological transport factors that might exist during the reproductive cell cycle.

The morphological specific-locus method is at present the most practical and reliable means available in mammals for detecting those genetic changes thought to be of greatest potential significance to the health of future human generations, namely, heritable point mutations. Work has been initiated to further investigate the chemical induction of heritable mutations in mouse germ cells. The two basic objectives of this project are: (1) to conduct an in-depth study of chemically induced mutation processes in mammalian germ cells using N-ethyl-N-nitro-sourea (ENU) as a model mutagen; and (2) to test five environmentally significant chemicals for mutagenicity. (Contact Person: Dr. M. Shelby, NIEHS)

Heritable Translocation Assay—The heritable translocation assay (HTA) is an *in vivo* test which measures a specific type of chromosome aberration that is known to contribute to the human disease burden. It can also be subjected to rigorous statistical scrutiny. The objectives of the HTA study are to develop a standardized protocol for performing HTA evaluations on NTP compounds, and, at the same time, identify critical factors which may be used to improve its precision. During FY 1981, a comparative evaluation of five mouse strains used in the HTA was completed. From this effort a standardized fertility test protocol was developed, and validation of the HTA was initiated with a positive control study using triethylenemelamine (TEM). A modified Meridith procedure for preparing mouse meiotic chromosomes, and a modified Triman *et al* technique for preparing mitotic chromosomes from stimulated mouse peripheral blood lymphocytes are being used in this study. The animal mis-classification error (false positive and/or negative error rates) was being evaluated. (Contact Person: Dr. J. Bishop, NCTR)

Collaborative Activities

Workshop on Statistical Analysis of In Vitro Tests for Mutagenicity—A workshop on analysis of *in vitro* mutagenicity data, organized through the Cellular and Genetic Toxicology Branch of the NIH/NTP, and the Office of the Associate Director for Genetics, National Institute of Environmental Health Sciences, was held April 21 and 22, 1981, in Chapel Hill, NC. A variety of statistical approaches to data analysis in three *in vitro* mutagenicity assays were presented and discussed. The assays were the *Salmonella*/Microsome assay, the Chinese Hamster Ovary Cell/HGPRT assay, and the Mouse Lymphoma L5178Y TK+/-locus assay. The workshop was attended by nearly 50 scientists from the United States and Europe and provided one of the first opportunity for equal numbers of statisticians and biologists to present and discuss in detail their test protocols, data, and methods of analysis. No consensus was reached on the most appropriate biological protocol or statistical method. However, the interest and cooperation demonstrated by the participants, together with the pressing need for consistent, objective methods of data interpretation, are certain to lead toward improved methodologies for evaluation of mutagenic effects based on *in vitro* test results. A report on the workshop for publication in the open literature is presently being written by a committee of statisticians and biologists. (Contact Person: Dr. M. Shelby, NIEHS)

Support Activities

Three resource activities exist which are utilized throughout cellular and genetic toxicology programs. They are:

Chemical Repository—The chemical repository purchases, analyzes, stores, and distributes all chemicals selected for testing. For a more complete description see the Chemical Repositories section, pp. 152 to 153.

Data Management—A computerized data base management system has been developed to assist in the collection, handling and storage of the data derived from mutagenicity tests. The Environmental Mutagenesis Information System (EMIS) was developed on PROPHET, a data-handling system developed and run for the NIH Division of Research Resources by Bolt, Beranek and Newman, Inc. Three *Salmonella* contract laboratories are collecting test data on laboratory-based data entry terminals. The data are then sent by telephone line to the main computer where it is arranged into a format that can be reviewed by NTP staff prior to its inclusion in the permanent data file. Procedures are being developed for handling and storage of *Drosophila* and cultured mammalian cell data. Data from some contracts are also being collected on the NCI-developed In Vitro Information System (IVIS). Data in this system will be transferred to EMIS as soon as practicable. The data stored in these systems can readily be recalled by NTP personnel, and statistical and graphic procedures can be added to the system as needed. (Contact Person: Mr. M. Rowley, NIEHS)

Environmental Mutagen Information Center—The Environmental Mutagen Information Center (EMIC) is a computerized information service located at the Oak Ridge National Laboratory that processes all published information on the genetic effects of environmental agents. Articles for inclusion in the EMIC data base are identified through the screening of large bibliographic data bases such as Chemical Abstracts and Biological Abstracts and by the manual screening of more than 40 journals which regularly publish articles on chemical mutagenesis and related topics. Copies of all articles are obtained prior to indexing and entry onto the master computer file. For each article, this file contains bibliographic information plus key terms on the assay system employed and the names and CAS registry numbers of chemicals studied. The data base presently contains approximately 35,000 articles. The EMIC file is available on-line through the Department of Energy-supported RECON system and through the National Library of Medicine's TOXLINE system as well as by direct queries to the Center. This specialized information center provides the National Toxicology Program with rapid and thorough access to the world's literature on chemical mutagenicity and short-term carcinogenicity testing. (Contact Person: Dr. J. Huff, NIEHS)

FY 1982 Program Plans

Somatic Mutation and Cellular Transformation

• *In Vitro* Microbial and Fungal Test Systems

Salmonella/Microsome Test System I—This cooperative study, aimed at evaluating and validating microbial mutagenicity assays for their reproducibility and predictive value in assessing carcinogenic potential of chemicals, will be completed in FY 1982. An overall evaluation will be compiled on intralaboratory variation, variation

among the four laboratories, comparison of activation systems, and comparison with *in vivo* and microbial test results. (Contact Person: Dr. E. Zeiger, NIEHS)

Salmonella/Microsome Test System II—It is estimated that 300 samples will be tested in FY 1982. Table 6 presents chemicals selected and available for testing. (Contact Person: Dr. E. Zeiger, NIEHS)

In Vitro Mutagenesis Monitoring Studies—The two main research efforts of this project in FY 1982 are: (1) evaluation of the body fluid mutagenic assay system and (2) validation of the *Salmonella* arabinose resistant assay system. Both systems have potential usefulness for mutagenic monitoring. Under the *in vitro* mutagenesis testing contract, 40 samples (industrial chemicals and/or complex mixtures) will be tested for mutagenicity with the *Salmonella*/microsome assay system. Fifteen of the 40 samples will be further tested with *Saccharomyces cerevisiae* (for gene conversion and mitotic recombination), Chinese hamster ovary cells (for sister chromatid exchange) and mouse lymphoma L5178Y cells (for gene mutation) assay systems. (Contact Person: Dr. T. Ong, NIOSH)

Salmonella—Research and Development Studies—

1. Studies will continue with prostaglandin synthetase to determine whether there are other classes of chemicals, besides polycylic aromatic hydrocarbons, which can be metabolized to mutagens by this enzyme system.

2. Studies will continue with the newly developed host mediated assay protocol using selected mutagens and carcinogens to evaluate the sensitivity of the system and whether or not organ-specific mutagenicity can be detected. (Contact Person: Dr. E. Zeiger, NIEHS)

Salmonella Mutagenesis under Anaerobic Conditions—The purpose of this effort is the development of *Salmonella* test protocols for detection of chemicals requiring metabolism under an anaerobic condition for expression of mutagenic activity. The standard protocols using *in vitro* metabolic activation for mutagenesis studies are based on the assumption that the substances to be tested require only aerobic metabolism for their activation. However, many substances such as azo-containing dyes may require a reductive step in their activation. Reductive metabolism can occur in the mammalian liver *in situ* and in the mammalian gut through the action of gut flora. Therefore, some chemicals which may be activated to mutagens *in vivo* may appear to be non-mutagenic when tested using the standard *in vitro* metabolic activation protocols.

One contract will be awarded for the development of acceptable protocols for reductive metabolic activation and for the testing of a series of chemicals known or suspected to require reductive metabolism as a step in their conversion to biologically-active substances. The protocols developed will be used by the cellular and genetic toxicology component of the NTP Benzidine Congener Dye initiative. (Contact Person: Dr. E. Zeiger, NIEHS)

- *In Vitro* Mammalian Test Systems

In Vitro Cytogenetics—Seventy-six chemicals have been selected for possible testing in FY 1982 in Chinese hamster ovary (CHO) cells for detection of chromosome aberrations and sister chromatid exchanges (Table 7). (Contact Person: Dr. E. Zeiger, NIEHS)

In Vitro Mammalian Cell Mutagenesis—Validation of the protocol for use of L5178Y mouse lymphoma cells (TK+/−) as an *in vitro* mutagenesis assay system will continue. The remainder of the 40 coded compounds will be reported on in FY 1982. These data will be analyzed to determine the extent of interlaboratory reproducibility and qualitative correlation with carcinogenicity. (Contact Person: Dr. W. Caspary, NIEHS).

In Vitro Transformation—A variety of independent studies have shown a high correlation between the ability of chemicals to induce tumors *in vivo* and the ability to induce neoplastic transformation in certain mammalian cell culture systems. Thus, the NTP plans to implement studies with some of these systems which will result in the application of standardized protocols giving a high degree of interlaboratory reproducibility and defining the test limitations of the respective systems. A testing program will be initiated based upon the results. Several distinct systems, either primary cultures, continuous lines, or virus-infected cells, are being used as assay systems. The Balb/c 3T3 cell line is currently undergoing evaluation by the NTP; the C3H 10T½ cell line is being evaluated by the Division of Cancer Cause and Prevention of the NCI; and the BHK cell line is being studied in Europe.

In FY 1982, evaluation will be initiated for three additional mammalian cell systems. A primary cell culture system derived from Syrian hamster embryos (SHE) will be evaluated in two laboratories using coded compounds and characterized frozen SHE cell stocks. A second assay which detects enhancement of DNA virus transformation by chemical carcinogens using SHE cells infected with Simian adenovirus (SA-7) will be evaluated. A large number of chemicals, representing several diverse classes, have been shown to enhance the transformation of hamster cells by SA-7 virus, and the transformation has shown a high correlation with the known mutagenic or carcinogenic activity of the chemicals. The test demonstrates other potentially important features which include a more discrete morphology of the transformed cells, shorter total test time, higher sensitivity to weak carcinogens, and ability to manipulate chemical exposure. The third cell system, retrovirus(type C, RNA tumor virus)-infected rat cells, has been shown to detect transforming ability of several chemicals representing different chemical classes. Normal rat cells are refractory to transformation by many of the chemicals tested, while cells infected with the retrovirus demonstrate relatively high sensitivity to transformation by chemicals.

The initial phase in the evaluation of all three systems will be protocol development, identification and storage of suitable cell stocks and reagents, response to known carcinogens and noncarcinogens, demonstrated repeatability of results within and between laboratories, and demonstrated tumorigenicity of representative cells identified as morphologically transformed. Additional effort will be directed at tests of exogenous metabolic activation systems. (Contact Person: Dr. R. Tennant, NIEHS)

Mammalian Cell Culture Assay for Multiple Genetic Endpoints—Two major effects of concern in genetic toxicology are gene mutations and chromosome damage because both can produce human genetic disease. Genotoxic chemicals usually induce both types of effects but the proportion of chemically induced gene mutations or chromosome mutations are difficult to determine at this time. The induction of gene mutations are usually detected in a number of different mammalian cell lines and the induction of chromosome mutations are detected using the same or different cell lines and activation systems. It is often difficult to determine the relative frequencies induced and the effective doses. Yet, in evaluating the genetic effects of a chemical to determine potential health risks, an understanding of the spectrum of damage induced by the chemical is needed. A comparison between gene and chromosome mutations is also needed as a reference when moving from results obtained with cells in culture to predicted effects in treated animals. Such an extrapolation is

necessary when only one type of mutagenic effect can be measured *in vivo* but it is important to take both effects into consideration. The NTP proposes to fund a project beginning in FY 1982 which will have the following objectives: (1) develop and test a protocol that can be used to determine the frequencies of gene mutations and chromosome damage in a single cell line; (2) determine the feasibility of detecting other endpoints such as sister chromatid exchange, aneuploidy, and DNA damage or repair in the same cell line; and (3) test a series of chemicals using the protocol developed. (Contact Person: Dr. E. Zeiger, NIEHS)

• *In Vivo* Mammalian Test Systems

Rodent Bone Marrow Cytogenetics—In the assessment of genotoxic effects of chemicals for the purposes of human health concerns, it is desirable to obtain test data from intact mammals. Such data are more readily extrapolated to human test data and health effects than data from *in vitro* systems. *In vivo* rodent assays for chromosome aberrations (CA) and sister chromatid exchanges (SCE) represent two test systems in which the methodology is widely available. However, these assays have been used to a limited extent in the systematic evaluation of potentially genotoxic agents using currently accepted methodology. While the mechanisms of CA and SCE induction are not clearly understood, it is clear that they represent discreet endpoints which are indicative of genotoxicity. It is only through a systematic evaluation of the techniques, and a comparison with data obtained from other systems, that the value of mammalian *in vivo* cytogenetic screening systems can be determined.

The NTP will award contracts in FY 1982 to two laboratories to pursue the following objectives: (1) to develop and validate a testing protocol for the simultaneous determination of chemically induced CA and SCE (based on the general recommendations of the EPA Gene-Tox working groups on SCE and cytogenetics); (2) to determine the utility and reproducibility of the protocol developed for detecting mutagens by testing up to 50 coded chemicals; and (3) to compare the relative sensitivities of CA and SCE endpoints and to compare test results with those obtained in other *in vitro* and *in vivo* assays. (Contact Person: Dr. M. Shelby, NIEHS)

• Special Applications—Human Genetic Monitoring

Cytogenetic Monitoring of Human Populations—Monitoring peripheral lymphocyte samples for cytogenetic endpoints offers a practical means of detecting exposures of individuals or populations to genotoxic agents. The technique has been used to detect ionizing radiation exposures for many years, and has become widely accepted. It has been applied to a lesser extent in connection with exposures to chemical agents. The protocols for the cytogenetic studies that have been performed on persons exposed to chemical agents (usually occupationally) have been varied, precluding cross comparison. They have also often been flawed in one respect or another so that definite conclusions could not be made. Thus, it has become apparent that the development of a standard protocol for cytogenetic monitoring is needed and that background information on the frequencies of chromosome aberrations and sister chromatid exchange (SCE's), their variability, and the causes of this variability are lacking. Such information is required before one can properly design or interpret cytogenetic studies of populations exposed to potential chromosome damaging agents.

A project is planned in which two laboratories will collaborate: (1) to develop and standardize a protocol by which the frequencies of chromosome aberrations and SCEs in human lymphocytes can be accurately and reproducibly determined; and (2) to identify the major sources of variation of these frequencies as affected by the protocol and, to the extent possible, by the circumstances of the individuals from whom blood samples are obtained. (Contact Person: Dr. M. Shelby, NIEHS)

Mutagenic Monitoring for Coal Conversion Workers—A contract was initiated in FY 1981, air sampling (including mutagenesis assays) will begin in FY 1982, and the selection of worker and control populations will be completed before the end of FY 1984. (Contact Person: Dr. T. Ong, NIOSH)

Germ Cell Mutation

• Heritable Effects—Nonmammalian Assays

Drosophila Mutagenesis—Chemicals scheduled for testing on *Drosophila* in FY 1982 are listed in Table 8. (Contact Person: Dr. J. Mason, NIEHS)

Aneuploidy Assays—Validation and testing of 50 to 80 chemicals will commence in FY 1982, the second year of a three-year effort. (Contact Person: Drs. Resnick and J. Mason, NIEHS)

• Heritable Effects—Mammalian Assays

Mouse Morphological Specific Locus Study—Studies will continue in FY 1982 examining germ cell mutation induction with N-ethyl-N-nitrosourea (ENU) as a model mutagen. Up to five environmentally significant chemicals will be examined for mutation induction during the period of FY 1982–1984. (Contact Person: Dr. M. Shelby, NIEHS)

Mouse Electrophoretic Germinal Mutation Test Development—To further understand mammalian germ cell mutagenesis, develop assays to detecting and quantifying chemically-induced heritable mutations, and provide test data for human genetic risk estimation, NTP will support studies using an electrophoretic approach to mutation detection in addition to the morphological specific locus approach. An assay has been developed in which tissue preparations from the offspring of treated mice are analyzed by electrophoresis for the presence of variant proteins presumed to be mutants. The heritability of these variants is confirmed by breeding tests. The mouse electrophoretic germinal mutation assay offers two advantages in evaluating chemicals for mutagenicity. Firstly, the assay detects changes in specific enzymes and offers the opportunity to relate chemically-induced mutations to changes in enzyme structure and function and ultimately to effects on health or fitness. Secondly, the potential availability of a large number of loci for analysis means that fewer animals can be used.

Based on the results of recent studies, it is reasonable to expect this assay to make a unique contribution to our understanding of chemically-induced mutagenesis in mammalian germ cells and to enhance our capability to derive estimates of human genetic risk from experimental data. To further evaluate the utility of this assay, the NTP in FY 1982 will award one three-year contract to: (1) conduct an in-depth study of the mouse electrophoretic germinal mutation test using N-ethyl-N-nitrosourea as a model mutagen and to compare results with those obtained in the morphological specific locus test; (2) test three environmentally significant chemicals for mutagenic activity; and (3) establish the spontaneous rates of mutation at the loci under study. (Contact Person: Dr. M. Shelby, NIEHS)

Heritable Translocation Assay—Additional experimental studies will be identified to further elucidate potential mechanisms for stock differences and interactive effects associated with chemically-induced fetal death rates detected in the dominant lethal test and to determine if such studies can be used reliably to identify appropriate mouse stocks for use in the parental

generations of the HTA. The positive control study with the model mutagen, triethylenemelamine (TEM), will be completed and the data analyzed. If resources can be identified for cytogenetic analysis of F_1 males, a second positive control study will be initiated and completed in FY 1982. (Contact Person: Dr. J. Bishop, NCTR)

Rapid in Vitro Test Capability

A variety of short-term tests and combinations of tests have been proposed to predict the potential carcinogenicity of chemicals. However, current data are not sufficient, particularly across chemical classes, to correlate short-term test results with known carcinogenicity so that the limits of predictability can be accurately judged. A primary emphasis of the cellular and genetic toxicology program is to develop, evaluate, and validate test systems which contribute to the development of a data base that will permit clear decisions about the relative value of a proposed test. The majority of the contract efforts of NTP cellular and genetic toxicology programs are related to the above goal. However, to serve the NTP's immediate decision-making needs short-term test information is needed to set the priorities for chemicals to be entered into long-term carcinogenicity bioassays and for use by NTP experimental design groups. NTP plans to organize and develop a rapid test capability comprising the following five types of *in vitro* short-term tests:

1. gene mutations in bacteria.
2. gene mutations in mammalian cells.
3. chromosome damage in mammalian cells.
4. a mammalian cell transformation assay.
5. a measure of DNA damage or repair.

This group of tests chosen because: (a) the basic categories of genotoxic effects are addressed; (b) the tests are generally available; and (c) protocols are generally available which have received some form of evaluation or validation. However, since at present there is inadequate evidence to select or justify any specific assay or group of assays as a prescreen for carcinogens or mutagens, the use of this group should not be interpreted as endorsement by the NTP of a specific battery of biologically-based tests. It is intended only that the results from this group of assays provide a reasonable profile of the *in vitro* genotoxic activity of a chemical. About 25 chemicals per year will require such a rapid test response. This effort will be reevaluated for its effectiveness and need over a three-year period. (Contact Person: Dr. R. Tennant, NIEHS)

Research on the Role of DNA Repair During Meiosis and Mitotic Growth in Yeast and Drosophila—FY 1981–1982

Meiosis is a fundamental developmental stage which occurs in nearly all eukaryotic organisms. Although there is considerable information on the genetic and morphological changes that take place, relatively little is known about DNA metabolic events, DNA repair, or mechanisms of mutation. Since DNA metabolism and recombination in meiotic cells are different from those processes in mitotic cells, the repair capabilities might be expected to differ from those in mitotically growing cells. For example, there may be repair mechanisms that are unique to meiosis or there may be unique levels of repair capabilities. There have been no integrated attempts to examine repair mechanisms in a well-characterized meiotic system at both the molecular and genetic level. Systems other than yeast have allowed the examination of molecular or genetic events in meiotic cells, but not both, NTP is developing or, in some cases, has at hand the capability to relate the genetic and the molecular aspects of DNA repair in meiosis. These studies with yeast will aid in understanding the relevance of various repair mechanisms in dealing with exogenous insults during meiosis as well as the process of meiosis itself. (Contact Person: Dr. M. Resnick, NIEHS)

Repair Functions During Meiosis—Mitotically identified DNA repair systems during normal meiosis in the yeast *Saccharomyces cerevisiae* are being examined. Mutants in repair and mutational pathways are being used. The initiation of meiotic DNA synthesis is normal in the mutants and excision repair mutants are like wild type cells for the other aspects of meiosis. In *rad6* (mutational repair) and *rad52* (X-ray repair) mutants, recombination is abolished and for *rad52* the spore products are inviable. The *rad52* mutant accumulates DNA single-strand interruptions (SSIs) during meiotic DNA synthesis in both the parental and newly synthesized strands. The timing corresponds to the beginning of lethality: lethality and SSIs are prevented by inhibitors of DNA synthesis. The frequency of SSIs approximates the number of genetic recombinational events. We have concluded that the *rad52* gene product, previously identified as being involved in the repair of radiation-incduced DNA double-strand breaks, is involved with recombination and the SSIs may be intermediates in this process. Thus, it appears that the *rad52* gene product is essential in normal meiosis and in protection from ionizing radiation damage; the mechanism of action involves recombination. This work is being expanded to examine the nature of the intermediates that are associated with loss or recombination and/or lethality. In addition an extensive study is underway to determine the proteins associated with various repair defects. Preliminary results to date have indicated protein changes in *rad52* as compared to wild type cells. We also plan to examine the appearance of unique proteins following mutagen treatment and by genetic analysis determine their role in repair and mutagenesis. (Contact person: Dr. M. Resnick, NIEHS)

Excision Repair and Postreplication Repair—Sucrose gradient techniques have been developed for the examination of repair events in mitotically growing cells and meiotically developing cells after low doses of ultraviolet light, ionizing radiation and various mutagens. Using these techniques we are determining the role of mitotically identified repair functions on damage occurring during meiosis. Wild type cells were shown to efficiently excise UV-induced pyrimidine dimers during mitotic growth or meiotic development. Excision was blocked in an excision-defective *rad1* strain throughout meiosis suggesting that there are no additional excision repair systems during meiosis. As found for mitotic growth, DNA synthesis proceeds past UV-induced pyrimidine dimers during meiosis indicating a general ability to bypass lesions in the DNA. The bypass mechanism does not appear to involve recombination. In fact, the presence of damage appears to inhibit the meiotic round of genetic recombination whereas it stimulates recombination in mitotically growing cells. (Contact Person: Dr. M. Resnick, NIEHS)

Studies in Drosophila—Three approaches are being used to characterize the relationship between DNA repair and mutagenesis in *Drosophila melanogaster*. In the first a number of *X*-linked mutagen-sensitive mutants were isolated and characterized. A number of these mutants were defective in some form of DNA repair. We have shown recently that two mutants at the *mus 101* locus decreased the spontaneous mutation frequency, although mutants at nine other loci had no effect on the spontaneous frequency of mutation. We are presently constructing a fine

structure map of the *mei 41* locus in order to ascertain the size and complexity of this locus.

In the second approach, a number of mutants known to be defective in DNA repair have been combined with transposable elements to ask whether any of the cell's DNA repair capacity was used during transposition. In the presence of the DNA repair-defective mutants the frequencies of mutation and recombination induced by the transposable elements were not affected. However, the transmission of the chromosomes bearing the transposable elements was greatly reduced.

In the third approach, a mutant is being characterized which appears to be defective in repair of double strand breaks. In the presence of the mutant, X-ray induced mutations at the *y* locus were increased more than 10 fold. The vast majority of the mutations appeared to be terminal deficiencies. If this is the case the wild-type function of this locus may be required during the formation of chromosomal rearrangements. (Contact Person: Dr. J. Mason, NIEHS)

Collaborative Activities

Proposed International Study on Short-Term In Vitro Tests for Detecting Chemical Carcinogens—The NTP is represented on the International Program on Chemical Safety (WHO) *Ad Hoc* Working Group on the Application of Short-Term Tests To Predict Mutagenic and Carcinogenic Potential, and will participate in a proposed international study on short-term *in vitro* tests.

The objective of the proposed study is to identify and select one or more *in vitro* tests in eukaryotes which, in a battery testing approach, will complement bacterial gene mutation assays by reliably detecting chemical carcinogens which are not readily detected with bacterial systems. This is to be accomplished through the testing of eight elected carcinogens and three chemicals for which there is good evidence of noncarcinogenicity. It is recognized that such complementary assays cannot be selected strictly on the basis of the proposed study. Therefore utilization of other major sources of data such as the International Program for the Evaluation of Short-Term Tests for Carcinogens (IPESTTC) and the EPA Gene-Tox Program is anticipated. Since much of the groundwork for the proposed study has been covered in the IPESTTC, and to keep the study to a manageable size, the specific assays will be selected from those (1) which were conducted in the IPESTTC, and (2) with additional endpoints which have a demonstrated or anticipated likelihood of detecting the carcinogens under test. (Contact Person: Dr. M. Shelby, NIEHS)

Carcinogenesis Testing

The two-year carcinogenesis bioassay, the standard and most definitive method for detecting chemical carcinogens in animals, typically uses two sexes and two species, usually Fischer 344 rats and $B6C3F_1$ mice, and administration of multiple dose levels of a chemical, beginning at weaning and ending after two years. Under the conditions of these tests positive results demonstrate that the test chemical is carcinogenic for experimental animals and indicates that exposure to the chemical poses a potential hazard to humans. However, negative results, those in which the test animals do not have a greater incidence of cancer than control animals, do not mean necessarily that a test chemical is not a carcinogen inasmuch as the experiments are conducted under a limited set of conditions.

The results of the bioassay also serve as the reference base for the validation of short-term carcinogenesis assays. Two additional objectives have been identified as priority items: (1) to expand the bioassay experimental protocols to extend and better characterize the toxicologic profile of chemicals, and (2) to investigate, develop, and validate accurate, less costly, and more rapid methods for detecting carcinogenic potential.

Several genetic toxicology and cellular transformation *in vitro* assays being used and/or developed and validated are described under the Cellular and Genetic Toxicology section (pp. 35 to 73). Two short-term *in vivo carcinogenesis assays, one in a validation phase, and one to begin development in FY 1982, are described in this section.*

Under the NTP, the cancer bioassay process has been changed to meet the objective of a broadened toxicologic characterization of chemicals. Prior to NTP involvement, the pre-chronic phases of the bioassay, which include single dose (acute), 14-day repeated dose, and 90- and 120-day repeated dose studies, were conducted to determine gross toxicity and general target organ effects at different dose levels as a basis for setting appropriate doses for the two-year bioassay studies. Now, the NTP has begun to gather routinely other information related to target organ effect. Chemical disposition, fertility and reproduction, urinalysis and hematology also are obtained from the pre-chronic studies—especially the 90-day study; certain special studies as applicable are included in the two-year study as well. Once those parameters that may be altered through exposure to the tested chemicals are identified, then suspect chemicals are referred to specific organ system groups for more detailed study of the functional, biochemical, and structural effects of the test compounds. Also, wider analysis of the quantitative and comparative absorption, distribution, metabolism, and excretion patterns may be desired. About 70 percent of the 40 chemical starts in FY 1980 included special toxicology studies in the pre-chronic testing phase. All chemicals started on test in FY 1981 had an expanded design including special studies. The goal is to ensure that all major toxic effects will be identified for each chemical being considered for long-term bioassays.

Thus, while the lifetime animal bioassay remains the best procedure to determine the carcinogenic potential of chemicals, NTP does not ordinarily use a standardized design for the bioassay. Rather the design is adapted to the special testing needs identified for the particular chemical. The NTP tailors its testing protocols to the particular chemicals, based on the results from the pre-chronic testing phases and on structure-activity relationships. These new protocols permit better, more specific information to be generated for the tested compounds, which increases the effectiveness of the tests for potential human risk estimations. Such protocols also will be useful as guidelines for testing undertaken by other agencies and by industry.

FY 1981 Accomplishments

Testing—Two-Year Bioassays

During the year, 23 bioassays were completed and the report of the findings approved by the *ad hoc* scientific peer review panel associated with the NTP Board of Scientific Counselors (Table 9). Under the conditions of these carcinogenesis bioassays, 12 (52%) were considered negative, 10 (44%) positive, and 1 (4%) equivocal. One, polybrominated biphenyl mixture (PBB), was conducted using a broadened experimental protocol aimed at providing a better dose-response determination (through use of six doses) and at giving more data on toxicologic endpoints other than induction of cancer. Non-tumor toxicities of PBB included porphyrogenic effects, decreases in serum thyroid hormones, hematotoxicity, enzyme alterations, and hepatotoxicity. Table 9 also includes similar information on the nine bioassays completed and peer reviewed

by the review panel at their first meeting in June 1980.

There were 54 new chemical starts in the prechronic phases of the bioassay process in FY 1981 (Table 10). All include one or more special toxicology studies in the prechronic testing phase. Forty-eight bioassays are in the histopathology phase; on these the chronic testing was completed during FY 1981 (Table 11). Including the new chemical starts, there were 206 bioassays in either the prechronic or the chronic bioassay testing phases at the end of FY 1981 (Table 12).

As in FY 1980, all new bioassays are under NTP management while testing activities initiated prior to FY 1980 continue to proceed through the prime contract mechanism. Direct management and supervision of each chemical test was initiated to enable better monitoring and quality control of the testing program, especially with the inclusion of the various special studies. The process is described in the Chemical Management section (p. 147). In conjunction with the NTP initiation of direct arrangements with testing laboratories, a number of scientific support contracts awarded in FY 1980 continue in FY 1981 and FY 1982. These include pathology support, health and safety activities, chemical repositories, chemical analytical services, animal production and literature support.

To do the expanded toxicologic characterization studies, the NTP continues a contracting mechanism (a basic ordering agreement) under which laboratories and their personnel are qualified for standard bioassays and in each of the various special study areas. (Contact Person: Dr. J. Douglas, NIEHS)

Testing—Long-Term Studies With Emphasis on Occupational Carcinogenesis

The following NTP programs and projects emphasize the study of the etiology of cancer in the occupational environment and include: (1) the assessment of the carcinogenic potential of complex mixtures encountered by workers; (2) modification of carcinogenesis by known and potential promoters and cocarcinogens such as dusts, irritants, heat, and sunlight that may be part of the work environment; and (3) other factors which influence the carcinogenicity of workplace chemicals such as work practices, medications, and personal habits. This combination of applied and basic research is intended to identify needs for epidemiological studies and to elucidate the etiology of the carcinogenic process in various workplace environments.

A number of long-term carcinogenesis studies, not formally part of the bioassay program, were initiated or in progress during FY 1981. Studied were materials ranging from single chemicals to mixtures administered by various routes analogous to likely routes of human exposure in the workplace. Studies included: (1) synthetic machine oils, (2) pyrolysis effluents from different foundry mold binders, (3) various substitutes for silica sand in foundry molds, (4) interaction of either ethanol or disulfiram with 1, 2, dichloroethane, (5) fibrogenicity and pulmonary carcinogenesis, (6) individual chemicals—ethylene oxide, propylene oxide, N,N'-dimethylformamide, and (7) mixtures—diesel exhaust, coal dust, fibrous glass, short asbestos fibers, a new postal ink formulation, and two azo dyes (Acid Black 52 and Disperse Yellow 3). (Contact Person: Dr. B. Johnson, NIOSH)

Inhalation or Intratracheal Studies—A long-term inhalation study to determine the carcinogenic and general toxicologic effects of short fiber chrysotile asbestos in rats and monkeys was completed in FY 1981. Animals were exposed for 18 months. Rats were sacrificed at the completion of exposure while in monkeys lung biopsies were performed at 10 months post-exposure to determine the extent of fiber deposition and pulmonary fibrosis. Histologic evaluation in monkeys showed asbestos bodies near the main bronchi but not in alveolar regions. No significant pathological alterations, i.e., no fibrosis, inflammation or tumors, were found. (Contact Person: Dr. D. Groth, NIOSH)

A study continued in FY 1981 on the toxicity of mineral substitutes. This study examines the concept wherein substitution is made of less hazardous substances for those commonly or historically used for certain industrial operations, processes or work practices. Coal and copper slags have been investigated; these are being used increasingly as replacement materials for sand in abrasive blasting operations. A study in rats using the intratracheal injection route for copper slags and a form of silica, novaculite (used as an abrasive in metal polishing), has progressed through 12 months. A six-month interim sacrifice with gross pathology findings indicates lung deposition and retention of the injected particulates with minimal tissue response. A 12-month serial sacrifice has taken place and gross pathology examination is underway. (Contact Person: Dr. L. Stettler, NIOSH)

Inhalation bioassays for carcinogenicity, like those by other routes, usually involve a two-year duration of exposure. Because the specialized facilities required for inhalation studies are expensive and commit scarce technical manpower for extended time periods, studies with mice, rats and hamsters were undertaken that used a study design to determine effects of the ages of animals exposed and the duration of inhalation exposure. Rats, hamsters, and two strains of mice (B6C3F$_1$ and Swiss) were exposed to vinyl chloride for six-12-or 18 months; or for six and 12 month exposures following a six- or 12-month holding period; or, in rats and hamsters, exposures extended to 24 months. The highest tumor incidence occurred when exposure began early in life; that is, tumor incidences were lower in animals held for six or 12 months prior to exposure. Second, 12-month exposures were as effective as 18- or 24-month exposures in production of tumors. Thus, for vinyl chloride, valuable inhalation chamber space may need be utilized for only 12 months. Third, an unexpected finding was the appearance of nasolacrimal duct carcinomas in vinyl chloride exposed rats. This finding reinforces the importance of examining routinely the nasal turbinates in inhalation exposure studies. (Contact Person: Dr. G. Boorman, NIEHS)

Inhalation exposure studies with chrysotile "B" (short and intermediate fiber length chrysotile) and glass wool (JM 100) have been completed. Increased incidences of pulmonary tumors were found in all thrysotile groups but not in the synthetic fiber group. Pulmonary tumors are being classified and compared with tumors induced in a comparison study in Wales. All lung tissues have been stained for collagen and the degree of pulmonary fibrosis is being scored. (Contact Person: Dr. E. McConnell, NIEHS)

Topical or Skin Painting Studies—Results reported following sixteen months' topical application of asphalt and coal tar pitch fume condensates indicate that both materials are carcinogenic when exposure samples are collected at their recommended industrial application temperature or higher. Mouse strain differences were also observed in this study: the C$_3$H/HeJ strain was more sensitive than the CD–1 strain. Exposure to simulated sunlight did not enhance the tumorigenic response. (Contact Person: Dr. R. Niemeier, NIOSH)

In a skin painting bioassay of synthetic machine oils one oil caused premature deaths in both male and

female C_3HeJ mice. Follow-up studies indicated that these deaths could be attributed to the formation of high levels of methemoglobin resulting from dermal penetration of the oil. (Contact Person: Dr. R. Niemeier, NIOSH)

Other Studies—Carcinogenicity testing traditionally begins with young animals (typically six-week-old rodents). However, human chemical exposures may include the *in utero* developmental period and infancy. The adequacy of standard chronic bioassay tests as contrasted with methods that include prenatal and neonatal exposures continued to be evaluated. Three chemicals are being evaluated in prechronic phases of the bioassay: a polybrominated biphenyl (Firemaster FF1), phenytoin (diphenylhydantoin), and ethylene thiourea, using *in utero* and neonatal exposure. The prechronic studies have been completed and the results are being evaluated. (Contact Person: Dr. R. Chhabra, NIEHS).

In long-term bioassays, compound volatility or reactivity to the carrier vehicle, (usually feed or water) can result in errors in exposure dosage. The feasibility of microencapsulation of volatile or reactive substance (such as 1,8-cineole, cinnamaldehyde, and trimellitic anhydride) is being investigated. Repeated dose studies will be conducted comparing results when these compounds are encapsulated and when given without encapsulation. (Contact Person: Dr. H. Schumacher, NCTR).

Test Methods Development and Validation

Animal Bioassay Methodology—The bioassay design is being freshly examined to determine if certain modifications might maked the results more amenable to low-dose extrapolation, while preserving the detection potential of the current protocol. Possible statistical modifications of the basic experimental design are described in the Data Management and Analysis section (p. 156).

Efforts are being supported to construct a large-scale computerized data file based on relevant carcinogenesis information being abstracted from the NCI and NTP Cancer Bioassay Program and from related studies in the published literature. This data base will be used to address a number of issues that orient directly on the general question of species-to-species extrapolation in carcinogenesis. A related effort involves historical control information on the development of spontaneous or background tumors in F344 rats and $B6C3F_1$ mice. Understanding such effects can permit more efficient use of data resulting from the carcinogenesis bioassay. (Contact Person: Dr. J. Haseman, NIEHS)

The ideal animal model should give results that closely resemble the real or presumptive response in humans. To do this, more basic research must be done on the comparative biology, metabolism, and toxicology of specific classes of chemicals. To accomplish this, NTP is studying various dose levels and animal models in the search for the best carcinogenesis bioassay design.

A study was initiated in FY 1981 which is examining the use of controlled genetic variation among the test animals in prechronic and chronic bioassays for comparison with the standard $B6C3F_1$ hybrid mouse. This study will attempt to answer two important questions: (1) Does the use of three different F_1 hybrid genomes as subgroups in prechronic and chronic toxicity assays provide greater statistical power, without increasing the number of animals needed, than the use of only the standard $B6C3F_1$ hybrid? (2) Does the range of risk estimates at low doses obtained from four different genotypes of three different F_1 hybrid genomes provide a more comprehensive risk assessment by demonstrating the variability of risk estimates among the four genotypes than a risk estimate based on the standard $B6C3F_1$ hybrid?

A 90-day toxicity study with 2-acetylaminofluorene (2–AAF) has been performed to determine the dose levels to be used in the subsequent chronic toxicity study. The F_1 hybrid mice used were: C57BL/6N x C3H/Hen–MTV–, BALB/cNctr x VY/Nctr (two genotypes: Agouti *(A/a)*, yellow *(Avy/a)*), and AE/Nctr x YS/Nctr. Five dose levels of 2–AAF and one control group were used to determine the estimated maximum tolerated dose for each sex. Complete necropsy and histopathological analyses will identify critical target organs and tissues in each F_1 hybrid. Completion of this prechronic toxicity study awaits the results of the histopathological analyses. (Contact Person: Dr. G. Wolff, NCTR)

Short-Term Carcinogenesis Assays—Studies aimed at validating the applicability of the lung adenoma test in Strain A mice as a short-term *in vivo* carcinogenesis assay continued during FY 1981. Completed results were received from one contract laboratory (University of California at San Diego) and partial data have been received from a second laboratory (Oak Ridge National Laboratory); these are being evaluated to determine the correlatibility of the short-term lung adenoma test results to findings from the two-year bioassays. These studies involved testing of 60 coded chemicals divided between these two laboratories. The data are being evaluated (1) to determine interlaboratory reproducibility and (2) to validate the system by comparing results with those from the long-term bioassays. (Contact Person: Dr. R. Maronpot, NIEHS)

A comprehensive literature review was completed on the available *in vitro* short-term tests for detecting promoter/cocarcinogenic activity. Contract studies were designed using the most promising techniques to validate their responses with structurally related chemicals reported to give positive or negative results. (Contact Person: Dr. R. Niemeier, NIOSH)

FY 1982 Program Plans

Testing—Two-Year Bioassays

Testing priorities for selecting chemicals to be studied using the two-year bioassays will be determined in FY 1982 based on results of a general toxicology profile (primarily 90-day experiments including selected special studies) and a battery of genetic toxicology tests—a *Salmonella* plate assay, *in vitro* mammalian cytogenetics, an *in vitro* mammalian point mutation assay, and a DNA damage/repair assay.

During FY 1982, the NTP plans to start 19 chemicals in the prechronic phases of the bioassay process (Table 13). It is expected that 27 two-year bioassays will be completed and the resultant draft reports will be peer reviewed in FY 1982 (Table 14). All new bioassays will include broadened protocols with various special studies integrated into the experimental design. (Contact Person: Dr. J. Douglas, NIEHS)

Testing—Other Long-Term Studies

Three long-term carcinogenesis studies, not formally, included in the bioassay program, will be initiated in FY 1982 to examine: (1) the cause of increased risk of buccal and pharyngeal cancer experienced by newsprint pressroom workers, (2) the effects of fluoride on the fibrogenicity and carcinogenicity of chrysotile asbestos, and (3) the effect of aging on susceptibility to known carcinogens. Other long-term studies ongoing or initiated in FY 1981 will continue. (Contact Person: Dr. D. Groth, NIOSH)

The chronic testing phase of a study evaluating the toxicity and potential carcinogenicity of mineral substitutes given by intratracheal injection will be completed in FY 1982. This concludes an 18-month interim as well as a 24-month terminal sacrifice followed by complete

histological evaluation of all tissues. (Contact Person: Dr. L. Stettler, NIOSH)

Standard two-year bioassays with six-week-old animals will be initiated in FY 1982 concurrently with three bioassays where exposure begins *in utero* and continues during the neonatal period using a polybrominated biphenyl mixture (Firemaster FF1), phenytoin, and ethylene thiourea. The objective is to determine whether extending long-term chemical exposure of animals to the gestational and neonatal periods will result in altered sensitivity to the induction of carcinogenesis and/or other types of toxic effects. (Contact Person: Dr. R. Chhabra, NIEHS)

Test Methods Developments and Validation

Animal Bioassay Methodology—Two studies will be initiated in FY 1982, one focusing on the possible influence of the Sendai virus on chemically-induced carcinogenesis in mice, and other aimed at evaluating strains other than the B6C3F $_1$ mouse for carcinogenesis bioassays.

Because Sendai virus occurs with persistent frequency among mouse colonies, and because the NTP devotes considerable resources to the long-term carcinogenisis bioassay method for detecting animal carcinogens, the influence of endogenous Sendai virus on the chemically-induced oncogenesis process will be investigated using the Strain A mouse lung adenoma model and the B6C3F $_1$ mouse. Subsequent studies will involve determining whether Sendai virus alters the biochemical, cytologic, or immune competence of mice. (Contact Person: Dr. J. McCoy, NIEHS)

The carcinogenesis bioassay program uses the B6C3F $_1$ mouse (and the Fischer 344 rat) to study the carcinogenic potential of chemicals. Since the B6C3F$_1$ mouse exhibits a high "natural" tumor incidence rate in certain organs (liver in males), which often compromises interpretation, the NTP plans to investigate and compare other strains for possible use in the bioassay program. This project will document the natural tumor types and rates in C3B6F$_1$ hybrid mice and in parental C57BL/6 mice and will determine the sensitivity of these mice to known carcinogens. (Contact Person: Dr. J. McCoy, NIEHS)

A study begun in FY 1981 to evaluate the utilization of three different F_2 hybirds to obtain greater statistical power in carcinogenicity assays without increasing the number of animals per assay and to assess the variability of risk estimates will continue. Four dose levels of 2-AAF, chosen on the basis of the results of the 90-day toxicity study, and one control group are being used in the chronic toxicity study. Both sexes of each of the four genotypes will be treated. The study will be terminated when only 20% of the mice in the longest surviving genotype remain alive. (Contact Person: Dr. G. Wolff, NCTR)

Short-Term Carcinogenisis Assays—Evaluation of test data received using the Strain A mouse lung adenoma test will be completed during FY 1982. These results should help to determine the feasibility of using this short-term assay in carcinogenicity testing of chemicals. (Contact Person: Dr. R. Maronpot, NIEHS)

A program to assess the utility of rat liver tumor assays for carcinogenic effects via promotion/initiation will begin in FY 1982. The standard bioassay design concentrates on single chemicals. Available evidence suggests that many chemicals induce tumors by a corcarinogenic mechanism, one involving either initiation of the process by a chemical and later manifested through the action of a different chemical or promotion of the carcinogenesis process already. The NTP plans to develop these areas (cocarcinogenesis, initiation, promotion) for potential utilization in the program to better understand the tumorigenic process as well as to determine more broadly the carcinogenic potential of chemicals. (Contact Person: Dr. R. Maronpot, NIEHS)

Toxicologic Characterization

Most chemicals selected for testing by NTP are chosen because the potential exists for human exposure and too little is known about their toxicologic profile. In the toxicologic characterization program two principal areas of activity are defined: (1) general toxicology which identifies the toxicity of a chemical by species, sex, dose, and essential organ function; and (2) characterization of specific toxicologic effects—immunological, neurobehavioral, pulmonary, fertility and reproductive, and others.

The NTP toxicologic characterization program is composed primarily of acute, intermediate-term (14-day), and subchronic (90–180 day) experiments. All chemicals selected for testing in the two-year bioassay undergo mutagenicity testing to determine any gene mutations, chromosome damage, and the germ cell sensitivity as well as dose-response information. Also, all are studied to delineate their absorption, metabolism, distribution, and excretion patterns to improve the reliability and precision of dose setting for chronic studies.

FY 1981 Accomplishments

General Toxicology—In FY 1980 and 1981 protocols were expanded and enhanced to include measurement of organ weights, broadened pathology in acute and subchronic experiments, hematology, selected organ function assessment (including liver, kidney, immunologic, fertility, and neurobehavioral effects), and chemical disposition. Efforts are being implemented to develop toxicity principles of chemical classes, especially psoralens, chlorinated dibenzofurans, benzidine derivatives, and phthalates. A new program in cutaneous toxicology was initiated (see pp. 111 to 112).

The completion and evaluation of the 90-day study results have been made a major decision point in the NTP; in the past, no comparable decision point existed for chemicals selected for carcinogenesis testing. At this point, results from the acute, 14-day and 90-day studies may indicate that the standard experimental bioassay design should be modified or that detailed special studies (e.g., reproductive toxicology), which would be done separately, are necessary to validate a presumptive toxic effect and to better characterize the toxic potential of the particular chemical. Some select areas that could be included in special studies are metabolism, clinical chemistry (hematology and urinalysis), pharmacokinetics, behavioral toxicology, organ function, immunology, and endocrinology (these special studies may be integrated into the prechronic or chronic testing phases, or both). The purpose of the special studies varies. These may, for example, focus on target organ toxicity, perhaps unrelated to carcinogenicity, or on problems of comparative toxicology, metabolism, pathology, and physiology which would strengthen an evaluation of the animal model selected for the carcinogenesis bioassy. (Contact Person: Dr. J. Moore, NIEHS)

Toxicity data on both aliphatic and aromatic amines is sparse. Studies were completed and a manuscript prepared on the comparative toxicity in rats of four isomeric aliphatic amines: n-butylamine, sec-butylamine, isobutylamine and tert-butylamine. Results from the acute oral LD_{50} study showed that the acute LD_{50} decreased (became more toxic) in the following order: n-butylamineisobutylaminesec-butylaminetert-butylamine. Preliminarily, these data imply that the more complex (branched) structural configuration of these butylamines, the

more toxic the particular derivative. There were no sex differences in toxicity. (Contact Person: Dr. T. Lewis, NIOSH)

The acute toxic effects of 1,2-dibromo-3-chloropropane (DBCP) on the kidney, liver, testis, and epididymis were characterized and the mechanism of action of this toxicant was studied. In brief, DBCP appears to be activated metabolically to an electrophilic intermediate that reacts with, and eventually depletes, hepatic glutathione. A threshold for DBCP toxicity may exist, therefore, coincident with depletion of hepatic glutathione below a critical level. In addition, a temporary period of infertility has been produced almost immediately after DBCP exposure, as well as permanent infertility several weeks post-exposure, suggesting toxic effects on both epididymal sperm and testicular germ cells. (Contact Person: Dr. W. Kluwe, NIEHS)

Pathology Quality Assessment—During FY 1981 the quality assessment (QA) for the pathology portion of the chronic bioassay program was expanded and modified. Currently, following the initial complete pathology examination by the performing laboratory, all the pathology summary tables, the hematoxylin and eosin stained microscopic slides, original individual animal data records (IADRs), and preliminary individual animal pathology tables (IAPTs) are sent to an independent QA pathology laboratory for assessment and validation.

Individual animal data records are compared with IAPTs and all changes noted. All tissues are counted and any discrepancies are noted. In addition, the slides are evaluated for histotechnique quality. Using the pathology summary tables, target tissues are identified by a QA pathologist and verified by NTP pathologists. Then all tumor diagnoses and target tissues are reviewed by a rodent pathologist. A second slide set is made for the NTP Pathology Working Group (PWG) which includes all target tissues and any discrepancies in tumor diagnoses between the original and reviewing pathologists. For each study, a NTP pathologist serves as PWG chairperson, who reviews the QA report, PWG slide set, IADRs, and tumor summary tables. A PWG consisting of four to five pathologists reviews and reaches a consensus of all diagnostic discrepancies. A third slide set consisting only of diagnostic discrepancies between the original and PWG pathologists is returned to the original pathologist along with the PWG comments. These are reviewed and the IADRs updated as appropriate. Where significant differences of opinion remain between the PWG and original pathologist, both data sets are included in the final report. In rare cases where numerous significant differences exist that may impact on the interpretation of the study, the entire study may be reread by independent pathologists.

The QA and PWG procedures as they exist for the 2-year bioassays are currently being redrafted for use in the 90-day subchronic studies. This will assure more uniformity throughout the program both for tumor and non-tumor diagnoses. In addition, an effort is being made to better correlate the subchronic and chronic pathology findings in the final report. (Contact Person: Dr. E. McConnell, NIEHS

Renal Toxicology—In test methods develoment, particular emphasis was placed on evaluating the general applicabilities of several tests of renal function in repeated-dose rodent toxicology screens. Using a variety of nephrotoxicants (heavy metals, organic solvents, non-solvent organics), the most appropriate tests were found to be those that measured functional capacities, such as urinary concentrating ability or organic ion transport *in vitro*. Most of the useful tests required quantitative urine collection. Standard tests such as serum urea nitrogen or sodium concentrations were shown to be quite insensitive. Quantitative enzymuria was an effective diagnostic procedure only when significant epithelial cell necrosis occurred, leading to the conclusion that urinary enzyme measurements are no more sensitive than histopathology as indicators of kidney injury. Urinalyses, however, have the obvious advantage of non-invasive techniques. Many of the common analytical procedures (urinary protein and glucose concentrations, several urinary enzyme activities) were automated, obviating the use of subjective or semiquantitative analytical techniques.

The effect of mercury ($HgCl_2$) exposure on susceptibility of the kidney to other nephrotoxicants has been studied to assess the toxicologic potential of chemical mixtures of multiple chemical exposures. To date, potentiating or protective effects have not been observed.

The transient nature of enzymuria during continued treatment with nephrotoxicants has been monitored. Elevation of urinary enzyme activity occurs coincident with active tubular cell necrosis; enzymuria falls below control levels during active cellular regeneration, probably reflecting a decrease in the normal rate of cellular exfoliation into the tubular lumen. These results are consistent with the previously stated conclusion that quantitative enzymuria is an adequate, non-invasive measure of renal tubular cell injury. (Contact Person: Dr. W. Kluwe, NIEHS)

Biochemical Toxicology—One project is investigating the structure-activity requirements for induction on hepatic mixed-function oxidases (using polychlorinated biphenyls and other halogenated aromatic hydrocarbons) and identifying any biochemical changes resulting when rats are exposed to these chemicals. Another project explores the effects of 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) on prostaglandin synthesis. (Contact Person: Dr. J. Goldstein, NIEHS)

Another project concerned with *in vivo* effects metals on lung lipid peroxidation will be completed in September 1981. The following are the accomplishments for this project during the previous three years: (1) the lipid peroxidation process in the lung was characterized so that it can be manipulated experimentally; (2) the relationship between lipid peroxidation and metabolism of foreign compounds was defined; (3) ascorbic acid protects against the harmful effects of lipid peroxidation; and (4) iron and combinations of iron with either cadmium or zinc stimulate the process of lipid peroxidation in the lung. (Contact Person: Dr. K. Weber, NIOSH)

Other studies in process are designed to elucidate the biochemical mechanisms underlying the teratogenic and reproductive effects of glycol ethers. (Contact Person: Dr. B. Hardin, NIOSH)

FY 1982 Program Plans

General Toxicology—Additions to the general toxicology screen will include efforts to develop and evaluate clinical chemistry procedures for organ function assessment. Also added will be measures of reproductive dysfunction at the end of the 90-day subchronic phase—testicular pathology, epididymal weights, sperm counts in males; and vaginal cytology in female animals. Additionally, plasma will be stored for future determinations of sex hormones. A mating protocol also has been defined as a special study. (Contact Person: Dr. J. Lamb, NIEHS)

A six-month, seven hours/day, five days/week inhalation study of isopropylamine, tertiary butylamine, and benzylamine will be performed. The acute toxicity of each amine by inhalation (LC_{50}) will be determined prior to the initiation of a subchronic inhalation toxcology study. (Contact Person: Dr. T. Lewis, NIOSH)

The pharmacokinetics (distribution, disposition, metabolism, and excretion) and toxic effects of DBCP at the subcellular level will continue to be studied and the mechanisms of action more clearly defined. Goals of the DBCP project are to assess the toxicological risk at various exposure levels and to predict whether chemicals with similar structures would have the same toxic effects. (Contact Person: Dr. W. Kluwe, NIEHS)

Renal Toxicology—In-depth studies will continue on the nephrotoxicology of halogenated aliphatic compounds with the purpose of defining a common cellular or subcellular mechanism of action. (Contact Person: Dr. W. Kluwe, NIEHS)

Chemical Disposition

Knowledge of chemical disposition—the rate and degree of absorption, tissue distribution, metabolism and excretion of chemicals by intact animals—is fundamental to determination of the mechanisms by which exposure to various chemicals induces toxicity. The major objectives of the chemical disposition program orient towards (a) gathering and interpreting chemical disposition data to better predict doses for compounds scheduled for long-term bioassays, (b) developing and expanding generic information on chemical structure-activity relationships, and (c) providing basic data to facilitate more accurate extrapolation from laboratory results to forecast human responses.

Studies of chemical disposition are usually two-phase studies. The initial or preliminary study of chemical disposition determines the rates and routes of excretion and a dose range in which chemical absorption, metabolism, and distribution is linear. The low dose used in the preliminary study stems from the limits of accurate detection or the anticipated human exposure, whichever is higher. The high dose is determined by the lower limits of acute toxicity ($0.1 \times LD_{50}$) or the highest dose which can be accurately administered, whichever is lower. If absorption, metabolism and clearance are apparently unaffected by dose, the disposition of the chemical is studied at a relatively non-toxic dose which usually does not exceed anticipated human exposure by greater than 10-fold. If either absorptioin, metabolism, or clearance is affected by dose, the initial studies are repeated with intermediate doses to determine the saturating dose for the biological mechanism involved.

The second phase of a chemical disposition study, a detailed investigation of tissue distribution and excretion, determines major target tissue concentrations, quantitates relative amounts of parent versus metabolites in tissues and excreta at various time points, and provides data which will permit the calculation of kinetic parameters such as tissue and whole body half-lives, relative tissue affinities, and tissue/blood ratios.

An additional specific objective provides support to the NTP benzidine congener dye initiative. The three NTP agencies are conducting pharmacokinetic and metabolism studies on selected dyes for this interagency activity.

FY 1981 Accomplishments

The chemical disposition program involves laboratories at each NTP agency. New and ongoing activities for the most part fall into one of three general categories: (1) chemicals and closely related chemicals chosen for toxicology and/or carcinogenesis bioassays which provide an opportunity for a study of structure-activity relationship; (2) chemicals which are benzidine congeners and derived dyes, part of the NTP initiative; and (3) chemicals to which industrial workers are exposed, including some benzidine congeners and derived dyes.

Chemicals Chosen for Long-Term Bioassays and Structurally Related Chemicals

These and some of the benzidine congener and derived dye studies were conducted principally by intramural programs and through four contracts. Two of these contracts were awarded in the fourth quarter of FY 1981, raising the program capacity from 10–15 studies per year to 20–25 studies per year. Major projects are described as follows:

1. 2,3,7,8-Tetrachlorodibenzofuran (TCDF), an extremely toxic halogenated hydrocarbon, is readily absorbed from the gastrointestinal tract of both rats and guinea pigs. Independent of the route of administration, TCDF concentrates initially in the liver of mice, rats, guinea pigs, and monkeys. That portion of the dose which is not rapaidly metabolized is redistributed to tissue where it is stored. Metabolites are excreted via the bile into the feces. In the rat, in contrast to the monkey, the biliary metabolites may be further metabolized in the intestine. Biliary metabolites from rats have been analyzed for hydrolytic sensitivities and studies are underway to isolate and characterize the major biliary metabolite. At least one metabolite from monkey feces has been isolated. No metabolism of TCDF can be detected in guinea pigs, which apparently store TCDF in the fat until intoxication occurs; then the fat is mobilized as an energy source causing redistribution of the TCDF back to the liver. Upon repeated exposure to low levels of TCDF, no TCDF intoxication occurs until a critical body burden is reached. When this occurs, guinea pigs suffer extensive weight loss and then death.

2. Chlorendic acid was readily absorbed from the gastrointestinal tract, rapidly distributed to all tissues, most concentrated in liver, and rapidly excreted, primarily in feces, with a half-life of less than one day. Structurally similar and equally chlorinated as the persistent insecticides aldrin and dieldrin, chlorendic acid is considerably more polar than these insecticides because of two carboxylic acid groups. These results indicate that lipid solubility and resistance to metabolism to polar compounds contributes to persistence and bioaccumulation more than does simple halogenation.

3. p-Nitroaniline was readily absorbed from the gastrointestinal tract distributed to all the tissues, and was rapidly excreted in urine as metabolites. The half-life for clearance from most tissues was less than 12 hours and little p-nitroaniline-derived radioactivity remained in the body after 24 hours. Trace levels of p-nitroaniline were most persistent in blood, possibly due to a reaction with hemoglobin. Metabolites of p-nitroaniline are being identified by co-chromatography with known standards.

4. 1,3-Diphenyl guanidine was readily absorbed from the gastrointestinal tract and distributed throughout the major tissues. Thus, considerable potential exists for tissue exposure, but this compound does not appear to bioaccumulate in any particular tissue. Whole body half-life for 1,3-diphenyl guanidine is approximately 12 to 16 hours in the rat. Excretion was divided equally between urine and feces.

5. Following oral or intravenous (iv) administration, acrylamide was rapidly distributed to all tissues. Clearance of acrylamide-derived radioactivity from most tissues follows a biphasic, first-order exponential decay with an initial half-life of approximately five hours and a much longer terminal half-life of approximately eight days. The terminal half-life of acrylamide in spinal cord was exceptionally long, approximately 24 days, and may be related to the neurotoxic effects of this compound. The major route for acrylamide excretion was urine and most of the material excretted was in the form of metabolites. The major metabolite detected in urine was an N-acetyl-cysteine conjugate.

6. Chlorpheniramine maleate was readily absorbed, rapidly metabolized, and excreted primarily as metabolites. Chlorpheniramine maleate was distributed to all tissues with peak concentrations in liver, with the largest percent of the total dose residing in muscle. Excretion occurred primarily in urine and was relatively rapid, greater than 80% of the dose excreted within two days. These results indicate that if the human is able to clear chlorpheniramine maleate as rapidly as the rat, therapeutic doses should cause little bioaccumulation.

7. p-Chloroaniline disposition in the rat showed no dose-related effects on metabolism and disposition for the dose range studies (0.3 to 30 mg/kg). At all doses p-chloroaniline was readily absorbed, rapidly metabolized, and excreted primarily in urine. p-Chloroaniline was most persistent in blood, due to binding to hemoglobin in red blood cells; at seven days post exposure most of the p-chloroaniline retained in the body was bound to red blood cells.

8. Comparative studies of *in vitro* versus *in vivo* metabolism of three polychlorinated biphenyls (PCBs) have been conducted in three species and in enzyme preparations from each species. Both *in vivo* and *in vitro* metabolism of PCBs are determined by the degree and position of chlorination. An effort is being made to more accurately predict *in vivo* metabolism from results obtained *in vitro* with hepatic microsomal preparations or isolated hepatocytes. The goal is to refine techniques which will permit an *in vitro* to *in vivio* extrapolation for laboratory animals and therefore facilitate the extrapolation of laboratory data to humans. (Contact Person: Dr. H. B. Matthews, NIEHS)

9. Comparative chemical disposition studies were conducted on hexamethyl-p-rosaniline chloride (gentian violet) and sulfamethazine. Separate *in vitro* liver microsomal incubations of gentian violet were done using tissues from mice, rats, and guinea pigs. Mono- and di-demethylation occurred. *In vivo* studies in mice and rats were also conducted, and tissue residue and metabolite analyses initiated. *In vivo* metabolism studies with the chicken are underway. Work has begun on the metabolism of sulfamethazine in swine and in rodents. (Contact Person: Dr. J. McDonald, NCTR)

Chemicals Chosen as Part of the NTP Benzidine Congener Initiative

Methodology—Analytical methodology was developed for metabolism studies with Direct Red 2 and Direct Blue 15. More work is required to develop methodology for 3,3'-dihydroxybenzidine, a chemically unstable compound and a possible metabolite of certain copper chelated azo dyes, such as Direct Blue 218.

Methodology for o-tolidine, o-dianisidine, and their mono- and diacetylated derivatives was completed for assay of rat, hamster or human urine by electron-capture gas chromatography (EC-GC) and by high pressure liquid chromatography (HPLC). (Contact Person: Mr. M. Bowman, NCTR)

Direct Blue 6, a bis-azo-biphenyl dye, has been synthesized with ^{14}C label in the benzidine nucleus. The radiochemical purity as determined by HPLC was greater than 95%. Direct Blue 6 will be used to study the fate of benzidine when administered in the form of a derived dye. (Contact Person: Dr. H. B. Matthews, NIEHS)

Chemical Disposition—Studies were done to determine the metabolism and to elucidate structure-activity relationships of selected azo dyes in the Fischer 344 rat. Nine dyes—four o-tolidine-based (Direct Red 39, Direct Blue 14, Direct Blue 53, Direct Orange 6), four o-dianisidine-based (Direct Blue 8, Direct Black 114, Direct Blue 10, Direct Violet 32), and one dichlorobenzidine-based dye (Direct Red 46)—were given by gavage to rats. Results indicate that (1) dyes are generally less than 50% pure as received, (2) characterization and purification of dyes are essential, and (3) Direct Red 39, Direct Blue 8, and Direct Blue 14 are metabolized in the rat. Data on the remaining dyes are expected at monthly intervals. (Contact Person: Mr. M. Bowman, NCTR)

Detailed metabolism, distribution and excretion studies with ^{14}C-benzidine and ^{14}C-3,3'-dimethoxybenzidine have been completed in the rat. A major portion (up to 75%) of the orally or intravenously administered radiolabel was excreted in the feces three days after dosing. Substantially higher concentrations of radiolabel locate in the liver than in other tissues at all times (0.5, 1, 2, 4, 8, 24 and 72 hr.) studied. Urinary and biliary metabolites of benzidine and 3,3'-dimethoxybenzidine have been identified by gas-chromatography mass spectrometry. The major radiolabeled components in urine and bile are polar materials, several of which are glucuronide conjugates. (Contact Person: Dr. H. B. Matthews, NIEHS)

Chemicals Chosen With Known or Potential Exposure of Industrial Workers

This research activity applies toxicokinetics, i.e., absorption, distribution, metabolism, and excretion of industrial chemicals to: (1) assess the potential hazards (e.g. target organ) from worker exposure; (2) select substitute chemicals with a greater margin of safety; and (3) develop methods for evaluating individual worker exposure. A major thrust of this research is the study of classes of chemicals through use of toxicokinetic principles and structure-activity relationships.

The absorption and tissue distribution study of azo dyes in the rat has concentrated on the development of methods for the separation of suspected dye metabolites, the purification of the dyes, the potential for *in vivo* cleavage of the dyes to potentially carcinogenic aromatic amines, and the application of methods developed for biological monitoring of urine samples collected from workers exposed to such dyes. Preliminary studies have been completed on two azo dyes: Direct Red 2 and Direct Blue 15. Methodology developed includes dye purification, stability and recovery studies, and methods to quantitate unchanged dyes in feces and dye metabolites in urine. (Contact Persons: Dr. L. Lowry, NIOSH or Mr. M. Bowman, NCTR)

A study currently in progress involves the determination of fetal and maternal distribution of diethylstilbestrol (DES), a human carcinogen known to distribute across the placenta, and Bisphenol A, an industrially important compound with structural similarity to DES and known estrogenic activity. (Contact Person: Dr. H. Plotnick, NIOSH)

FY 1982 Program Plans

Chemicals Chosen for Long-Term Bioassays and Structurally Related Chemicals

A continuing objective is to provide chemical disposition data for as many chemicals as possible to assist in the design of NTP bioassays for chronic toxicity testing of chemicals. In the course of the coming year, the work on *in vitro* versus *in vivo* metabolism and extrapolation will be continued. The metabolism of 1,2,3,-trichloropropane, p-nitrotolune, and o-nitroanisole will be studied in the rat, and a comparative study of the metabolism and disposition of triortho-, trimeta- and triparacresylphosphate will be done in the rat and at least one species sensitive to the neurotoxicity of triorthocresyl phosphate. The metabolism and disposition of at least three more aromatic amines (4-chloro-2-nitroaniline, 2,3-dinitroaniline, and 2-bromo-4,6-dinitroaniline) will be studied in the rat. In these studies special efforts will be placed on isolating and identifying

metabolites which are known carcinogens. Additional goals of these studies will be to observe the effects of halogenation, nitro groups, and polarity on metabolism, disposition, and bioaccumulation. Further work on aromatic amines will be planned according to the results of these studies. (Contact Person: Dr. H. B. Matthews, NIEHS)

The primary *in vivo* metabolic pathways for hexamethyl-p-rosaniline choloride (gentian violet) will be examined in chickens, rats, and mice. Biliary and urinary excretion of the unchanged dye, metabolites, and conjugated products will be measured. Possible involvement of intestinal microflora in the metabolism of gentian violet will be investigated. *In vitro* studies on the formation and reactivity of gentian violet and metabolites include measurement of covalent binding to DNA, interaction of the dye with glutathione, and anaerobic incubations to determine whether there is arylamine formation. (Contact Person: Dr. J. McDonald, NCTR)

Comparative *in vivo* metabolism studies on sulfamethazine will be done in several rodent species. The possible N-hydroxylation of sulfamethazine to a reactive intermediate will be investigated both *in vitro* and *in vivo*. (Contact Person: Dr. J. McDonald, NCTR)

Additional compounds or classes of compounds will be studied in support of the NTP as time, resources, and needs dictate.

Chemicals Chosen as Part of the NTP Benzidine Congener Initiative

Data from these ongoing studies will be used to calculate the kinetic parameters for the disposition of these compounds, and an effort will be made to extrapolate these animal data to humans, to better assess the hazard posed by human exposure to dyes synthesized from these carcinogenic precursors. Pharmacokinetic profiles will be completed in FY 1982 for the parent amines (benzidine, 3,3'-dimethlybenzidine, 3,3'-dimethoxybenzidine) and the selected derivatives, Direct Blue 6, Acid Red 114, Direct Blue 15, and Direct Red 2. (Contact Persons: Dr. H. B. Matthews, NIEHS, and Mr. M. Bowman, NCTR)

Urine samples from rats administered each of eight dyes are being stored and quantitative analysis of free amines, acetylated metabolites, and alkaline hydrolyzable conjugates will be completed. (Contact Person: Mr. M. Bowman, NCTR)

Chemicals Chosen With Known or Potential Exposure of Industrial Workers

Efforts in FY 1982 will continue to address the toxicokinetic analyses of classes of compounds. The biotransformation, excretion, and tissue distribution profiles of 2-ethoxyethanol and 2-methoxyethanol will be completed. (Contact Person: Dr. T. Lewis, NIOSH)

Cutaneous Toxicology

The skin, being the largest and most accessible organ of the body, is a common target of occupational injury and disease. Skin also provides a portal of entry into the body for toxic chemicals present in work and other environments. Three principal aspects of cutaneous hazards are being investigated. The first deals with the effects of repeated mechanical trauma to the skin. Chronic trauma is associated with the development of skin cancer, disfigurement, and breakdown in the barrier function of the skin. From a toxicologic sense, such trauma may influence the entry of toxic chemicals through the skin. The second concerns the development and evaluation of noninvasive objective parameters to assess *in vivo* phototoxic effects of chemicals. Most current methods rely upon subjective parameters to evaluate skin irritation; development of objective indices will provide more sensitive means to measure phototoxic effects of chemicals. Thirdly, this new program addresses the issue of percutaneous absorption of chemicals as it relates to total body burden and systemic intoxication. Emphasis is placed on methodologies to study the kinetics of penetration and uptake of gases and vapors present in the workplace environment.

FY 1981 Accomplishments

The cutaneous hazards and disease research initiative was planned and implementation begun during FY 1981. Protocols for each of the interest areas were developed and approved. Since little is known regarding the health hazards resulting from repeated mechanical insults to the skin, a contract was awarded which will provide for identification of relevant information and data, a comprehensive critical review and definition of the problem, and the establishment of a small international workshop to discuss the overall topic. The workshop is scheduled for Spring 1983.

Studies employing the indices of skin temperature, skin pH, and ear thickness were initiated to quantitate skin irritation following exposure to phototoxic chemicals. A body-only exposure chamber was designed and constructed for small laboratory animals for the purpose of testing the percutaneous absorption of gases and vapors. Results will be available in FY 1982. (Contact Person: Dr. A. Susten, NIOSH)

FY 1982 Program Plans

The validation of the current protocols and development of new methods will continue. Quantifiable indices of dermal responses to select chemical and physical agents will include skin reflectance and light transparency of the ear. Dermal penetration of benzene and carbon disulfide vapors will be evaluated in the body-only exposure system, a system that permits no exposure by inhalation. (Contact Person: Dr. A. Susten, NIOSH)

The NTP is studying the toxicologic properties of the psoralens with and without ultraviolet light. The FDA has recommended the study of psoralens because psoralen plus ultraviolet light (320–360 nm), commonly referred to as PUVA therapy, is a widely used treatment for psoriasis in clinical studies conducted under a FDA IND, and systematic animal toxicology has not been performed. It is estimated that 1–3% of the world's population suffers from psoriasis, and in 1978 an estimated 35,000 Americans received this treatment in the U.S.

The NTP program is investigating a variety of psoralens with different chemical formulas including the most widely used psoralen, 8-methoxy-psoralen. These studies include mutagenicity, pharmacokinetics and metabolism, long-term bioassays, and effects of treatment on skin enzyme levels. As part of the psoralen program, the NTP will sponsor a conference on the "Toxicology of Psoralens" on March 1–3, 1982 at NIEHS, Research Triangle Park, NC. (Contact Person: Dr. J. Dunnick)

Immunological Toxicology

The immune system imparts host defenses, maintenance of homeostasis and surveillance. Interactions of environmental chemicals or drugs with the immune system may result in undesirable effects of three types: (1) those determined by immune deficiency or suppression; (2) those determined by alterations of host defense mechanisms; and (3) those determined by allergy or hypersentivity. There is increasing evidence that chronic, subclinical exposure to certain chemicals may depress immune responsiveness and

increase susceptibility to infectious agents.

The primary objectives of the immunological toxicology program are to select, refine, and validate a panel of immunology and host resistance procedures, to define immunotoxicity of chemicals, and to correlate changes in immune function with changes in host resistance. The comprehensive assay panel which has been developed evaluates; (1) host resistance to bacterial and tumor cell challenge; (2) cell-mediated immune function as measure by lymphoproliferative responses to mitogens; (3) development of delayed hypersensitivity to a T-cell dependent antigen; (4) assessment of antibody plaque forming cell responses; (5) quantitation of immunoglobulin levels; and (6) bone marrow progenitor cell function.

FY 1981 Accomplishments

During FY 1981 several chemicals were examined for immunotoxicity in NTP intramural laboratories using our comprehensive panel of immunology and host resistance assays. B6$3F_1$ mice were exposed *in utero*, postnatally, or as adults to three dose levels of chemical over a 14-day or longer period. Routine hematology, serum chemistry, and pathology/histology were within normal limits unless indicated and no signs of overt toxicity were observed. Data from these in-house studies are summarized in Table 15. The polycyclic aromatic animal carcinogen benzo(a)pyrene was studied along with its noncarcinogenic congener benzo(e)pyrene to examine structure/activity relationship by adult and *in utero* exposure. The carcinogenic form B(a)P, but not the noncarcinogenic form B(e)P, produced marked (up to 83%) suppression of antibody production to both T-dependent and independent antigens, with some suppression of lymphoproliferative responses to T-cell and B-cell mitogens, but not alloantigens in the mixed lymphocyte culture (MLC). Delayed hypersensitive response (DHR), macrophage (M0) function, and host resistance to tumor, bacteria, or parasite challenge were unaltered following B(a)P exposure. This confirms the T-cell dependence of our challenge models and suggests that B-cell defects are induced by both adult or *in utero* B(a)P exposure. Transplacental exposure to B(a)P produced a more pronounced B-cell suppression that was still manifest as late as 12 weeks following exposure.

Phorbol myristate acetate (PMA), an animal tumor promoter, was studied by adult or postnatal exposure as a class representative and was found to markedly suppress thymus weight and most T-cell functions including natural killer cell activity, the latter believed responsible for immune surveillance against tumors. Host resistance to challange with transplantable tumors and the parasite *Trichinella spiralis* was also depressed. Early postnatal exposure produced similar T-cell depression.

The congeners ethyl carbamate (urethan), a known animal carcinogen, and methyl carbamate (noncarcinogenic) were studied by adult exposure for structure/activity relationships. Similar to effects seen with the polycyclic aromatic hydrocarbon compounds benzo(a,e)pyrene, only the carcinogen ethyl carbamate produced immune alterations of the B-cell type. Profound suppression of bone marrow progenitor cells was produced by ethyl, but not methyl carbamate. The class representative antihistamine, promethazine, was studied for immunotoxicity following its nomination to NTP by the Food and Drug Administration. Immune dysfuction was not observed at any of the three promethazine dosage levels examined. (Contact Person: Dr. J. Dean, NIEHS)

A few procedures in the comprehensive assay panel have been selected for interlaboratory validation with suspect immunotoxic chemicals in contract laboratories during FY 1981–82. This abbreviated assay panel (screening tier) was implemented in the prechronic testing phase of NTP's chemical bioassay program to evaluate the immunotoxicity of certain suspect chemicals and drugs. These procedures will only be performed in those bioassay contract laboratories which have demonstrated competence by the performance criteria specified in the immune assessment protocol and which have approval of the immunological toxicology program.

During FY 1981 two research and development contracts were awarded to assist with host resistance model development, interlaboratory assay validation, and chemical immunotoxicity evaluation. Contracts were initiated in February 1981 at the Medical College of Virginia (MCV) and the Illinois Institute of Technology Research Institute (IITRI).

A collaborative agreement on immunotoxicology methods development and validation has been initiated between the immunotoxicology program and cell biology programs in NTP cooperative agencies. During the past year one laboratory (NCTR) has been involved actively in the application of flowcytometry to macrophage phagocytosis and killing, immune profiling, and characterization of tumor cell models. Another laboratory (FDA) has been involved particularly in the quantitation of lymphokines, such as Interferon, and the measurement of lymphoproliferative responses following *in vivo* challenge with bacteria antigens for assessment of immunotoxicity. Studies at a third laboratory (NIEHS) ahve focused on the development of challenge models using bacteria,, parasites, and transplantable tumor cells, and their correlation with changes in immune function assays. (Contact Person: Dr. J. Dean, NIEHS)

FY 1982 Program Plans

During the coming year, emphasis in the NTP immunotoxicology program will continue on methods development and validation, correlations between changes in immune function parameters and altered host resistance, development of virus challenge models, and examining the mechanisms of immunotoxicity and projects described. NTP contract laboratories will continue the interlaboratory immunology methods validation effort started in 1981. (Contact Person: Dr. J. Dean, NIEHS)

Neurobehavioral Toxicology

The central nervous system has evolved as a highly specialized organ designed to accept signals from the internal and external environment and to initiate metabolic and behavioral responses of the total organism appropriate to its survival. The complex structure and function of the brain, and the need to be simultaneously protected from and responsive to the environment make this organ uniquely susceptible to environmental insults. Behavioral and neurologic alterations in response to environmental pollutants often represent the earliest manifestations of toxicity in animals. Thus, neurobehavioral test systems must be developed further and chemicals must be tested for neurobehavioral effects.

The NTP neurobehavioral program involves the formation of a strategy for the development, standardization, and validation of neurobehavioral screening tests. Such a test battery would provide a general indication of the presence of neurotoxicity and would possibly indicate the type or nature of neurotoxicity in terms of neurobehavioral function that may be affected. Known representative neurotoxicants are studied using the test battery to determine the level of sensitivity and selectivity of each component test. This battery with continuing refinements is used as part of

the general toxicology screen and in the prechronic phase of the two-year toxicology and caracinogenesis bioassay.

An additional objective is the development of a test capability for more extensive in-depth toxicological characterization of selected chemicals either identified in preliminary neurobehavioral screening or which are of public health concern.

FY 1981 Accomplishment

Human Studies—During FY 1981, one NTP laboratory conducted a variety of research projects using neurobehavioral research methods. Worksite studies of humans exposed to spray paints were completed in two companies (office furniture manufacturing and auto body painting) using a variety of cognitive tests. In the laboratory, human subjects were tested for changes in performance of complex mental tasks and monitoring/alertness functions during exposure to methyl ethyl ketone, toluene, and methyl ethyl ketone combined with toluene. Measures were developed and applied in human testing to demonstrate the usefulness of reflex response lacking in toxic assessment. (Contact Person: Dr. K. Anger, NIOSH)

Animal Studies—Neurophysiological test methods including nerve conduction velocity and evoked potential were used in studies of animals exposed to methyl bromide, ethylene oxide, and propylene oxide. Behavioral tests of performance, neuromuscular control, and sensory integrity were also carried out in animals exposed to lithium carbonate, lithium stearate, lithium chloride, and ethoxyethanol combined with ethanol. Behavioral, neurophysiological, and nueropathological changes were evoked in rabbits exposed for one month to 75 ppm methyl bromide, but not in rats; rats exposed for eight months to 50 ppm methyl bromide showed no effects. There were no effects in rabbits exposed for 25 ppm methyl bromide for one month. Neurochemical and behavioral changes in offspring of pregnant rats exposed to combinations of ethoxyethanol and ethanol suggested complex interactive effects, raising the general problem that pregnant women who are exposed to industrial chemicals may be placing themselves at added risk if they also consume alcohol, a known teratogen. Measures were developed and applied in animal testing to demonstrate the usefulness of reflex response lacking in toxic assessments.

Manuscripts published in the scientific literature during FY 1981 reporting research from previous projects dealt with: behavioral effects of acute human exposures to methyl chloride separately and in combination with diazepam, caffeine, and alcohol; acute animal exposures to carbaryl; and chronic animal exposures to cyanogen and methyl bromide. (Contact Person: Dr. K. Anger, NIOSH)

Neurobehavioral Test Battery—The other NTP laboratory completed research on the standardization and validation of behavioral tests to be used to assess toxicity (Table 16). The results of this research, which will be published in a monograph, indicate that the battery of tests is capable of quantifying neurological deficits following exposure of neurotoxicants. The neurotoxic profiles generated by the battery of tests are in accord with the relative neurotoxicity known to exist in the rat: tetraethyl tin>kepone>acrylamide>triethyl lead>methyl mercury>lead acetate>arsenic trioxide>monosodium glutamate. Although the primary test battery appears sensitive to motor deficits produced by toxicants, there are deficiencies in terms of detecting sensory deficits in rodents. Methods development in the area of sensory evaluation is clearly needed.

Experiments on the neurogenic effects of 2,4-dichlorophenoxyacetic acid (2,4-D) were completed in FY 1981. Rats exposed to various doses of 2,4-D over a 5-week period were found to have alterations in neurological function as measured in a battery of screening tests. Additional testing after cessation of dosing with 2,4-D indicated that the efffects were reversible. (Contact Person: Dr. H. Tilson, NIEHS)

Neurobehavioral Effects—Mature Animals—Considerable research was initiated in response to the State of Virginia's concerns about the neurotoxicity of Kepone. Work done in FY 1980 concerned the effects of Kepone in adult rats and was continued in FY 1981. Dose response-time duration curves have been demonstrated for startle and tremor produced by acute or repeated administration of Kepone. Hyperirritability and tremor are two prevalent neurotoxic signs of Kepone exposure in humans, and it was thought to be important to quantify these effects in an animal model. Data obtained from these studies have led to current investigations on the possible mechanism by which Kepone affects nervous system function. Information obtained from these studies may be useful in developing strategies to treat the signs of neurotoxicity produced by Kepone and structurally related environmentally prevalent agents (i.e., Mirex, DDT). (Contact Person: Dr. H. Tilson, NIEHS)

Neurobehavioral Effect—Developmental Period—Research in FY 1981 also emphasized the effects of Kepone when given during the developmental period. Rats exposed to Kepone during gestation and lactation were evaluated for behavioral deficits at various ages. Few neurological effects were observed at 30 and 100 days of age, but alterations in responsiveness to a pharmacological challenge (apomorphine) were observed in Kepone-exposed males, suggesting a possible alteration of catecholaminerigic function. Subsequent research has revealed subtle alterations in the ability of Kepone-exposed animals to adapt to certain kinds of stressful situations. These experiments demonstrate that exposure to environmentally relevant levels of Kepone (1–6 ppm) via the diet can have long lasting functional effects that may be important to the long-term adaptability or survival of a mammalian species.

Recent experiments have also focused on the consequences of exposing animals to a single dose of Kepone on day four postnatally. This period of development is highly significant in the rat, which has a great deal of neuronal development postnatally; comparable periods of neuronal development occur in the human just prior to birth. By using the postnatal animal model, it was hoped to determine more precisely the potential long-term neural consequences of exposure to Kepone. These studies have demonstrated that postnatal exposure to Kepone can alter the performance of preweaning rats in certain types of learning tasks. Adult rats exposed neonatally to Kepone were also found to perform differentially in behavioral tasks possibly involving cognitive or associate abilities. (Contact Person: Dr. H. Tilson, NIEHS)

The status and program plans for an interlaboratory collaborative study to identify and develop screening methods for measuring effects of prenatal exposure to chemicals on behavior during animal development is described in the section on Reproductive and Developmental Toxicology (pp. 127 and 129).

FY 1982 Program Plans

Research planned or proposed in FY 1982 by one NTP laboratory includes laboratory neurobehavioral evaluations of glycol ethers, substituted straight chain hexacarbons, and lithium compounds in animal subjects, and ketones in human subjects. Worksite investigations of fumigators will also be conducted. In the area of new methods development, cooperative work with EPA and NCTR will be carried out in designing screening and more focal test

procedures for human neurotoxic assessments, and in validating behavioral teratology test methods used with rats. (Contact Person: Dr. K. Anger, NIOSH)

Research at the other NTP laboratory will continue to emphasize Kepone. Additional studies concerning the type of neurological deficit produced by developmental exposure will be performed. In addition, more studies on the possible involvement of monoaminergic systems in the manifestation of Kepone-induced tremor and hyperirritability will be conducted.

Work has been initiated to develop automated procedures to assess toxicity in animals using naturally occurring domiciliary behaviors, such as spontaneous motor activity and ingestive related behaviors. One of the first signs of toxicity is loss of body weight and alterations in locomotor movements, and it is predicted that alterations in the diurnal cycle or pattern of home cage behaviors may precede overt signs of toxicity. Over the next three years, plans are to develop a monitoring system and evaluate six chemicals (acrylamide, arsenic, Kepone, methyl mercury, tetraethyl tin, and triethyl lead) in a chronic repeated dosing paradigm. (Contact Person: Dr. H. Tilson, NIEHS)

Pulmonary Toxicology

Although many substances are assessed toxicologically by the inhalation route of exposure, pulmonary function testing is often neglected. The lung is frequently a prime target organ in addition to being a means of entry for systemic intoxication. Techniques now exist which measure indices of pulmonary function in animal species—tests of mechanical properties, gaseous distribution, static and dynamic lung volumes, distribution of inspired air, and more recently, ventilatory performance. A key issue in the decision to perform pulmonary function testing for detection of toxicity to the lung from inhaled substances is whether such tests provide toxicologic information beyond the pathologic evaluation of lung injury. Pulmonary function tests must be reproducible, sensitive, specific, and capable of large-scale utilization if they are to be used effectively in the diagnosis of early and subtle pulmonary lesions in experimental animal models for chemically-induced pulmonary disease in humans.

FY 1981 Accomplishments

Effects of Chemicals on Pulmonary Function—In FY 1981 pathologic findings observed in rats following exposure to ozone, acrolein, or chlorine were compared with the results of a series of pulmonary function tests. Fischer 344 male rats were exposed six hours/day, five days/week to filtered air and at 0.2, 0.8, or 2.0 ppm ozone for 62 days. Pathologically, inhalation of 2.0 ppm resulted in multifocal alveolar edema which alternated with areas of normal alveoli. Terminal bronchiolar epithelial necrosis with sloughing was apparent and sloughed cells and macrophages were observed around terminal airways and alveoli. Exposure at 0.2 or 0.8 ppm ozone did not result in the typical lesion oberved in the 2.0 ppm ozone exposed rats.

Changes in pulmonary function were detectable at all exposure concentrations. Dynamic measurements included in the respiratory physiology testing regimen appeared to be more sensitive indicators of ozone-induced damage than static indices. The pulmonary change(s) in the 2.0 ppm group appeared to be diagnostic of obstructive airway disease, suggesting bronchitis/bronchiolitis. A dose-related increase in pulmonary resistance indicated a change in the caliber of the large airways or an accumulation of fluid along the air-ways. The maximum expiratory flow-volume (MEFV) maneuver demonstrated air flow obstruction at low lung volumes in all ozone exposure groups. Multibreath nitrogen washout suggested abnormalities in lung ventilation/distribution at all exposure levels. The rats receiving 2.0 ppm ozone also demonstrated greater amounts of trapped air than the controls. In summary, the pulmonary function tests were more sensitive in detection small airway damage than pathologic examination at the light microscopy level. Also, increased pulmonary resistance indicated large airway alterations not observed during pathologic examinations.

Data from studies in which rats were exposed intermittently at 0, 0.4, 1.4, and 4.0 ppm acrolein or at 0, 0.5, 1.5, and 5.0 ppm chlorine are being compiled and analyzed. Preliminary examination of these data supports the conclusions from the ozone study that the pulmonary function data provide unique relevant toxicologic information not provided by pathologic evaluation.

A series of extensive studies have been completed by the EPA to characterize the resulting health effects of chronic exposure to diesel exhaust. An NTP agencies' animal cardiopulmonary group assisted in this effort by performing comprehensive pulmonary function studies. Clearly defined responses were observed in male cats exposed to diesel particulate airborne concentrations of 6 mg/m^3 in year one and in 12 mg/m^3 in year two. Reductions in inspiratory capacity, vital capacity, and total lung capacity with normal values for ventilatory function (mechanics of breathing) indicate that a lesion is present which restricts breathing but does not cause airway obstructor or loss of elasticity. This restrictive disease is compatible with a diagnosis of pulmonary fibrosis of the interstitial or intraalveolar type. Concurrent status may include chronic inflammation, interstitial edema, or vascular engorgement. Additional support for the diagnosis of interstitial disease is the finding of impaired diffusing capacity. Distribution of the disease appears nonuniform as indicated by the significantly elevated nitrogen washout values for cats inhaling the diesel exhaust. Another pulmonary function evaluation following six months of breathing filtered, conditioned air is underway to assess the reversibility of this significant finding.

Animal Model—During FY 1981 a monkey model of human occupational asthma, first developed in 1980, was further perfected. Efforts included an evaluation of the dose-response relationships of exposure and the significance of coasthmagenic irritant exposures to the development of asthma. Immunochemical methods were developed to analyze serum for specific IgE and IgG (RAST and ELISA tests). Airway status was analyzed both pre- and post-exposure utilizing the parasympathomimetic drug, acetyl-b-methyl choline chloride, to determine the hyperactive status of the airways prior to challenge with the asthmogen. Interest in the asthma animal model produced three invited papers: two in England at the British Society for Chemical Allergy and Immunology and

at the Brompton Hospital, Department of Occupational Medicine, and a third at the Gordon Research Conference's special symposium on "Animal Models of Immediate Hypersensitivity." A fourth paper was presented before the Federation of American Societies for Experimental Biology describing the immunologic and physiologic reactions of monkeys to inhaled platinum salts. (Contact Person: Dr. T. Lewis, NIOSH)

FY 1982 Program Plans

Effects of Chemicals on Pulmonary Function—Experiments to assess the relative sensitivities and specificities of pulmonary pathology and pulmonary physiology will be continued in FY 1982. Fischer 344 male rats will be exposed to (1) crystsalline quartz (Min-U-Sil) for 64 and 124 days, six hours/day, five days/week at 0, 2.0, 10.0, and 20.0 mg/m^3; a third group will be exposed at the same concentrations and held for a six-months recovery period prior to evaluation; (2) cadmium chloride; and (3) tungsten carbide, with and without concomitant inhaled cobalt exposures.

There will be further evaluation of pulmonary function in rats and monkeys exposed to diesel exhaust, coal dust, and combined diesel exhaust/coal dust at airborne concentrations of 2 mg/m^3 respirable dust. A prospective epidemiological and environmental study of coal miners exposed to diesel emissions is also being conducted. These studies, coupled with industrial hygiene surveys of coal mines utilizing diesel equipment, will provide a comprehensive and integrated assessment of health hazards posed by diesel exhaust emissions.

Animal Model—There will be further assessment of the allergic aspects of occupational lung disease. Concomitant exposures of platinum salts and irritant gas (chlorine) will be used to simulate the refinery environment. Plans include verifying the animal model using other potential occupational allergens. Persons related to this effort will work closely with epidemiologists and clinicians lending immunochemical, analytical, and consultative expertise to worksite situations. (Contact Person: Dr. T. Lewis, NIOSH)

Reproductive and Developmental Toxicology

The evaluation of chemicals for effects on reproductive function and development is an important aspect of the NIP effort to predict the risk to humans of chemical exposure. The testing procedures available for assessing reproductive and developmental effects are few in number and generally give crude indicators of effects. Currently, program efforts are being directed toward developing shorter-term, less costly systems for determining the potential reproductive and developmental toxicity of chemicals. These testing systems will be used in the preliminary testing of toxicity. In this way, chemicals can be given priority for further testing. In addition, more sensitive test procedures are being developed and validated to use for subsequent in-depth study of particular chemicals. This plan should allow targeting of future resources for more specific identification of reproductive and developmental toxicants and begin to address questions about mechanisms of action. Only in this way can adequate data be accumulated for valid extrapolation of risk to man.

FY 1981 Accomplishments

A coordinating group was formed made up of representatives from each of the three NTP participating Federal research agencies, NCTR, NIEHS, and NIOSH. The coordinating group met quarterly to review activities within the individual groups regarding reproductive and developmental toxicity, to establish a process for report and manuscript review, and to plan research approaches which would better address the needs in this program area. In January, the reproductive and developmental toxicology program was reviewed by the NIP Board of Scientific Counselors and three research concepts were approved: Fertility Assessment Using Continuous Breeding, an *In vivo* Teratology Screening System, and Research and Development of *In Vitro* Teratology Systems. The program also was highlighted at the NIP Open Meeting on March 1, 1981, in San Diego, CA.

Short-Term Test Development—The primary emphasis in FY 1981 has been to develop shorter-term testing approaches in both reproductive toxicology and teratology; these will provide information faster for setting priorities to select chemicals for more in-depth evaluations. All of these procedures are now in either the methods development or validation phase.

The following chart indicates the approaches currently under development and how they are integrated with more standard testing approaches.

Fertility Assessment Using Continuous Breeding—The use of continuous breeding will be evaluated under a contract to be awarded in early FY 1982.

Short-Term In Vivo Teratology Assay—The short-term *in vivo* teratology assay will be evaluated under four contracts which were awarded in FY 1981. These procedures involve the treatment of pregnant mice during organogenesis and subsequent evaluation of the litters postnatally (modeled after the method developed by Chernoff and Kavlock, *Teratology*, 21(2):33A, 1980). Reduced litter size or birthweight and impaired neonatal growth or survival are evidence of an adverse reproductive effect. (Contact Person: Mr. B. Hardin, NIOSH)

In Vitro Teratology Test Development—The use of *In vitro* approaches for asserting teratogenic potential is being evaluated in several ways. Initial efforts were made to contact a large number of investigators in this area and to develop a "consensus" workshop to address specific questions concerning validation and application of *in vitro* test systems. The workshop, sponsored by NCTR, IRLG and EPA with additional support from the March of Dimes Birth Defects Foundation, was held in early August, 1981. Specific questions were addressed and the discussion focused on validation criteria and the need for standaridized approaches to validation in the future. there was general agreement that a list of compounds to be used in validation studies be devised and a repository for such chemicals be established for investigators who are interested in validating their test systems. (Contact Person: Dr. G. Kimmel, NCTR)

As part of the NTP effort in developing *in vitro* approaches, an investigation was begun by NIOSH into the feasibility of using fruit flies *Drosophila melanogaster*) as an *in vitro*

teratogenesis test system. Preliminary studies showed that a number of morphologic defects were detected in adult flies that had been exposed as larvae to chemicals incorporated into the culture medium (Contact Person: Mr. R. Schuler, NIOSH)

Conventional Teratology Testing—In addition to the newer efforts mentioned above, the evaluation of chemicals by routine teratologic methods has continued in FY 1981 and a number of studies were completed or are still in progress on contracts. Testing is in progress on 10 chemicals, evaluations were completed on six chemicals, and final reports were received on three of these six (Table 17). A slight increase in malformations at relatively high doses was noted in mice following diphenhydramine hydrochloride treatment throughout gestation. Further studies using shorter-term dosing are in progress. No significant teratogenic effects were noted in rats following diphenhydramine hydrochloride treatment. (Contact Person: Dr. C. Kimmel, NCTR)

Ethyl benzene inhalation exposure during gestation had no embryotoxic or teratogenic effects in rats or rabbits under the conditions of the study (Table 17). On the other hand, inhalation exposure to 2-ethoxyethanol (2-EE) was strongly embryotoxic at the higher exposure levels (total resorption of all litters at 756 ppm in rats and 615 ppm in rabbits), and teratogenic at the lower exposure levels (200 ppm in rats and 160 ppm in rabbits). Maternal toxicity at the lower exposure levels was slight, consisting of reduced food consumption and increased liver weight in rabbits, and increased liver, kidney, and spleen weights in rats. The Federal occupational exposure limit for 2-EE is 200 ppm, a level found to be teratogenic in both rats and rabbits. An inhalation teratology study of bisphenol A was cancelled due to decreases in staff. (Contact Person: Mr. B. Hardin, NIOSH)

Collaborative Behavioral Teratology Study—Methods for the behavioral assessment of postnatal animals following prenatal chemical exposure are being evaluated. A standardized protocol was developed for use in the collaborative behavioral teratology study. The six behavioral tests in the protocol will be evaluated for reliability within six separate laboratories (two academic, two private, two government); the test's sensitivity to two known behavioral teratogens (d-amphetamine sulfate and methyl mercuric chloride) will be studied. Four contracts and two interagency agreements were established, and the laboratories were set up with testing equipment in FY 1981. In addition, the intramural pilot study has begun and will remain approximately six months ahead of the participating laboratories. (Contact person: Dr. C. Kimmel, NCTR)

Effects of Chemicals on Postnatal Development—A project investigating the effects of maternal lead exposure on offspring exposed in *utero* and during lactation was completed in FY 1981. Lead acetate was administered in the diet to female rats for eight weeks before cohabitation. Maternal blood lead levels averaged 60 mg/dl. In functional status of the renal and erythropoietic systems was evaluated in progeny. Preliminary data analysis indicated a significant impairment of erythropoietic function in offspring exposed to lead prenatally.

Previous research demonstrated that the industrial solvent 2-ethoxyethanol induces behavioral and neurochemical alterations in the offspring of rats exposed during gestation to currently permissible levels of this solvent. Because of their similar metabolic pathways, 2-ethoxyethanol and ethanol were evaluated for interactive effects during gestation. Ethanol early in gestation *decreased* the behavioral and neurochemical effects of 2-ethoxyethanol, but ethanol later in gestation *enhanced* the effects of 2-ethoxyethanol. (Contact person: Mr. B. Nelson, NIOSH)

Reliability of Animal Studies for Predicting Human Developmental Hazards—Preliminary results of a study to evaluate the reliability of animal studies for predicting the hazards of developmental defects in humans were presented at the Toxicology Forum in FY 1981. Several manuscripts from this project and another project on dose-response relationships and low-dose extrapolation in teratology are in preparation. (Contact person: Dr. C. Kimmel, NCTR)

Effects of Chemicals on Male and Female Reproduction Function—In-house research activities include evaluation of the reproductive toxicity of environmental and industrial chemicals. The objective of the studies on male reproduction is to enhance our understanding of the toxic potential of environmental and industrial chemicals and, further, to elucidate the mechanism of action of chemicals found to be toxic. Chemicals which are active as chemosterilants in males, such as dibromochloropropane, are used as model agents in various tests systems. These studies provide valuable information on the correlation between effects in humans and those observed in laboratory animals. Endpoints of toxicity include the assessment of spermatogenesis, sperm morphology, hormone levels, and specialized chromosomal or genetic assays. Studies also have involved the assessment of progeny survival and development of treated males. These studies are expected to yield valuable data on chemical toxicity in males, as well as improve the sensitivity and accuracy of future testing systems.

The objective of the studies in females is to evaluate the potential of environmental chemicals to affect female reproductive function. As a model compound for these experiments, studies are going on the effects of Kepone which, like other environmental compounds, may be mediated through estrogenic or other hormonal activity. A number of criteria which measure hormone activity have been established. Uterine, ovarian, and pituitary function are studied in morphological and endocrinological studies following Kepone exposure. Fertility and reproduction are also evaluated in treated females and in offspring exposed perinatally to Kepone. Morphological studies include light and scanning electron miscroscopy, hormone radioimmunoassay, and hormone receptor assays. These studies should help establish the mechanism of reproductive toxicity of compounds such as Kepone. (Contact person: Dr. J. Lamb, NIEHS)

Reproductive Effects—Testing—Testing was completed on 20 priority chemicals (Table 18) being screened for potential reproductive effects using *in vivo* and *in vitro* test systems: *Drosophila* sex-linked recessive lethal (SRL), rat dominant lethal (DL) mouse sperm head morphology (SHM) rat bone marrow cytogentics (BMC), and unscheduled DNA synthesis (UDS) in

cultured human fibroblasts. (Contact person: Dr. R. Niemeier, NIOSH)

FY 1982 Program Plans

The coordinating group will continue to meet quarterly to evaluated the various aspects of the program and to intergrate efforts to most efficiently utilize the limited resources available. The group will also plan the continuing NTP efforts in this area and will attempt to keep abreast of the latest developments which may be applied to chemical evaluation for reproductive and development toxicity.

Short-Term In Vivo Teratology Assay—These tests will be evaluated with two previously tested compounds (one positive—sodium selenite, and one negative—ethylenethiourea), 15 glycol ethers, and 13 other NTP chemicals to determine which, if any, should be more thoroughly investigated in conventional test systems (Table 19).

A second series of contracts will be developed to continue application of the short-term *in vivo* mouse teratology screening test. Approximately 36 chemicals will be evaluated in these contracts. Chemicals will be selected from NIOSH and NTP priority lists, and recommendations from other Federal agencies. Inhalation teratology contracts will be developed to evaluate three glycol ethers selected for further testing based upon the results of the FY 1981 screening study. (Contact person: Mr. B. Hardin, NIOSH)

In Vitro Teratology Test Development—For *in vitro* teratolgy testing, three areas of activity will be pursued: (1) publication of the workshop proceedings; (2) initial validation studies of various systems depending on availability of research support; and (3) establishment of a literature review system for maintaining an update of advances in *in vitro* teratogenesis testing. As part of the second effort, a group will be established to devise a list of agents that can be used in a standardized validation approach and initial, efforts, will be made to establish a repository for the agents chosen. (Contact Person: Dr. G. Kimmel, NCTR)

Feasibility, methods development, and validation studies will continue on the potential of *Drosophila* to serve in an *in vitro* teratogenesis screening system. Promising results obtained in FY 1981 will be extended and confirmed, methods will be standardized, and known mammalian teratogens will be tested. (Contact Person: Mr. R. Schuler, NIOSH)

Conventional Teratology Testing—A number of ongoing conventional teratology studies will be completed (Table 17), and 10 to 12 additional studies will be undertaken on contract. Some of the chemicals to be evaluated are listed in table 20 and postnatal evaluations may be included for some of the chemicals. Other chemicals may be selected for teratological evaluation by inhalation exposure via contracts. (Contact Person: Dr. C. Kimmel, NCTR)

Collaborative Behavioral Teratology Study—The first year of the Collaborative Behavioral Teratology study with d-amphetamine will be completed in FY 1982. The study of methyl mercuric chloride will begin at the end of FY 1982 and will be completed in FY 1983. (Contact Person: Dr. C. Kimmel, NCTR)

Fertility Assessment Using Continuous Breeding—Expected to start in early FY 1982 is the validation of a test system for assessment of fertility and reproductive toxicity in mice. This system will employ an extended chemical exposure and a protocol which includes the mating of continuously-exposed males and females. Mating pairs will be housed together for up to 120 days and offspring will be counted to determine an index of cumulative fertility. The system then allows for the further study of the treated males and females after mating with control animals. The study of perinatally-exposed offspring may also be undertaken. Teratogensis may then be studied in affected animals. This test system allow the evaluation of effects after long-term exposure, and the relationship of infertility to various target organ response such as change in sperm number or morphology, altered vaginal cytology, or abormal hormone patterns. (Contact Person: Dr. J. Lamb, NIEHS)

Effects of Chemicals on Postnatal Development—Range-finding studies are being done in-house on four solvents similar in chemical structure to 2-ethoxyethanol (2-methoxyethanol, 2-ethoxyethyl acetate, 2-butoxyethanol and 2-(2-ethoxyethoxy) ethanol). During FY 1982, one of these four will be selected and evaluated for behavioral and neurochemical effects to determine if the class of glycol ethers poses a general risk to reproduction. (Contact Person: Mr. B. Nelson, NIOSH)

Effects of Chemicals on Male and Female Reproductive Function—Major efforts have been initiated to expand fertility testing by the NTP. A three-part series of special studies has been designed for incorporation into the toxicology and carcinogenesis bioassay program. These involve the study of spermatogenic function in males and reproductive cyclicity in females. These endpoints were chosen as ones which are obvious prerequisites to successful mating. The third part, which would be initiated if indicated by results in either of the first two parts or by a suggestion of reproductive toxicity found in data in the scientific literature, would be a mating trial of treated males to treated females. These studies will be performed on a number of chemicals already selected for testing by the NTP; the first two parts will make use of animals in the 90-day study. The evaluation of both sperm morphology and vaginal cytology slides will be evaluated by a single contract laboratory in an effort to standardize observations across studies. Each testing laboratory, however, will be instructed on how to prepare the slides. These studies are anticipated to start in early FY 1982 and approximately 40 compounds will be tested over an 18-month period. These studies should serve as valuable aids in setting priorities on chemicals for in-depth study. (Contact Person: Dr. J. Lamb, NIEHS)

Reproductive Effects—Testing—A total of 15 glycol ethers plus other NIOSH and NTP priority chemicals will be tested for reproductive effects in males using sex-linked recessive lethal assays in *Drosophila*, and dominant lethal, and sperm head morphology assays in mice. A broad spectrum of glycol ethers will be tested so that results can be used to develop structure-activity relationships for predicting the reproductive toxicity of other members of this chemical class. Other chemicals will be selected in response to testing needs and priority rankings. (Contact Person: Dr. R. Niemeier, NIOSH)

Coordinative Management Activities—Chemical Nomination and Chemical Selection

The chemical nomination and chemical selection process remains integral to the effective long-term operation of the NTP with respect to both the testing of chemicals using current methodologies and the validation of new methodologies.

The process has evolved steadily since the inception of the NTP in November, 1978. The NTP Board of Scientific Counselors, in January 1980, formed a subcommittee on chemical nomination and selection to evaluate the process and make recommendations for improvement. This subcommittee met with representatives from member agencies of the NTP, industry, labor, and a public interest group and discussed various schemes for setting priorities for selecting chemicals to test. At its October, 1980 meeting, the Board made recommendations for modifying the

process, which included provisions for public input and review of the nominated chemicals. The recommendations of the Board are being implemented.

The following discussion briefly summarizes the current NTP chemical nomination and chemical selection process. The process is shown schematically in Figure 4. (Contact Person: Dr. D. Canter, NIEHS)

NTP Chemical Nomination—Member agencies of the National Toxicology Program and other sources (other Federal agencies, the public, labor, industry) submit to the NTP nominations of chemicals for various types of toxicologic testing. The nominating source should submit the name of the chemical and the particular toxicologic tests desired; the rationale for the nomination; and the available background data on production, use, exposure, environmental occurrence, and extent of toxicologic characterization in a supporting summary document (Table 21). However, all nominations are considered regardless of the depth of the information submitted. Nominations should be addressed to: Chemical Nominations, National Toxicology Program, Room 2B–55, Building 31, National Institutes of Health, Bethesda, Maryland 20205.

All nominated chemicals are first reviewed to determine which chemicals have been tested, are already on test or scheduled for test, or have been previously considered and rejected for testing by the NTP or its predecessors. This involves preliminary examination of the nominations with minimal searches of existing on-line data bases and reference books. The nominations and background information are then forwarded to the Chemical Review staff at the National Center for Toxicological Research (NCTR) who examine the available literature, assess the relevant data, and prepare draft Executive Summaries of this information. (Executive Summaries are not prepared for chemicals nominated solely for mutagenicity testing.) Included in each Executive Summary are these sections: Chemical Identification, Surveillance Index (production, use, occurrence, analysis), Human Exposure and Health Effects, Research Hypothesis to be Tested, Categories of Study, and Source of and Reason for Nomination. (Contact Person: Dr. L. Fishbein, NCTR)

Evaluation of Nominated Chemicals—The Chemical Review staff sends the draft Executive Summaries to the Chemical Evaluation Committee (CEC), composed of representatives from the Consumer Product Safety Commission (CPSC), Environmental Protection Agency (EPA), Food and Drug Administration (FDA), Occupational Safety and Health Administration (OSHA), National Cancer Institute (NCI), National Institute of Environmental Health Sciences (NIEHS), National Institute for Occupational Safety and Health (NIOSH), National Center for Toxicological Research (NCTR), and National Toxicology Program (NTP). The CEC evaluates the draft Executive Summaries and recommends the types of testing to be performed. Primary and secondary reviewers are assigned to each chemical after consideration of the nature of exposure so that, to the extent possible, appropriate regulatory concerns will be addressed. Members are requested to search data bases unique to their agency for further information on the nominated chemicals (and structurally related compounds) to improve the evaluation process.

At the CEC meeting the primary reviewer for each chemical summarizes the data on that chemical and makes recommendations for testing. The secondary reviewer presents additional information, where available, and also discusses the merits of testing the compound. Following a general discussion, the Committee votes on the recommended types of testing and assigns priorities for types of testing. The recommendations are based upon whether the chemical satisfies one or more of the eight NTP chemical selection principles (Table 22). The Chemical Review Staff revises the Executive Summaries as needed.

Public Comment—A **Federal Register** notice is published which lists the chemicals reviewed by the CEC and the recommended types of testing. Also, the notice solicits comments from interested parties as well as information on completed, ongoing, and planned testing in the private sector. Responses are requested within 30 days of the date of publication. The list of chemicals is also published in the *NTP Technical Bulletin* along with a request for comments. These steps are taken to enable other individuals and groups to provide data useful to the NTP nomination, selection, and chemical evaluation process.

Peer Review—The revised Executive Summaries and public comments on the nominated chemicals are then forwarded to the Board of Scientific Counselors for review. The Board subsequently meets to evaluate these data and to priority rank the chemicals for testing.

Chemical Selection—The Chemical Review Staff then incorporates both the Board's rating and comments and pertinent public input into final Executive Summaries which are submitted to the Executive Committee. The Committee decides whether to test, defer, or delete each of the nominated chemicals for the various types of testing. Executive Committee decisions are published in the *NTP Technical Bulletin*. The Committee also recommends priorities for testing and test development/validation to the NTP.

Following Executive Committee action, the NTP Steering Committee (see pp. 25 to 26) meets to refer the chemicals to one or more of the three organizational units participating in the NTP: NIEHS, NIOSH, and NCTR. At this point certain approved chemicals may be identified as not being appropriate candidates for testing as a result of technical or budgetary reasons. Also in some cases, public input describing adequate outside testing may only have been submitted following Executive Committee decision. Such chemicals are then returned to the Executive Committee with the rationale for reconsideration.

All chemicals selected in this process are then tested as time and resources permit.

FY 1981 Accomplishments

NTP Chemical Nomination—During FY 1981, Executive Summaries for 81 nominated chemicals were prepared. Additionally, mini-monographs on scopolamine, sulfamethazine, salicylazosulfapyridine, sulfathiazole, sulfamethazole, sulfanilamide, doxylamine, pyrilamine, tripelennamine and thenyldiamine were published or were in final preparatory stages.

Evaluation of Nominated Chemicals—The Chemical Evaluation Committee (CEC) held three meetings and examined 46 nominations in FY 1981: on January 21, the CEC evaluated 20 chemicals; on April 8, 13 chemicals; on May 19, 13 chemicals. Of the 46 chemicals reviewed for a variety of toxicologic testing endpoints, 28 chemicals were recommended for mutagenicity testing. An additional 193 chemicals considered only for mutagenicity testing at the April and May meetings were selected for such testing. The Board of Scientific Counselors also selected on chemical for mutagenicity testing at its meeting on May 28, bringing the total to 222 new chemicals selected by the CEC on FY 1981. Since chemicals recommended for mutagenicity testing only do not need to be approved by the Executive Committee, all were entered directly into the NTP mutagenesis testing program.

The CEC also makes supplemental recommendations for other types of testing where appropriate. A total of 19 chemicals were recommended for carcinogenicity testing, 12 chemicals for reproductive testing, and nine chemicals for chemical disposition studies (Table 23).

Public Comment—To solicit public input into the chemical selection process, **Federal Register** notices were published on the chemicals evaluated for in-depth toxicologic testing at the January, April, and May CEC meetings. These notices requested both comments and the submission of relevant data.

As a result of the **Federal Register** notice covering the January 21 meeting, production information and/or toxicology data were submitted by manufacturers for four chemicals: C.I. Vat Blue l; 1,3-dichloro-5,5-dimethylhydantoin; dodecenylsuccinic anhydride; and piperidine. Addenda to the Executive Summaries were prepared on these compounds for use by the Board of Scientific Counselors at its review of the 20 compounds on May 28.

Peer Review—Table 24 contains the testing recommendations made by the NTP Board on May 28, 1981. The data summarized in the addenda, the revised Executive Summaries, and the CEC and Board recommendations on the chemicals will be reviewed by the Executive Committee prior to making testing decisions.

FY 1982 Program Plans

Evaluation of Nominated Chemicals—The Chemical Evaluation Committee (CEC) expects to review approximately 50 compounds nominated for toxicologic testing during FY 1982 and to select up to 300 compounds for mutagenicity testing.

Peer Review—In October 1981 the Board of Scientific Counselors will review the 26 chemicals evaluated by the CEC at the April 8 and May 19 meetings. (Table 23). Data received as a result in the **Federal Register** notices on these chemicals will again be utilized by the Board in making recommendations.

Chemical Selection—In the first half FY 1982, the Executive Committee is expected to make testing decisions on the 46 chemicals reviewed by the CEC in FY 1981 (Table 23).

Testing Needs Study—To provide the NTP with decision-making guidelines by which to orient its chemical testing activities, the National Academy of Sciences (NAS) was awarded a contract to conduct an extensive testing needs study. This three-year study, begun in FY 1981, consists of two major objectives: (1) estimate the number of chemicals in the universe of compounds with the potential for public health implications for which toxicity data are needed, and (2) develop workable criteria with which NTP can establish priorities for those compounds requiring toxicity testing.

The study is being conducted by a Steering Committee, chaired by Dr. James Whittenberger, Harvard School of Public Health, and three additional committees: the Toxicity Data Elements Committee, chaired by Dr. John Doull, University of Kansas Medical School; the Sampling Strategies Committee, chaired by Dr. John Bailar, Harvard School of Public Health; and the Priority Mechanisms Committee, chaired by Dr. Arthur Upton, New York University Institute of Environmental Medicine. The Sampling Strategies Committee has evaluated sampling strategies and selected one appropriate for determining the compounds to be examined in this project. The Committee on Toxicity Data Elements is responsible for evaluating the toxicity data on the compounds in the sample. The Committee on Priority Mechanisms is developing the means for estimating the relative degree of concern to public health for those chemicals to be studied by the NTP.

Although the main goal of the NAS Study is to determine the scope of the problem to untested chemicals, one important byproduct will be the development and testing of a priority-setting scheme which may be used in the ranking of chemicals submitted for NTP consideration for testing (Contact Person: Dr. R. Shapiro, NIEHS)

Chemical Test Management

Once a chemical has been selected for extensive testing and referred to the particular program area, a Chemical Manager is assigned to ensure that the chemical receives a complete scientific evaluation. The Chemical Manager follows the progress of the chemical through each of the various testing phases and has the responsibility to: (1) know and understand the relevant scientific literature; (2) present draft protocol designs to the Toxicology Design Committee to ensure that testing is designed to measure relevant endpoints; (3) keep up-to-date on the experiment's progress and maintain current awareness; (4) provide liaison with groups doing special studies on the chemical; (5) assist in data evaluation; (6) draft the technical bioassay reports; (7) be available to present test results at the Technical Reports Review Subcommittee meetings; (8) prepare the final technical report and journal manuscripts; and (9) respond to requests for information on the chemical after obtaining clearance from the agency which regulates the chemical. The Chemical Manager also maintains liaison with the party (government, public, industry) who nominated the chemical and with the industry that manufactures or uses the chemical.

As an adjunct, the Pathology Working Group, the Data Analysis Group, and the Quality Assurance-Good Laboratory Practices Section perform quality control functions. These groups ensure that an independent pathology laboratory examines all target organ slides and 10 percent of all others, that studies are designed properly with regard to statistical requirements, and that the bioassay reports accurately reflect the data found.

Laboratory Monitors are responsible for monitoring the overall operations of the commercial laboratories performing prechronic and long-term studies for the Program and for ensuring that good laboratory practices are being followed. These scientists initiate: (1) annual program reviews by peer groups of scientists, (2) quarterly site visits, (3) *ad hoc* visits by experts in various scientific disciplines as needed, and (4) communication with the laboratory and principal investigator through periodic reports and telephone calls. Unfortunately, the NTP may have to decrease the amount of direct contract and laboratory monitoring due to the current and anticipated travel restrictions.

Chemistry Resources

The chemistry program serves as a central resource for testing and research activities of the NTP. Maintained to assure chemical quality and to minimize testing results variability due to external sources, the chemistry needs are facilitated via integrated contract mechanisms and cooperation and interaction with other NTP operations. The chemistry capabilities provide for procurement, chemical analysis, analytical methods development, purification, and synthesis of test chemicals. In addition, a chemical repository resource exists for the receipt, handling, long-term storage, shipment, and preparation of chemical safety data and handling information for approximately 3,000 chemicals (see pp. 152 to 153).

Analytical capabilities are provided for bulk chemicals; chemicals in test vehicles; methods development for quality assurance, including purity, stability (both bulk chemical and chemical/vehicle mixtures), and concentration determinations; chemical residue analysis for body tissues and fluids; and special handling for residual

and reprocured chemicals. In addition, capabilities exist for purification, derivatization and synthesis of test chemicals. Trace level analysis for potential contaminants are available, when required, as well as provisions for percent level purity, stability, and recovery analyses. Trace level chemical analyses are necessary when known toxic impurities are suspected to be present. Further, analysis for trace contaminants may be required when toxicity tests of chemical mixtures or impure chemicals are positive and specific components should be identified that may be associated with the observed toxic effect.

FY 1981 Accomplishments

The analytical services support contract established in FY 1980 continues to support NTP programs. The majority supports the toxicology and carcinogenesis bioassay program. Thirty-nine of the 52 chemicals which started carcinogenesis bioassays in FY 1981 were procured, analyzed and shipped to the respective bioassay laboratories for testing. Exceptions are chemicals on test or to be tested at NCTR. One chemical (Curcumin) still remains to be procured for study. In addition, the 19 chemicals anticipated to start in the prechronic phase of the bioassay in FY 1982 were procured and the appropriate analyses are in progress.

The chemistry performed at the bioassay laboratories is monitored via the monthly reports received from the laboratories and by annual chemistry discipline site visits to all bioassay laboratories. In some instances, a laboratory may need more than the regular annual visit to address chemistry-related problems associated with the bioassay studies. During FY 1981 no major chemistry-related problems were evidenced at any of the bioassay laboratories.

The chemistry resources have been used also to support the NTP teratology program. During FY 1981, 10 chemicals were obtained for teratology studies (Table 25). These chemicals were procured and analyzed in a manner similar to that for the carcinogenesis program, including complete purity and identity assays and methods development for bulk chemical stability, chemical/vehicle mixing, stability, and concentration assay methods. This information was provided to the acting teratology program leader and the contract laboratory. In addition, technical input on chemistry was provided to the teratology program by means of site visits to the teratology contract laboratories.

Another major initiative accomplished in FY 1981 was the temporary assumption of the routine chemical services performed in support of the NTP studies at the NCTR. This activity was undertaken to fully utilize the expertise of NCTR chemists in the NCTR's Benzidine/Benzidine Congener Dye Initiative. The services include surveillance of incoming supplies for experimental animals such as: feed, potable water, bedding and cardboard feeder boxes, and certification that the dosed feed for the studies on sulfamethazine and hexamethyl-p-rosaniline (gentian violet) contained the correct concentrations.

The chemistry resources provided support to several NTP investigators in the area of tissue residue, bulk chemical, and dosage mixture analyses (Table 26).

The chemistry program supplies repository support to the genetic toxicology and carcinogenesis testing programs. The repositories operate under similar standard operating procedures and have fulfilled a number of joint projects. Throughout FY 1981, several hundred test and control chemicals were given to investigators. (See section on Chemical Repositories, pp. 152 to 153). Contact Person: Dr. C. Jameson, NIEHS)

FY 1982 Program Plans

During FY 1982, the chemistry resource will continue to support the carcinogenesis testing program (procuring and analyzing all new bioassay chemicals), the teratology program, and the reproductive toxicology contract effort, expected to be instituted in FY 1982. Continued collaboration with in-house investigators will be maintained, especially in the areas of immunology and reproductive toxicology. The interim support of the NCTR chemical services is expected to continue to mid-1982. New contract initiatives to services is expected to continue to mid-1982. New contract initiatives to support the associated chemical services for in-house NTP studies will be pursued. The chemical repositories will continue to provide support to the NTP, especially in the area of genetic toxicology and as a reference resource for chemicals tested by the NTP. (Contact Person: Dr. C. Jameson, NIEHS)

Chemical Repositories

The NTP chemical repositories provide a centralized management system for test and control chemicals. Major activities include locating and acquiring chemicals and their safe storage, handling, packaging and shipping as well as the preparation of chemical safety data sheets for approximately 1,000 chemicals with a final capacity of about 3,000 chemicals. Tracking and monitoring of repository functions are accomplished by a data base management system that allows multi-tier access into a hierarchical system of data retrieval and file security.

FY 1981 Accomplishments

The chemical repository program provides primary repository assistance to the carcinogenesis bioassy and cellular and genetic toxicology programs (Table 27), and to other NTP programs. Chemicals are divided into three groups, quantities permitting: testing batch, archive sample, and public allotment. Two repositories have been established which operate under similar standard operating procedures: numerous joint projects have been undertaken. All chemicals are shipped and tested under code with the code file maintained at the repository and the codes deciphered only at the written request of the NTP project officer.

Throughout FY 1981, several hundred test and control chemicals were provided to investigators. Appropriate quantities for testing newly selected chemicals, in required purity, were provided. In addition, those chemicals selected for mutagenesis testing after the *Salmonella* experiments were analyzed to ensure they were the substances required. The chemical repository holdings and activities are summarized in Table 27. Construction of a necessary addition to the hazardous materials laboratory housing the repository was completed in FY 1981 and resulted in a tripling of available space. Included in repository functions were final archiving and a waste disposal mechanism for surplus carcinogenesis bioassy chemicals as well as other NTP waste chemicals.

Efforts have been completed to obtain all chemicals tested or on test in the carcinogenesis bioassay program for testing and evaluation in the cellular and genetic toxicology program. (Contact Person: Dr. D. Walters, NIEHS)

FY 1982 Program Plans

Future plans include combining the two present repositories (toxicology and carcinogenesis bioassay and cellular and genetic toxicology) into one NTP repository. In addition, chemistry functions would be administered separately from repository functions.

Refined procedures for stability, solubility, and flash point determinations will be effected. In addition, a focus will be directed on

increasing suitability of safe handling documents to meet NTP needs. Plans will be finalized for the yearly publications of these documents in the forms of research chemical safety data sheets. (Contact Person: Dr. D. Walters, NIEHS)

Pathology Repository and Archives

The NTP maintains a centralized repository of histopathology materials collected during the bioassay studies. This is done in accordance with Good Laboratory Practice procedures and to provide a complete history of the pathology findings. Storage facilities are provided for wet tissues, paraffin blocks, microscopic slides, and printouts of the data that appear in the technical reports. User facilities complete with microscopes are provided for investigators to view the materials. For more information or scheduling of user facilities, contact Dr. E. E. McConnell, Chief, Chemical Pathology Program, National Toxicology Program, P.O. Box 12233. Research Triangle Park, NC 27709; or 910–541–3440 (commercial), 629–3440 (FTS).

Data Management and Analysis

NTP programs generate a large volume of complex data that must be acquired, validated, and stored so that these are easily and quickly retrievable, eventually at multiple locations. Thus, a continuing priority commitment is to develop efficient automatic data processing systems to capture various types of management and experimental data, and to make this information available for periodic examination, updating, summarization and statistical analysis. Furthermore, the complexity of the system requirements demands that systems for NTP not be developed as isolated units but rather that there be centralized coordination and management of the systems so that services are distributed according to established priorities and resources are used most efficiently and without duplication of effort.

Statistical research efforts include investigating possible modifications of the basic experimental design of the two-year carcinogenesis bioassay. The purpose of these modifications will be to provide the low dose information needed for extrapolation methods without adversely affecting the power of the bioassay for detecting carcinogenic effects. The problem of incorporating historical control information into the statisical analysis of bioassay data is being studied. Statistical methodology is being developed that will take into account extrabinomial variability due to differences in test laboratory, animals sources, and other factors.

FY 1981 Accomplishments

Data Processing Systems—The complex toxicology data management system (TDMS) being developed to support the animal bioassay program continued toward implementation. Specially designed microprocessors were delivered and are in use in TDMs field tests at Southern Research Institute (SRI) and NIEHS and for live support of experiments at NCTR. These pilot tests have shown the animal room data collection modules to be effective. Another component of the system being tested is for collection of micropathology information. As the field tests proceed, in-depth evaluation of the existing system modules and development of reporting requirements for NTP are ongoing. (Contact persons: For Systems—Mr. A. Konvicka, NCTR; for toxicology—Dr. M. Dieter, NIEHS)

In support of the Cellular and Genetic Toxicology program, a laboratory data management system was developed. Data are entered into the system which allows easy validation of data for each laboratory and periodically updates a data base which is used for data analyses, quality control, and report generation. Efficient data structures and an automatic archiving system allow the data to be stored at a fraction of the usual cost. The system was installed and is operating in *Salmonella* test laboratories at SRI International, Case Western Reserve University, and EG&G/Mason Research Institute. (Contact persons: Dr. E. Zeiger and Mr. M. Rowley, NIEHS)

The development of a chemical management and tracking system (CHEMTRACK) that will provide information on NTP chemical nomination, selection, test status, and summary results has proceeded along two lines. An interim system was developed which has provided NTP with quick response to a limited set of queries needed to manage the NTP chemical testing program. Meanwhile, design of a more extensive permanent system has proceeded. Work has been completed on defining the requirements and system specifications. The Model 204 Data Base System has been selected for the permanent system and the data base fields and their relationships have been defined and developed in Model 204 terms. (Contact persons: Mr. M. Rowley and Ms. F. Jordan, NIEHS; Dr. P. Craig and Mr. J. Edge, NLM)

The system that has been supporting the animal bioassay program, the carcinogenesis bioassay data system (CBDS), continued to collect animal weight and pathology information for chronic studies. The system routinely produced the reports and basic statistics required for the program. In addition, systems were maintained to collect and report data for *in vitro* studies and for the Strain A mouse pulmonary adenoma studies. To aid in program management several systems which collect and report fiscal and experimental status were utilized. (Contact persons: Mr. M. Rowley and Mr. J. Washington, NIEHS)

During FY 1981 a contract was awarded for the primary purpose of providing capture, storage, statistical analysis, and summarization of data from prechronic and "special" (e.g., hematology, clinical chemistry) NTP bioassay studies. Analyses of data from the chronic study will also be included in this effort; however, a mechanism is currently in place (CBDS) to process much of these data. This new contract will not involve a major systems development effort; rather, the data will be maintained in an orderly fashion so that this information can ultimately be transferred to a toxicology data management system in some standard format. The statistical analysis support provided by this contract should greatly aid NTP in its interpretation of results from the bioassay studies. (Contact Person: Dr. J. Haseman, NIEHS)

Microbial mutagenicity experiments continued to receive substantial statistical research attention in FY 1981; results to date are summarized in two publications which have been accepted by *Proc. Natl. Acad. Sci.* (Margolin *et al.*, Statistical Analysis of the Ames *Salmonella* Microsome test) and by *Biometrics* (Collings *et al.*, Analyses for binomial data, with application to the fluctuation test for mutagenicity). Research also focused on the adequacy of a family of models to fit *Salmonella* test data sets obtained in the NTP mutagenesis testing program. Analyses of the large *Salmonella*/microsome assay data base were started. In addition, statistical methods to detect non-Poisson sampling behavior in count data derived from genetic toxicological experiments were investigated. (Contact Person: Dr. B. Margolin, NIEHS)

FY 1982 Program Plans

Data Processing Systems—The CBDS will continue to operate and the capability to collect and report animal weights for subchronic studies will be added. Plans will be made for the phase-out of this system over the next several years as the new system (TDMS) completes testing and implementation. (Contact Persons: Mr. M. Rowley and Mr. J. Washington, NIEHS)

Additional components of TDMS will be tested in FY 1982. The most important of these are the gross pathology system and the query language processor. As these major components are completed, more attention will be directed toward implementing the system in NTP contract laboratories and coordinating NTP use of the system. Particular attention will be given to identifying the special needs of NTP users and to adapting the system to meet these needs. (Contact Person: For systems—Mr. A. Konvicka, NCTR: for toxicology—Dr. M. Dieter, NIEHS)

The laboratory data management system supporting cellular and genetic toxicology programs will be expanded to support the NTP/NCI transformation and mouse lymphoma studies. There will be further test laboratory automation to minimize the manual involvement in processing data and a statistical support module will be added based on research to determine the mutagenicity versus toxicity response. (Contact Person: Mr. M. Rowley, NIEHS)

Based on review of specifications, the tasks required to complete CHEMTRACK will be defined in detail. The development process will include preparation of data dictionaries, data collection forms, and field validation checks. Relevant information from other data bases will be transferred to the data base by computer programs written for the purpose. Reports and query modules will be designed and implemented. The development phase will be followed by a user training and testing phase during which the system will be fine tuned. (Contact Persons: Mr. M. Rowley and Ms. F. Jordan, NIEHS; Mr. J. Edge, NLM)

Statistical Studies—Statistical research will continue concerning possible modifications of the chronic bioassay design. Time-to-tumor models and the effect of pharmacokinetic considerations will be examined.

Historical control tumor incidence rates frequently show considerable interlaboratory variation. Even within a given laboratory, there is often more variability from study to study than would be expected under a simple binomial model. Statistical methodology is being developed that will take this extra-binomial variability into account and will allow the incorporation of historical control data into a formal significance test.

There will be a continuation of ongoing efforts in the development of new statistical methodology for prechronic and special studies that will generate increasing volumes of data for NTP. Statistical procedures currently used in the analysis of chronic bioassay data will also be examined, and it is anticipated that there be may additional statistical modifications in the NTP technical reports. (Contact Person: Dr. J. Haseman, NIEHS)

Analyses of the *Salmonella* test data base of the mutagenesis testing effort will be pursued, and assay reproducibility will be studied quantitatively. Research focus is expected to broaden and will include mammalian cell mutagenicity assays. (Contact Person: Dr. B. Margolin, NIEHS)

Laboratory Animal and Quality Control

The laboratory animal program provides quality animals for the bioassay program, monitors these animals for disease before they enter the bioassay laboratories, and assures that the animals are maintained behind barriers and kept free of disease for the duration of the assay.

FY 1981 Accomplishments

Three laboratories are under contract to provide B6C3F$_1$ mice and Fischer 344 rats for the NTP bioassay program. In addition rodents are being supplied by the Division of Cancer Treatment at Frederick Cancer Research Center. Keeping several laboratories in production will assure a continuous supply of laboratory animals for the bioassay program even when one or more laboratories may have to stop production, due for instance to a disease outbreak.

Disease monitoring is being met by two diagnostic laboratories, one under contract to NTP and one under contract to NCI. Several other laboratories perform diagnostic services such as serology and pathology for the bioassay program. Maintaining multiple laboratories allows crosschecks for quality control as well as divides work load during periods of peak demands.

FY 1982 Program Plans

The animal care program has developed several policies that will be initiated for more effective quality control. For example, detergents containing essential oils must not be used in the immediate animal rooms. Higher standards of monitoring the animal feed will be implemented to check for contaminants in the diet. Mycoplasma and mouse hepatitis diagnoses will be performed using the Elisa technique. Data from the sentinel program is being computerized in oder to research a possible Sendai virus-tumor connection.

Currently much of the bioassay program monitoring is under the prime contractor. In the near future this function will be assumed entirely by the NTP personnel. (Contact Person: Dr. G. Boorman, NEIHS)

Chemical Health and Safety

The scope of activities in the NTP is necessarily broad and involves research and testing of wide ranges of potentially hazardous materials. The safety program guards against excessive exposure of laboratory personnel and the surrounding environment to the test materials, metabolites, and degradation products.

Each contract laboratory develops and implements their own safety and environmental protection programs. The NTP chemical health and safety program sets standards, establishes guidelines and recommendations and ensures that pertinent local, state, and Federal regulations are followed. In addition, the chemical health and safety program has responsibility for monitoring and evaluating the effectiveness of individual laboratories' compliance to established standards, and renders advice in the event of emergency situations. The evaluation and review of safety and toxicity packages for all NTP test chemicals also constitutes a significant part of the program's functions.

NTP chemical health and safety concerns differ from those of academic or production facilities and require basic understanding and experience in chemistry, industrial hygiene, engineering control, non-routine specialized analytical chemistry, biological monitoring and medical surveillance, human factors and ergonomics, personal protective equipment evaluation and development, sampling strategies, and biological testing procedures.

FY 1981 Accomplishments

Annual health and safety program reviews and site visits have occurred at each of the carcinogen bioassay contract laboratories. An evaluation as well as a description of action items were submitted to each laboratory. Six laboratories were monitored for specific test chemicals and for industrial hygiene including measurements of formaldehyde levels involved in necropsy and tissue trimming techniques.

A high temperature incineration system has been instituted for the timely disposal of surplus chemicals from the carcinogenesis bioassay program. In the few instances where this technique is not suitable (e.g., non-combustible inorganics), materials will be buried in approved and monitored land fills.

Disposal methods and sites have been evaluated by NTP health and safety personnel and found to be suitable for proper disposal of the materials with regard to environmental effects, completeness of destruction, and compliance with regulatory requirements.

A review of medical surveillance programs under the carcinogenesis bioassay laboratories has been completed with accompanying recommendations for improvement where necessary. Preliminary development studies have been undertaken for chemical-specific biologic monitoring to assist personnel medical surveillance of carcinogenesis bioassay laboratories. The objective is to explore potential preventive biological screening techniques for a limited number of test chemicals.

A majority of the cellular and genetic toxicology contract laboratories have been site visited and evaluated with respect to health and safety concerns. The remaining laboratories will be evaluated in FY 1982. Plans have been instituted for evaluation and inspection of new laboratories as they join the program as well as periodic reinspection of current contractors. Guidelines and recommendations are being implemented for the individual groups within the cellular and genetic toxicology program.

The health and safety aspects of the chemical repository were reviewed and evaluated with a resulting change in the content and format of the safety and handling documents which accompany all NTP chemicals. The result is a document which better describes safety handling procedures for hazardous research chemicals, commensurate with the NTP and the NIH Guidelines for Laboratory Use of Chemical Carcinogens. Copies of the NIH Guidelines have been issued to all NTP project officers for issuance to their contractor's principal investigators and safety officers.

Mechanisms have been instituted for the health and safety evaluation and on-site inspection of most other NTP laboratories handling potentially hazardous materials as well as evaluation of new laboratories being considered for possible NTP contracts.

In addition, approximately 50 safety and toxicity profiles have been prepared, reviewed, and evaluated for new chemicals proposed for NTP testing. (Contact Person: Dr. D. Walters, NIEHS)

FY 1982 Program Plans

The evaluation, program review, site visit, inspection and other programs described as FY 1981 accomplishments will be continued. Health and safety evaluations and on-site inspections of all NTP contract laboratories are planned. Safety and toxicity packages for new NTP test chemicals will be prepared and reviewed as necessary in addition to evaluation and inspection of new NTP contract laboratories. Efforts for improved guidelines and recommendations for chemical-specific medical surveillance and biological screening of personnel will continue. Waste management procedures will be finalized for surplus NTP chemicals to ensure that all potentially hazardous waste products are disposed of properly. Studies will be instituted on program specific human factor and ergonomics evaluations at particular laboratories in seeking ways to improve worker safety coupled with worker effectiveness. A joint symposium with the NTP chemistry program on Chemistry and Safety of Toxicity Testing of Environmental Chemicals is planned for March, 1982. (Contact Person: Dr. D. Walters, NIEHS)

Information Generation and Dissemination

Scientific information and communication about toxic and potentially toxic chemicals remains a critical aspect for program success. Information must be disseminated to other scientists so that the peer review process continues to assure scientific quality. And information must be disseminated not only to the regulators responsible for protecting the public against unnecessary risks, but also to those exposed to the risks. Thus, the NTP has established a coordinated communications network to collect and disseminate toxicologic information.

The value of information produced by NTP depends in part upon the quality and timeliness of information the Program receives. The NTP therefore actively seeks information from many sources: Federal, state and local governments; trade associations; industry; labor; academia; professional societies and public interest groups; the press; individuals; other countries; and other interested parties. This includes nominations of chemicals to be tested; critiques and questions about scientific procedures, policies, priorities, and resource allocations; suggestions for program improvement; and most importantly, information about planned, ongoing, and recently completed studies on chemicals being considered or being tested by the NTP.

Scientific Coordination and Information Dissemination—To encourage public participation in the Program, the NTP holds an annual public meeting to introduce the current year's program plans and to solicit comments and advice. The third NTP Open Meeting took place on March 1, 1981, immediately preceding the Society of Toxicology Annual Meeting held in San Diego, California. The fourth NTP Open Meeting is in the planning stage and further information will be published in the *NTP Technical Bulletin*. Additionally, the NTP Board of Scientific Counselors convenes three to four times a year in open forum, as does the Board's Technical Reports Review Subcommittee and its *ad hoc* Panel of Experts to conduct peer review of technical reports on toxicology and carcinogenesis bioassays.

NTP must be aware of scientific procedures and results produced by other laboratories. The *Review of Current DHHS, DOE and EPA Research Related to Toxicology* is a major contribution towards this goal, providing overviews of research programs as well as extensive tabular information on chemical testing and test methods development and validation activities in the various agencies. Active efforts to learn about work in progress and to establish better communication links among investigators worldwide are being pursued with various national and international organizations.

Fundamental to current awareness is the provision to scientists and administrators of comprehensive searches and reviews of the world's scientific and technical literature on a given compound, in advance of decisions about priorities and experimental test designs. This is of special importance for the carcinogenesis bioassay program, where each test represents a major commitment of time, labor, materials and funds for up to a five-year period.

Toxicologic research and testing require a high degree of scientific coordination for information generation and dissemination. To better utilize the tools of information science, the NTP has a cooperative agreement with the National Library of Medicine (NLM). The on-line services available from the NLM are particularly valuable: CHEMLINE, TOXLINE, RESEARCH PROJECTS, MEDLINE, CANCERLINE, TOXICOLOGY DATA BANK, RTECS (Registry of Toxic Effects of Chemical Substances), and others. These and other sources are used to prepare dossiers on chemicals nominated for test and to design test protocols. Also, new information services will need to be located or developed for toxicology specialties not yet covered adequately in existing systems—for example,

neurotoxicology, chemical immunotoxicology, and chemical-chemical interactions. Major advances and future trends in toxicology information transfer was the theme of a recent symposium convened by the NLM and the DHHS Committee to Coordinate Environmental and Related Programs on September 16 and 17, 1981 in Washington, DC. (Contact Person: Dr. P. Craig, NLM)

The Environmental Mutagen Information Center (EMIC), supported by the NTP, collects, organizes, and disseminates primarily published information on chemicals tested for mutagenicity. Located since inception in 1969 at the Oak Ridge National Laboratory (ORNL), the EMIC computerized data file contains 35,613 records on 11,167 unique chemicals, 34,030 of which are available on line from TOXLINE (at the National Library of Medicine) and from RECON (at the ORNL). Each record contains bibliographic information, assay systems, and keywords defining agents tested and organisms studied. (Contact Persons: Dr. J. Huff, NIEHS, and Dr. P. Craig, NLM)

The Environmental Teratology Information Center (ETIC) established in 1975 at ORNL, also supported by the NTP, maintains a computerized collection of published information on 4,940 chemicals tested for or known to induce teratogenic effects. The ETIC file contains reference to 22,499 literature citations; 21,800 records are available from TOXLINE and RECON. (Contact Persons: Ms. F. Jordan, NIEHS, and Dr. P. Craig, NLM)

The NTP, and in particular technical information specialists in cooperation with the various agencies' libraries, supplies information to Congress, scientists, the public, regulatory agencies, consumer advocates, labor, legal organizations, industry, and others. During FY 1981, for instance, the NTP responded to more than 3,000 requests for technical information and details about ongoing studies.

Technical Report Preparation and Dissemination—The NTP Toxicology Information and Scientific Evaluation Group has the major responsibility of providing the Program's chemical managers (toxicologists) with the most relevant information necessary to design the experimental protocol and to oversee the progress of a compound from selection through carcinogenesis testing to final report preparation and distribution. Preparation of the technical report begins with selection of a chemical for testing and the appointment of a chemical manager. Each manager is responsible for recommending and designing the appropriate experiment, for records management throughout the test/research period, and for preparation of the draft toxicology and carcinogenesis bioassay reports. While experiments are in progress, the chemical manager interacts with other Government agencies and serves as resource person for scientific inquiries concerning the chemical and its possible adverse effects. Lists of chemicals nominated and scheduled for testing, those on test, and those already completed are published routinely in the **Federal Register**, the *NTP Annual Plan*, and the *NTP Technical Bulletin* as well as being distributed to a variety of newsletters and scientific magazines.

An important activity within the Program centers on preparation, interpretation, and evaluation of the toxicology and carcinogenesis technical reports. In essence, draft reports are prepared by staff and are reviewed critically by a multidisciplinary group of NTP scientists prior to being examined by an *ad hoc* panel of experts in a public meeting. Subsequently reports are revised (as necessary), printed, and made available for distribution and sale by the National Technical Information Service (NTIS). (Contact Person: Mr. S. d'Arazien, NIEHS)

Further, NTP uses various toxicologic information resources for extensive literature searching and acquisition of scientific papers. Included are a number of information organizations in the private sector which extend the capability of the NTP, and these organizations are available on short notice through interagency or basic ordering agreements. Comprehensive literature searches and quarterly updates to those searches were performed for the chemical managers by the Toxicology Information Response Center (TIRC). From these, the most important references were selected for inclusion in an experimental design package sent to reviewers for generating the protocols for carcinogenesis bioassay testing. (Contact Persons: Ms. J. Chase and Ms. F. Jordan, NIEHS)

Tracking of Chemicals and Test Statuses—The Toxicology Information and Scientific Evaluation Group also updates the computerized status file for chemicals in various stages of carcinogenicity testing, producing a computerized listing on all chemicals. These lists are distributed quarterly on an individual basis to those who have a need to know about progression of chemicals through the Program.

Records from the carcinogenesis bioassay data system including protocols for the various bioassays and individual animal pathology tables may be obtained as these are verified and entered into the system, often before the final report has been released. (Contact Persons: Ms. J. Chase and Ms. L. Juodeika, NIEHS)

A chemical management and tracking system (CHEMTRACK) has been developed that will provide information on NTP chemical nomination, selection, test status and summary results. This is described further in the Data Management and Analysis section (pp. 156 and 158).

Among the activities of the NLM/NTP Information group related to chemical tracking and test statuses were the following:

The assignment of NTP numbers reached 1,100 in FY 1981, an increase of some 200 from the number assigned in FY 1980. The data concerning test assignments were computerized and merged with the NTP numbers and Chemical Abstracts Service (CAS) Registry Numbers to generate the tables contained in the FY 1981 and FY 1982 NTP *Annual Plans*. The first edition of the *NTP Chemical Registry Handbook* was completed and distributed to senior NTP personnel in FY 1981. The *Handbook*, contains for each NTP chemical and CAS registry number, structure, molecular formula, tests being conducted, and synonyms. It will become available to the public early in FY 1982. Copies have been placed at the National Technical Information Service (NTIS) for sale and distribution (NTIS, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161, 703/487-4150).

The tables and indexes to the FY 1981 *Annual Review of DHHS, DOE and EPA Research Related to Toxicology* were prepared by the NLM/NTP group, which also began work on a "Master List of Chemicals of Concern as Possible Carcinogens" for NTP. This will list chemicals which are regulated by U.S. agencies as carcinogens or are under consideration for possible regulation. (Contact Person: Dr. P. Craig, NLM)

International Coordination—In partnership with the international community, the NTP is striving to formulate a universally-based communication network of toxicologic information. Concomitantly, the NTP is seeking active participation from toxicologists throughout the world. The NTP will continue to explore and develop liaison with foreign agency counterparts. For instance, contacts have been established with the World Health Organization (WHO), with the International Program on Chemical Safety (IPCS), with the International

Agency for Research on Cancer (IARC), with International Registry of Potentially Toxic Chemicals (IRPTC), with the United Nations Environment Program (UNEP), with the European Chemical Industry Ecology and Toxicology Center (ECETOX), and with governments and individual scientists throughout the world. As an example, in July 1981 an agreement was entered into with the IARC to establish and maintain an international registry of persons exposed to phenoxy herbicides and contaminants, particularly the chlorinated dibenzodioxins and dibenzofurans. This registry file will complement the national effort being initiated by NIOSH.

An interagency effort has been initiated to establish a worldwide clearinghouse on phthalate research activities. Development plans are underway. A decision has been made to collect information primarily about ongoing research and testing efforts, to assemble an international registry of scientists engaged in phthalates research, and in certain voluntary instances to receive and make available preliminary or recently completed research and testing results. (Contact Person: Ms. J. Chase, NIEHS)

Public Awareness and Inquiry Responses—Public awareness of the NTP increased considerably during FY 1981. The Program's mailing list expanded to 6,500, certain activities received regular coverage in the trade press, some activities (such as the Board of Scientific Counselor's review of a PBB bioassay) received national attention, and the Investigations and Oversight Subcommittee of the House Science and Technology Committee gave the NTP a favorable Congressional review in July.

Working together, the public and toxicology information groups are responsible for answering public inquiries and for conducting an active outreach program to assure that the results of testing and test methods development programs reach those involved in toxicology and public health.

The Public Information Office prepares press releases and articles for publication and responds to inquiries from the public and the press. The toxicology information group, in addition to their major in-house information collection role, maintained a computerized mailing list, distributed NTP publications, as well as answered technical inquiries. Publications include the NTP *Annual Plan,* and the NTP *Annual Report on Carcinogens.* This group also prepares the *NTP Technical Bulletin.* The NTP mailing list and reports distribution are now handled by Public Information Office.

The NTP *Annual Plan* is the primary resource for information on research and testing efforts, emphasizing future plans and including results of past activities. The *NTP Technical Bulletin* keeps those interested in Program activities informed about current and future activities on a more frequent basis. The *Bulletin,* published quarterly as new information becomes available, contains the latest information on chemical nomination and selection, test protocols, research results, recent and upcoming meetings, and other items of interest. Five issues have been published: November 1979, April 1980, November 1980, April 1981, and August 1981. The *Annual Report on Carcinogens* (see pp. 167 to 170), prepared by the staff of the NTP and its member agencies, contains information on substances which are or are strongly suspected of being carcinogenic in humans and animals, human exposures, and appropriate regulations. Approximately 3,000 copies of the *First Annual Report* were distributed upon request. (Contact Persons: Mr. S. d'Arazien and Ms. J. Chase, NIEHS)

The Public Information Office has also prepared a 20-page pamphlet explaining the NTP for the general public. As resources become available, it is hoped that other general interest publications about environmental health and the risk-benefit question can be produced, and other outreach activities can be undrrtaken to make program results and information known to a broader audience. (Contact Person: Mr. S. d'Arazien, NIEHS)

The NTP maintains a computerized mailing list of those with an ongoing interst in the Program. This list is divided into broad categories: industry; health care; law firms; Federal, state and local governments; labor; environmental or public interest organizations; educational groups; research or consulting organizations; and trade or professional organizations. Names are added upon request to the NTP Public Information Office, P.O. Box 12233, Research Triangle Park, NC 27709, (919/541–3991 or (FTS) 629–3991).

Annual Report on Carcinogens

The *Second NTP Annual Report on Carcinogens* is scheduled to be published in December 1981. The Report was prepared by the NTP staff and that of member agencies pursuant to a 1978 amendment (Section 301(b)(4) to the Public Health Service Act) which requires that the Secretary of the Department of Health and Human Services publish annually a list of "all substances which are either known to be carcinogens [in humans] or which may reasonably be anticipated to be carcinogens and to which a significant number of persons residing in the United States are exposed * * *." Each *Annual Report* also contains, to the extent available, information on the nature and degree of exposure to such carcinogens and on the extent to which Federal regulations are effective in reducing the risk to public health.

The *Second Annual Report* includes 88 entries on substances, chemicals, or manufacturing processes (Table 28). Included is information of 25 entries in last year's *First Annual Report* and 63 others. These entries are included because the International Agency for Research on Cancer (IARC) has determined that there is "sufficient evidence of carcinogenicity in experimental animals" to classify them as animal carcinogens, because they are regulated by the Federal government as carcinogens, because they have been found to cause cancer in bioassays conducted by the National Cancer Institute or the NPT, or because their inclusion was suggested by the agencies involved in preparing the *Annual Report.*

Among the 88 are naturally-occurring substances, additives to food or cosmetics, pesticides, pharmaceuticals and a large number which are either associated with industrial production or are byproducts of manufacture. IARC has evaluated 39 chemicals, groups of chemicals, industrial processes, or occupations as being associated with cancer induction in humans. Nearly all of these are in the *Annual Report.*

The fact that a substance is not included in the Report does not mean that the agent is not a confirmed or suspected carcinogen. There are additional substances which represent potential health hazards to the population. The available data are being examined and these agents will be added to future reports.

Each of the 88 entries includes information primarily on the human and animal evidence for carcinogenicity, on production and occurrence and use, and on what is known about the route and amount of human exposure. The specific regulations promulgated by various Federal agencies are included as well.

The *Annual Report* also contains an extensive list of the common synonyms in use for the chemicals included. Appended to the Report are a glossary of terms and acronyms and a list of requests to the Department of Health and Human Services about chemical carcinogens, as required by law.

The information provided in the *Second Annual Report on Carcinogens*

was developed by the following Federal regulatory and research agencies: the Centers for Disease Control/National Institute for Occupational Safety and Health; the Consumer Product Safety Commission; the Environmental Protection Agency; the Food and Drug Administration; the National Cancer Institute; the National Institute of Environmental Health Sciences; the National Library of Medicine; and the Department of Labor/Occupational Safety and Health Administration. (Contact Person: Dr. R. Shapiro, NIEHS)

Copies of the *Second Annual Report on Carcinogens* are available by contacting: Public Information Office, National Toxicology Program, P.O. Box 12233, Research Triangle Park, NC 27709; (919–541–3991; FTS 629–3991).

Tables

To conserve space and minimize cost, results are not given in the tables. Results are available in the bound version of the NTP Fiscal Year 1982 Annual Plan which may be ordered from: NTP Public Information Office, P.O. Box 12233, Research Triangle Park, NC 27709; (919) 541–3991 or (FTS) 629–3991.

Questions or Additional Information

Questions or requests for information about the Annual Plan and the National Toxicology Program should be addressed to: Dr. Larry Hart, National Toxicology Program, P.O. Box 12233, Research Triangle Park, NC 27709; (919–541–3971; FTS 629–3971).

If readers of the Annual Plan are aware of planned or ongoing studies on chemicals mentioned in the Plan, they are encouraged to make such information known to the NTP, so that unnecessary duplicative studies can be avoided or minimized.

Errors or Omissions

Although every effort, is made to ensure that the Annual Plan is error free, mistakes may occur. Any errors or omissions noted by the reader in the body of the Annual Plan, or the index, should be called to the attention of Dr. Larry Hart (see above for address).

Index

Numbers in the index refer to the number of the table in which the chemical is listed *except* where prefixed with a P. These entries are found in the text and P refers to the page number in the bound version of the Plan.

BILLING CODE 4140-01-M

TABLE 1

SUMMARY OF THE NTP BENZIDINE CONGENER INITIATIVE

Acid Red 114
Benzidine
3,3'-Dimethoxybenzidine
3,3'-Dimethylbenzidine
Direct Black 114
Direct Blue 6
Direct Blue 8
Direct Blue 14
Direct Blue 15
Direct Blue 25
Direct Blue 53
Direct Blue 218
Direct Orange 6
Direct Red 2
Direct Red 39
Direct Violet 32

TABLE 2

CHEMICALS TESTED FOR WHICH RESULTS ARE AVAILABLE FROM NTP FOR MUTAGENICITY IN SALMONELLA ASSAYS IN FY 1981

Acetin
P-Acetophenetidide
Acrolein
Allyl glycidyl ether
Allyl isothiocyanate
Amiben
3-Amino-4-ethoxyacetanilide
M-Anisidine
O-Anisidine
Benzoin
P-Benzoquinone dioxime
Benzyl alcohol
2-Biphenylamine
Bis(2-chloro-1-methylethyl) ether
Boric acid
2-Bromobiphenyl
3-Bromobiphenyl
4-Bromobiphenyl
Bromoform
Butylated Hydroxytoluene
Butyl benzyl phthalate
N-Butyl chloride
Tert-Butyl hydroperoxide
Beta-Cadinene
Cadmium chloride
Caffeine
Calcium cyanamide
Carbromal
D-Carvone
Chlorendic acid
Chloroacetic acid
P-Chloroaniline
Chlorobenzilate
2-Chloro-1,3-butadiene
Chlorodibromomethane
2-Chloronitrobenzene
3-Chloronitrobenzene
4-Chloro-o-phenylenediamine
2-Chloro-p-phenylenediamine sulfate
Chlorothalonil
4-Chloro-o-toluidine hydrochloride
Chlorowax 40
Chlorowax 500C
Chlorpromazine hydrochloride
Chlorpropamide
Choline chloride
Cinnamaldehyde
Coumarin
Croton oil
Cytoxal alcohol
O,P'-DDD
Diacetone acrylamide
2,4-Diaminotoluene
Dibenzofuran
Diborane
1,3-Dichloro-5,5-dimethylhydantoin
Dichlorodiphenylethylene
1,1-Dichloroethylene
Cis & Trans-1,2-Dichloroethylene
1,2-Dichloroethylene
Dichloromethotrexate
2,3-Dichloronitrobenzene
2,4-Dichlorophenoxyacetic acid
Dieldrin
7-Diethylamino-4-methylcoumarin
Diethylene glycol dimethyl ether
Diethyl ethylphosphonate
Di(2-ethylhexyl) phthalate
Diethyl phthalate
3,4-Dihydrocoumarin
5,7-Dihydroxy-4-methylcoumarin
Diisobutylketone
Dimethoate
Dimethoxane
3,3'-Dimethoxybenzidine-4,4'-diisocyanate
N,N-Dimethyl-p-nitrosoaniline
2,4-Dimethylphenol
1,3-Dioxane
1,4-Dioxane
Diphenhydramine hydrochloride
Direct Black 38
Direct Blue 6
Direct Brown 95
DMA 4
Dulcin
Endrin
1,2-Epoxybutane
1,2-Epoxypropane
2-Ethoxyethanol
Ethyl bromide
Ethylene chlorohydrin
Ethylenediamine
Ethyl-3-methyl-3-phenylglycidate
Ethyl tellurac
Fenthion
Ferrocene
Formaldehyde
Furan
Glutaraldehyde
Glycol (Polysorbate 80)
Guanazole
Hexabromobenzene
Hexamethylmelamine
Hydrazine sulfate
Hydroxyurea
Iodoform
Isoproterenol hydrochloride
Lasiocarpine
D-Limonene
Lindane
Maleic anhydride
Mannitol
O-Methoxyphenol
N-Methyl-p-aminophenol sulfate
Methyl coumarin
4,4'-Methylenebis(2-chloroaniline)
Methylhydrazine
2-Methyl-1-nitroanthraquinone
Cis-Methyl oleate
Methyl salicylate
N-(1-Naphthyl)ethylenediamine dihydrochloride
Navy fuels JP-5
5-Nitroacenaphthene
3-Nitro-p-acetophenetidide
5-Nitro-o-anisidine
Nitrobenzene
5(6)-Nitrobenzimidazole
1-Nitrobutane
Nitroethane
Nitrofurantoin
Nitrofurazone
1-Nitrohexane
Nitromethane
1-Nitronaphthalene
P-Nitrophenol
1-Nitropropane
2-Nitropropane
N-Nitrosodimethylamine
N-Nitrosopiperidine
M-Nitrotoluene
O-Nitrotoluene
P-Nitrotoluene
Oxytetracycline hydrochloride
Palladium chloride (2+)
Parathion
Pentaerythritol tetranitrate
Phenazopyridine hydrochloride
Phenol
Phenylbutazone
Phenylmercuric acetate
Phosphamidon
1(2H)-Phthalazinone
Phthalic anhydride
Piperonyl butoxide
Piperonyl sulfoxide
Potassium chloride
Prednisone
Probenecid
Pyrazinamide
Pyrimethamine
Sodium aluminosilicate
Sodium dehydroacetate
Sodium dichloroisocyanurate
Sodium lignosulfonate
Sodium ricinoleate
Sodium thioglycolate
Sodium xylenesulfonate
Streptomycin sulfate
Sulfacetamide
Sulfallate
Sulfanilamide
3-Sulfolene
4,4'-Sulfonyldianiline
2,3,7,8-Tetrachlorodibenzo-p-dioxin
1,2,3,4-Tetrachloronaphthalene
2,3,4,5-Tetrachloronitrobenzene
2,3,5,6-Tetrachloronitrobenzene
Tetrachlorophthalic anhydride
Tetraethyllead
Tetrahydrofuran
Tetrakis(hydroxymethyl)phosphonium
Tetramethyllead

TABLE 2

CHEMICALS TESTED FOR WHICH RESULTS ARE AVAILABLE FROM NTP FOR MUTAGENICITY IN SALMONELLA ASSAYS IN FY 1981 (CONT.)

Tetranitromethane
Titanium ferrocene
Tolbutamide
O-Toluidine hydrochloride
1,1,1-Trichloroethane
2,4,5-Trichlorophenoxyacetic acid
1,2,3-Trichloropropane
Trifluralin
Trihydroxybutyrophenone
2,4,5-Trimethylaniline
Tris(2-chloroethyl) phosphate
Tris(2-chloroethyl)phosphite
Tris(2-ethylhexyl) phosphite
Vitamin D3
2,6-Xylidine
Zearalenone

TABLE 3

CHEMICALS TESTED FOR WHICH RESULTS ARE AVAILABLE FROM NTP FOR CYTOGENETIC EFFECTS IN CHINESE HAMSTER OVARY CELLS IN FY 1981

AF-2
Azobenzene
Choline chloride
3,3'-Dimethoxybenzidine
Dimethylcarbamoyl chloride
Hexabromobiphenyl
Maleic hydrazide
3-Methylcholanthrene
4,4'-Methylenebis(2-chloroaniline)
N-Nitrosodimethylamine
Propiolactone
Quinoline
Trimethoprim

TABLE 4

CHEMICALS TESTED FOR WHICH RESULTS ARE AVAILABLE FROM NTP FOR MUTAGENICITY IN L5178Y MOUSE LYMPHOMA CELLS IN FY 1981

2-Acetylaminofluorene
4-Acetylaminofluorene
4-Amino-2-nitrophenol
2-Amino-5-nitrothiazole
3-Aminotriazole
Benz(a)anthracene
Benzo(a)pyrene
4,4'-Bis(Dimethylamino)benzophenone
7-Bromomethyl-12-methylbenz(a)anthracene
Calcium chromate
Cyclophosphamide
2,4-Diaminoanisole sulfate
1,2:3,4-Diepoxybutane
7,12-Dimethylbenz(a)anthracene
1,2-Epoxybutane
Ethylene dibromide
4-Hydroxyaminoquinoline-1-oxide
Methoxychlor
4,4'-Methylenebis(2-chloroaniline)
4-Nitro-o-phenylenediamine
3-Nitropropionic acid
4-Nitroquinoline-N-oxide
Procarbazine hydrochloride

TABLE 5

CHEMICALS TESTED FOR WHICH RESULTS ARE AVAILABLE FROM NTP FOR HERITABLE GENETIC EFFECTS IN DROSOPHILA IN FY 1981

4-Biphenylamine
4-Chloronitrobenzene
2,4-Dichlorophenoxyacetic acid
2,4-Dinitrotoluene
1,3-Dioxane
Ethylenediamine
Hexachlorocyclopentadiene
Nitrofurantoin
P-Nitrophenol
2-Nitropropane
N-Nitrosodimethylamine
Picric acid
Propiolactone
Quinoline
2,3,7,8-Tetrachlorodibenzo-p-dioxin
Thiocarbanilide
1,3,5-Trichlorobenzene
2,4,5-Trichlorophenoxyacetic acid

TABLE 6

CHEMICALS SCHEDULED FOR MUTAGENICITY TESTING IN SALMONELLA IN FY 1982

Acetonitrile
1-Acetyl-2-picolinoyl hydrazine
Acetyl-o-toluidine
Acid Red 114
Adipamide
Allyl isovalerate
9-Aminoacridine hydrochloride
1-Amino-2,4-dibromoanthraquinone
2-Amino-4-nitrophenol
2-Amino-5-nitrophenol
11-Aminoundecanoic acid
Ampicillin trihydrate
Anthracene
Benzidine
Benzyl acetate
2,2-Bis(Bromomethyl)-1,3-propanediol
Brucine
1,4-Butanediol diglycidyl ether
2-Butanone peroxide
Tert-Butyl alcohol
Butyl 2,4-dichlorophenoxyacetate
N-Butyl 2,4,5-trichlorophenoxyacetate
Butyric acid
Butyrolactone
Cadmium oxide
Chlordane
Chlordecone
Chlordecone alcohol
Chloroacetonitrile
2-Chloroethyltrimethylammonium chloride
3-Chloro-2-methylpropene
2-Chloromethylpyridine hydrochloride
3-Chloromethylpyridine hydrochloride
4-Chloro-2-nitroaniline
3-Chloro-p-toluidine
5-Chloro-o-toluidine

TABLE 6

CHEMICALS SCHEDULED FOR MUTAGENICITY TESTING IN SALMONELLA IN FY 1982 (CONT.)

Chlorpheniramine maleate
Cineol
Colchicine
Curcumin
Cyclohexane
Dacarbazine
Decabromodiphenyl oxide
Diallyl phthalate
4,4'-Diamino-2,2'-stilbenedisulfonic
Dibromoacetonitrile
Dibromodulcitol
Dibromomannitol
Dibutyl phthalate
Dibutyltin diacetate
Dichloroacetonitrile
3,3'-Dichlorobenzidine dihydrochloride
2,6-Dichloro-p-phenylenediamine
1,3-Dichloropropene
Dicofol
Dicyclopentadiene
Diesel fuel marine
Diethylamine
Diethyldichlorosilane
Diethylene glycol
Di(2-ethylhexyl)sebacate
Di(p-ethylphenyl)dichloroethane
N,N'-Diethylthiourea
Diglycidyl resorcinol ether
1,8-Dihydroxy-4,5-dinitroanthraquinone
Diisobutyl phthalate
Diisodecyl phthalate
Dimenhydrinate
3,3'-Dimethylbenzidine
Dimethyl hydrogenphosphite
Dimethyl methylphosphonate
Dimethyl phthalate
Dimethyl sulfoxide
Dimethyl terephthalate
Dimethylvinyl chloride
2,4-Dinitroaniline
Dioctyl phthalate
Dioxathion
4,4'-Diphenylmethane diisocyanate
Direct Blue 1
Direct Blue 15
Direct Blue 53
Direct Blue 218
Direct Red 2
2,5-Dithiobiurea
Ditridecyl phthalate
Dodecenylsuccinic anhydride
Endosulfan
1,2-Epoxyhexadecane
1,2-Epoxy-3,3,3-trichloropropane
Erythromycin stearate
Ethyl acrylate
2-Ethylhexanol
Ethyl methanesulfonate
Fluorescein, sodium
4-Fluoro-dl-phenylalanine
5-Fluorouracil
Furfuryl alcohol
Furosemide
Geranyl acetate
Gibberellic acid
Halothane
HC Yellow 4
Heptachlor
Hexamethyl-p-rosaniline chloride
Hexanamide
N-Hexane
1,6-Hexanediamine
Hexylresorcinol
Hydrochlorothiazide
L-5-Hydroxytryptophan
Indomethacin
Isoamyl nitrite
Isobutyl 2,4,5-trichlorophenoxy-acetate
Isophorone
Isopropyl glycidyl ether
Lead dimethyldithiocarbamate
Lead dioxide
Linoleic acid
Malathion
Maleic hydrazide
Maleic hydrazide diethanolamine
Malonaldehyde
Melamine
Mercaptobenzothiazole
Mercuric chloride
Methoxychlor
Alpha-Methylbenzyl alcohol
O-Methylhydroxylamine hydrochlor-ide
Methyl isocyanate
Methyl mercuric chloride
Methyl methacrylate
Methyl methanesulfonate
N-Methylolacrylamide
Methyl parathion
Mirex
Monoethanolamine
Monuron
Myleran
Naphthalene
1,4-Naphthalenedi mine
Nithiazide
O-Nitroacetophenone
P-Nitroaniline
O-Nitroanisole
4-Nitroanthranilic acid
P-Nitrobenzoyl chloride
O-Nitrobenzyl chloride
P-Nitrobenzyl chloride
O-Nitrophenethyl acetate
O-Nitrophenol
4-Nitro-o-phenylenediamine
P-Nitrosodiphenylamine
Oleic acid
Penicillin VK
Pentachloroethane
Pheniramine maleate
D-Phenylalanine
N-Phenylhydroxylamine
1-Phenyl-3-methyl-5-pyrazolone
O-Phenylphenol
N-Phenyl-p-phenylenediamine
1-Phenyl-2-thiourea
Photodieldrin
Pigment Red 3
Pigment Red 23
Pyrilamine
Resorcine Blue
Rotenone
Saccharin
Sodium cyanurate
Sodium diethyldithiocarbamate
Sodium dodecyl sulfate
Sodium (2-ethylhexyl)alcohol sulfate
Succinic acid 2,2-dimethylhydrazide
Sulfamethazine
1,2,4,5-Tetrachlorobenzene
Tetrachlorodiphenylethane
1,1,1,2-Tetrachloroethane
1,1,2,2-Tetrachloroethane
Tetracycline hydrochloride
Tetraethylthiuram disulfide
Thiazole
4,4-Thiobis(6-tert-butyl-m-cresol)
Thonzylamine hydrochloride
2,4-Toluene diisocyanate
P-Tolylurea
Toxaphene
Trichloroacetonitrile
Trichlorofluoromethane
Tri-m-cresyl phosphate
Triethylamine
Triethyllead chloride
Trimellitic anhydride
Trimethoprim
Trimethylamine
Trimethyloxonium hexachloroantimonate
Trimethylthiourea
2,4,6-Trinitrotoluene
Triphenyl phosphate
Tris(2-ethylhexyl) phosphate
Trixylenyl phosphate mixed isomers
Urea
Vat Yellow 4
4-Vinylcyclohexene
Vinyl cyclohexene dioxide
Vitamin D
Witch hazel
Wollastonite calcium silicates
Ziram
Zirconium oxychloride

TABLE 7

CHEMICALS SCHEDULED TO BE TESTED FOR CYTOGENETIC EFFECTS IN CHINESE HAMSTER OVARY CELLS IN FY 1982

Acetonitrile
Acid Red 114
Acrolein
11-Aminoundecanoic acid
Benzaldehyde
Benzidine
Benzo(a)pyrene
Benzoyl chloride
O-Benzyl-p-chlorophenol
Bromobenzene
Bromoform
Butyl benzyl phthalate
Chlordecone
Chloroacetic acid
4-Chloro-2-nitroaniline
3-Chloronitrobenzene
4-Chloronitrobenzene
Cinnamaldehyde
Crotonaldehyde
Croton oil
Cyclophosphamide
2,4-Diaminophenol dihydrochloride
Dibenzofuran
1,3-Dichloro-5,5-dimethylhydantoin
Cis & Trans-1,2-Dichloroethylene
2,4-Dichlorophenoxyacetic acid
1,2-Dichloropropane
Di(2-ethylhexyl)adipate
Di(2-ethylhexyl) phthalate
Diethyl phthalate
3,3'-Dimethylbenzidine
1,3-Dioxane
1,4-Dioxane
Diphenylhydantoin
Direct Blue 6
Direct Blue 15

TABLE 7

CHEMICALS SCHEDULED TO BE TESTED FOR CYTOGENETIC EFFECTS IN CHINESE HAMSTER OVARY CELLS IN FY 1982 (CONT.)

Direct Blue 218
Direct Brown 95
2-Ethylhexanol
Ferrocene
Formaldehyde
Glutaraldehyde
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hydrazobenzene
Hydroquinone
Isoproterenol hydrochloride
Manganese sulfate
Methdilazine
Methylphenidate
P-Nitroaniline
O-Nitroanisole
2-Nitropropane
M-Nitrotoluene
O-Nitrotoluene
P-Nitrotoluene
Pentachlorophenol
Phthalic anhydride
Piperonyl butoxide
Promethazine
Propantheline bromide
Seneciphylline
Sulfacetamide
2,3,7,8-Tetrachlorodibenzo-p-dioxin
Tetrachloroethylene
2,3,5,6-Tetrachloronitrobenzene
Tetrachlorophthalic anhydride
Tetrahydrofuran
Triamterene
2,4,6-Trichlorophenol
2,4,5-Trichlorophenoxyacetic acid
1,2,3-Trichloropropane
Tricresyl phosphate
Triethanolamine
Trifluralin

TABLE 8

CHEMICALS SCHEDULED TO BE TESTED FOR HERITABLE GENETIC EFFECTS IN DROSOPHILA IN FY 1982

Acetin
Acetonitrile
Acrolein
Allyl glycidyl ether
9-Aminoacridine hydrochloride
O-Aminophenol
1-Aziridineethanol
Azobenzene
Azodicarbonamide
Benomyl
P-Benzoquinone dioxime
2-Biphenylamine
Tert-Butyl hydroperoxide
Cadmium chloride
Calcium chromate
Calcium cyanamide
Carbendazim
Chloral hydrate
4-Chloro-2-nitroaniline
2-Chloronitrobenzene
Chloropicrin
Coumarin
Crotonaldehyde
Croton oil
2,4-Diaminophenol dihydrochloride
2,3-Dibromo-1-propanol
1,3-Dichloro-5,5-dimethylhydantoin
2,3-Dichloronitrobenzene
2,4-Dichloronitrobenzene
3,4-Dichloronitrobenzene
Di(2-ethylhexyl) phthalate
Dimethoxane
3,3'-Dimethoxybenzidine
Dimethylcarbamoyl chloride
Dimethylformamide
2,6-Dimethyl morpholine
Direct Blue 6
Direct Blue 15
Direct Brown 95
1,2-Epoxypropane
Ethylene chlorohydrin
Ferrocene
2-Fluorobenzoyl chloride
1-Fluoro-2,4-dinitrobenzene
4-Fluoro-dl-phenylalanine
5-Fluorouracil
Formaldehyde
Glutaraldehyde
Hydrazine sulfate
Hydroxyurea
Isoproterenol hydrochloride
Lasiocarpine
3-Methylcholanthrene
2-Methyl-4-dimethylaminoazobenzene
2-Methyl-1-nitroanthraquinone
5-Nitroacenaphthene
3-Nitro-p-acetophenetidide
5-Nitro-o-anisidine
1-Nitronaphthalene
Sodium azide
Streptomycin sulfate
Sulfacetamide
Sulfanilamide
2,3,5,6-Tetrachloronitrobenzene
Tetrachlorophthalic anhydride
Tetranitromethane
Titanium ferrocene
1,2,3-Trichloropropane
Triethanolamine
Triethyllead chloride
Trifluralin
Trimethoprim

TABLE 9

CHEMICALS FOR WHICH CARCINOGENESIS BIOASSAYS WERE COMPLETED IN FY 1981 RESULTS ARE AVAILABLE FROM NTP

Agar agar
Allyl isothiocyanate
11-Aminoundecanoic acid
Asbestos, amosite
Asbestos, chrysotile SR
2-Biphenylamine hydrochloride
Bisphenol A
1,2-Dibromo-3-chloropropane
Butyl benzyl phthalate
Caprolactam
Cytembena
2,6-Dichloro-p-phenylenediamine
1,2-Dibromoethane
Di(2-ethylhexyl)adipate
Di(2-ethylhexyl) phthalate
Disperse Yellow 3
Eugenol
Guar gum
Gum arabic
Gum tara
Locust bean gum
Orange 10
Pentachloroethane
Polybrominated biphenyl (Firemaster FF 1)
D & C Red 9
Red 14
Stannous chloride
TCDD/DMBA
2,3,7,8-Tetrachlorodibenzo-p-dioxin
Vinylidene chloride
Sunset Yellow FCF 6
Yellow 14

TABLE 10

CHEMICALS STARTED IN THE PRECHRONIC PHASE OF THE BIOASSAY IN FY 1981

1-Amino-2,4-dibromoanthraquinone
Amphetamine sulfate
Azodicarbonamide
Benzaldehyde
Beta-Cadinene
Caffeine
D-Carvone
Chloramphenicol
Chloroacetic acid
P-Chloroaniline
Chlorothen
Chlorpromazine hydrochloride
Cineol
Cinnamaldehyde
Coumarin
Curcumin
2,4-Diaminophenol dihydrochloride
4,4'-Diamino-2,2'-stilbenedisulfonic acid
Diethyl phthalate
3,4-Dihydrocoumarin
Dimethoxane
Dimethyloldihydroxyethyleneurea
Doxylamine
Ethylenediamine
Ethylene glycol
Glycol (Polysorbate 80)
HC Yellow 4
Hexachloroethane
4-Hydroxyacetanilide
Isobutyl nitrite
Isoproterenol hydrochloride
Mercuric chloride
Methapyrilene
Methyl coumarin
N-Methylolacrylamide
Nitrobenzene
Ochratoxin A
Palladium chloride (2+)
Pigment Red 3
Pigment Red 23
Probenecid
Pyrilamine
Quercetin
Resorcinol
Sodium azide
Thenyldiamine
Titanium ferrocene
Toluene
Trimellitic anhydride
Tripelennamine
Tris(2-chloroethyl) phosphate
Vinyl cyclohexene dioxide

TABLE 11

CHEMICALS FOR WHICH CHRONIC TESTING WAS COMPLETED IN FY 1981

Agaritine
Allyl isovalerate
Asbestos, amosite
Asbestos, chrysotile IR
Asbestos, chrysotile SR
Asbestos, crocidolite
Ascorbic acid
Benzyl acetate
Bis(2-chloro-1-methylethyl) ether
Chlorobenzene
Cyclohexanone
1,2-Dichlorobenzene
1,2-Dichloropropane
1,3-Dichloropropene
Diglycidyl resorcinol ether
1,2-Dimethylhydrazine and asbestos,chrysotile
DMBA/TPA
DMBA/TPA
Dodecyl alcohol, ethoxylated
1,2-Epoxypropane
Ethyl acrylate
Fluorescein, sodium
Geranyl acetate
Gilsonite
HC Blue 1
Mannitol
Melamine
Methylene chloride
4,4'-Methylenedianiline dihydro
Mirex
Monuron
N-Nitrosodiethanolamine
Propyl gallate
Sodium dodecyl sulfate
Sodium (2-ethylhexyl)alcohol sulfate
1,1,1,2-Tetrachloroethane
Tetrachloroethylene
Tetrachloroethylene
Tetrachloroethylene
Tetrachloroethylene
2,4-Toluene diisocyanate
Tremolite
1,1,1-Trichloroethane
Trichloroethylene
Trichloroethylene
Trichloroethylene
Zearalenone
Ziram

TABLE 12

CHEMICALS IN PRECHRONIC TESTING PHASES OF THE BIOASSAY AT THE END OF 1981

Allyl glycidyl ether
1-Amino-2,4-dibromoanthraquinone
2-Amino-4-nitrophenol
2-Amino-5-nitrophenol
Amphetamine sulfate
Ampicillin trihydrate
Antimony oxide
Azodicarbonamide
Azodicarbonamide
Benzaldehyde
Benzene
Benzofuran
Benzyl alcohol
Benzyl chloride
2,2-Bis(Bromomethyl)-1,3-propanediol
2,2-Bis(Bromomethyl)-1,3-propanediol
Blue 15B
Boric acid
Bromobenzene
Bromodichloromethane
Bromoform
1,3-Butadiene
2-Butanone peroxide
Tert-Butyl alcohol
N-Butyl chloride
Butyrolactone
Beta-Cadinene
Caffeine
Carbon disulfide
D-Carvone
Castor oil
Catechol
Chloramine
Chloramphenicol
Chlorendic acid
Chlorinated trisodium phosphate
Chloroacetic acid
Chloroacetophenone
P-Chloroaniline
2-Chlorobenzalmalononitrile
Chlorodibromomethane
3-Chloro-2-methylpropene
Chlorothen
Chlorowax 40
Chlorowax 500C
Chlorpheniramine maleate
Chlorpromazine hydrochloride
C.I. Acid Orange 3
Cineol
Cinnamaldehyde
Coconut diethanolamide
Coumarin
Curcumin
Decabromodiphenyl oxide
Diallyl phthalate
2,4-Diaminophenol dihydrochloride
4,4'-Diamino-2,2'-stilbenedisulfonic acid
2,3-Dibromo-1-propanol
2,3-Dibromo-1-propanol
1,4-Dichlorobenzene
2,4-Dichlorophenol
Dichlorvos
Diesel fuel marine
Diethanolamine
Diethyl phthalate
3,4-Dihydrocoumarin
Dimethoxane
N,N-Dimethylaniline
Dimethyl hydrogenphosphite
Dimethyl methylphosphonate

TABLE 12

CHEMICALS IN PRECHRONIC TESTING PHASES OF THE BIOASSAY AT THE END OF 1981 (CONT.)

Dimethyl morpholinophosphonate
Dimethyloldihydroxyethyleneurea
Dimethyloldihydroxyethyleneurea
Dimethylvinyl chloride
Diphenhydramine hydrochloride
Diphenylhydantoin
4,4'-Diphenylmethane diisocyanate
Disperse Blue 1
Doxylamine
Ephedrine sulfate
Epinephrine hydrochloride
1,2-Epoxybutane
1,2-Epoxyhexadecane
Erythromycin stearate
2-Ethoxyethanol
Ethylbenzene
Ethyl bromide
Ethyl chloride
Ethylene chlorohydrin
Ethylenediamine
Ethylene glycol
Ethylene oxide
Ethylene thiourea
Formaldehyde
Furan
Furfural
Furfuryl alcohol
Furosemide
Gibberellic acid
Glutaraldehyde
Glycidol
Glycol (Polysorbate 80)
HC Blue 2
HC Red 3
HC Yellow 4
Hematoxylin
Hexachlorocyclopentadiene
Hexachloroethane
Hexamethyl-p-rosaniline chloride
Hexylresorcinol
Hydrochlorothiazide
Hydroquinone
4-Hydroxyacetanilide
8-Hydroxyquinoline
5-Hydroxytryptophan
Iodinated glycerol
Isobutyl nitrite
Isophorone
Isoproterenol hydrochloride
Lauric acid diethanolamine
D-Limonene
Maleic hydrazide diethanolamine
Malonaldehyde
Mercaptobenzothiazole
Mercuric chloride
Methapyrilene
8-Methoxypsoralen
Alpha-Methylbenzyl alcohol
Methyl carbamate
Methyl coumarin
Methyldopa
Methylene chloride
Methyl methacrylate
N-Methylolacrylamide
Nalidixic acid
Naphthalene
Navy fuels JP-5
Nitrobenzene
Nitrobenzene
Nitrofurantoin
Nitrofurazone
P-Nitrophenol
Ochratoxin A
Oleic acid diethanolamine
Oxalic acid
Oxytetracycline hydrochloride
Palladium chloride (2+)
Penicillin VK
Pentachloroanisole
Pentachloronitrobenzene
Pentachlorophenol
Pentachlorophenol
Pentachlorophenol
Pentachlorophenol
Pentaerythritol tetranitrate
Phenolphthalein
Phenylbutazone
Phenylephrine hydrochloride
N-Phenyl-2-naphthylamine
O-Phenylphenol
Phthalocyanine green
Pigment Red 3
Pigment Red 23
Probenecid
Propylene
Pyridine
Pyrilamine
Quercetin
P-Quinone
Resorcinol
Rhodamine 6G
P-Rosaniline hydrochloride
Rotenone
Rotenone
Roxarsone
Sodium aluminosilicate
Sodium azide
Sodium cyanurate
Sodium fluoride
Sodium xylenesulfonate
Styrene oxide
Succinic anhydride
Sulfamethazine
Tetrachloroethylene
Tetracycline hydrochloride
Tetrakis(hydroxymethyl)phosphonium chloride
Tetranitromethane
Thenyldiamine
THPS
Titanium ferrocene
Toluene
Toluene
Trichlorfon
Trichloroethylene
Trimellitic anhydride
Tripelennamine
Tris(2-chloroethyl) phosphate
Tris(2-ethylhexyl) phosphate
4-Vinylcyclohexene
Vinyl cyclohexene dioxide
Vinyl cyclohexene dioxide
Vinyl toluene
Witch hazel
Wollastonite calcium silicates
Xylenes, commercial mixture
2,6-Xylidine

TABLE 13

CHEMICALS SCHEDULED TO START IN THE PRECHRONIC PHASES OF THE BIOASSAY IN FY 1982

Acetonitrile
Acid Red 114
O-Benzyl-p-chlorophenol
3,3'-Dimethoxybenzidine dihydrochloride
3,3'-Dimethylbenzidine dihydrochloride
Direct Blue 15
Direct Blue 218
Manganese sulfate
Methdilazine
Methylphenidate
P-Nitroaniline
O-Nitroanisole
Promethazine
Propantheline bromide
Riddelliine
Tetrahydrofuran
Triamterene
1,2,3-Trichloropropane
Tricresyl phosphate

TABLE 14

CHEMICALS FOR WHICH CARCINOGENESIS BIOASSAYS WILL BE COMPLETED IN FY 1982

Allyl isovalerate
Ascorbic acid
Benzyl acetate
Bis(2-chloro-1-methylethyl) ether
Chlorobenzene
Diallyl phthalate
1,2-Dichlorobenzene
Ethyl acrylate
Geranyl acetate
Mannitol
Melamine
Methylene chloride
4,4'-Methylenedianiline dihydrochloride
Propyl gallate
1,1,1,2-Tetrachloroethane
Tetrachloroethylene
Tetrachloroethylene
Tetrachloroethylene
Tetrachloroethylene
Tetrachloroethylene
2,4-Toluene diisocyanate
Trichloroethylene
Trichloroethylene
Trichloroethylene
Trichloroethylene
Zearalenone
Ziram

TABLE 15

CHEMICALS STUDIED FOR IMMUNOTOXICITY DURING FY 1981
FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Benzo(a)pyrene
Benzo(a)pyrene
Benzo(e)pyrene
Ethyl carbamate
Methyl carbamate
Phorbol myristate acetate
Phorbol myristate acetate
Promethazine

TABLE 16

PRIMARY NEUROBEHAVIORAL TEST BATTERY FOR RATS

Function	Test
Motor	Forelimb Grip Strength
	Hindlimb Grip Strength
Sensory	Multisensory Conditioned Avoidance
	Tail Flick or Hot Plate
Arousal/Reactivity	Startle - Acoustic
	- Air Puff
	Motor Activity
Health Meausres	Body Weights
	Rectal Temperature

TABLE 17

TERATOLOGY STUDIES COMPLETED OR IN PROGRESS IN FY 1981
FOR WHICH RESULTS ARE AVAILABLE FROM NTP

N-Butyl acetate
Carbon disulfide
Diphenhydramine hydrochloride
Diphenhydramine hydrochloride
1,2-Epoxypropane
2-Ethoxyethanol
Ethylbenzene
Ethylene chlorohydrin
Ethylene oxide
Ethylene oxide
Hexamethyl-p-rosaniline chloride
5-Hydroxytryptophan
Isoproterenol hydrochloride
Oxytetracycline hydrochloride
Phenol
Sulfamethazine

TABLE 18

REPRODUCTIVE AND FERTILITY ASSAYS COMPLETED IN FY 1981
FOR WHICH RESULTS ARE AVAILABLE FROM NTP

Acrolein
Allyl chloride
N-Butyl acetate
Cyclohexanone
Diethylene glycol dimethyl ether
N,N-Dimethylacetamide
Dimethylformamide
1,2-Epoxybutane
1,2-Epoxypropane
Ethylbenzene
Ethylene oxide
2-Ethoxyethanol
Hexachlorobutadiene
Methyl bromide
N-Methyl dicyclohexylamine
2-Methoxyethanol
2-Nitropropane
Styrene oxide
1,1,2,2-Tetrachloroethane
Vinyl toluene

TABLE 19

CHEMICALS TO BE TESTED IN THE SHORT-TERM IN VIVO TERATOLOGY SCREENING SYSTEM IN FY 1982

Aniline
Benzyl alcohol
2-Butanone peroxide
2,4-Diaminotoluene
Diethylene glycol diethyl ether
Diethylene glycol
Diethylene glycol dibutyl ether
Diethylene glycol dimethyl ether
Diethylene glycol monobutyl ether
Diethylene glycol monoethyl ether
Diethylene glycol monomethyl ether
N,N-Dimethylaniline
2,4-Dinitrotoluene
2-Ethoxyethanol
Ethylenediamine
Ethylene glycol
Ethylene glycol diethyl ether
Ethylene glycol dimethyl ether
Ethylene glycol monobutyl ether
Ethylene thiourea
2-Methoxyethanol
Naphthalene
P-Nitroaniline
Nitrofurazone
P-Nitrophenol
Sodium selenite
Toluene
Triethylene glycol
Triethylene glycol dimethyl ether
Trimellitic anhydride

TABLE 20

CHEMICALS SELECTED FOR TERATOLOGY AND POSTNATAL STUDIES IN FY 1982

Carbon disulfide
Chlorpromazine hydrochloride
Di(2-ethylhexyl) phthalate
Diphenhydramine hydrochloride
Isoproterenol hydrochloride
Sulfamethazine

TABLE 21

NTP CHEMICAL NOMINATION ELEMENTS

I. Chemical Identification

a. Chemical Abstracts Service (CAS) preferred name
b. Common or generic name and synonyms
c. CAS Registry Number
d. Chemical class and related compounds
e. Physical and chemical properties

i. Physical description
ii. Structural and molecular formula and molecular weight
iii. Melting and boiling points
iv. Solubility
v. Stability and reactivity
vi. Other relevant information

f. Commercial product(s) composition
g. References

II. Production, Use, Occurrences, and Analysis

a. Production

i. Source and synthesis, year and pathway of first production
ii. Current production and pathway

b. Uses
c. Occurrence in the Environment

i. Naturally occurring
ii. Air, water, and soil
iii. Occupational

d. Analysis
e. References

III. Toxicology

a. Human data, case reports, and epidemiological studies
b. Experimental animal information
c. In vitro and other short-term tests
d. Other relevant information
e. References

IV. Disposition and structure-activity-relations

a. Absorption, distribution, metabolism, and excretion
b. Structure-activity correlations and considerations
c. References

V. Ongoing toxicological and environmental studies in the government, industry, and academia

VI. Rationale for Recommendation and Suggested Studies

TABLE 22

NTP CHEMICAL SELECTION PRINCIPLES

The NTP Executive Committee operates under the principle that industry will test chemicals for health and environmental effects as intended and NTP, acting under its chemical selection principles, will test:

1. Chemicals found in the environment that are not closely associated with commercial activities;

2. Desirable substitutes for existing chemicals, particularly therapeutic agents, that might not be developed or tested without Federal involvement;

3. Chemicals that should be tested to improve scientific understanding of structure-activity relationships and thereby assist in defining groups of commercial chemicals that should be tested by industry;

4. Certain chemicals tested by industry, or by others, the additional testing of which by the Federal government is justified to verify the results;

5. Previously tested chemicals for which other testing is desirable to cross-compare testing methods;

6. "Old chemicals" with the potential for significant human exposure which are of social importance but which generate too little revenue to support an adequate testing program (some of these may be "grandfathered" under FDA laws);

7. Two or more chemicals together, when combined human exposure occurs (such testing probably cannot be required of industry if the products of different companies are involved); and

8. In special situations, as determined by the Executive Committee, marketed chemicals which have potential for large-scale and/or intense human exposure, even if it may be possible to require industry to perform the testing.

The selection of a chemical by the Executive Committee does not automatically commit the NTP to testing the chemical. The NTP is committed to ascertain the specific toxicologic and regulatory concerns; evaluate the adequacy of existing data or current efforts in government, academic, or private laboratories; aand then propose and conduct specific tests that are needed. Occasionally new information is obtained that answers the questions posed in the nomination and selection process. Sometimes testing is not done because chemicals are withdrawn by the nominator, because others are or will be testing the chemical, or because the chemical is not available, or no longer produced.

TABLE 23

CHEMICALS REVIEWED BY THE CEC IN FY 1981

Acetic anhydride
Benzethonium chloride
Benzotrichloride
Benzoyl chloride
Brucine
Tert-Butyl perbenzoate
Butyric anhydride
M-Chloroaniline
Codeine
Curcumin
Cyclohexane
1,3-Dichloro-5,5-dimethylhydantoin
Direct Black 19
Direct Blue 15
Direct Red 2
Direct Red 39
Dodecenylsuccinic anhydride
Ergonovine
Ergotamine
Gallium arsenide
Mercuric oxide
Methiodal sodium
Methyl bromide
Methyl fluorosulfonate
Methyl isocyanate
N-Methyl-N-nitroso-p-toluenesulfonamide
Methyltrifluoromethanesulfonate
Nickel oxide
Ninhydrin
Noscapine
O-Phenanthroline
Piperidine
Salicylazosulfapyridine
Scopolamine
Sodium chromate
Sulfamethizole
Sulfanilamide
Sulfathiazole
Tetrachlorophthalic anhydride
Tetrafluoroethylene
Theophylline
4,4-Thiobis(6-tert-butyl-m-cresol)
Triethanolamine
2,4,5-Trimethoxybenzaldehyde
Trimethyloxonium hexachloroantimonate
Vat Blue 1

TABLE 24

TWENTY CHEMICALS REVIEWED BY THE BOARD OF SCIENTIFIC COUNSELORS ON MAY 28, 1981

Acetic anhydride
Brucine
Cyclohexane
1,3-Dichloro-5,5-dimethylhydantoin
Direct Black 19
Direct Blue 15
Direct Red 2
Direct Red 39
Dodecenylsuccinic anhydride
Ergonovine
Ergotamine
Methyl bromide
Methyl fluorosulfonate
Methyl isocyanate
Noscapine
Piperidine
Tetrafluoroethylene
4,4-Thiobis(6-tert-butyl-m-cresol)
Trimethyloxonium hexachloroantimonate
Vat Blue 1

TABLE 25

CHEMICALS PROCURED FOR TERATOLOGY STUDIES

Carbon disulfide
Cinnamaldehyde
Dimethylformamide
Hexamethyl-p-rosaniline chloride
5-Hydroxytryptophan
N-Isopropyl-N'-phenyl-p-phenylenediamine
Isoproterenol hydrochloride
P-Nitroaniline
Oxytetracycline hydrochloride
Sulfamethazine

TABLE 26

CHEMISTRY RESOURCES SUPPORT FOR IN-HOUSE NTP STUDIES

Agent Orange
Benzidine
Benzo(a)pyrene
Benzo(e)pyrene
Chlordecone
Direct Blue 6
Mercuric chloride

TABLE 27

NTP CHEMICAL REPOSITORY HOLDINGS AND ACTIVITIES IN FY 1981

	Cellular and Genetic Toxicology Repository	Toxicology and Carcinogenesis Bioassay Repository
1. Control chemicals in inventory	17	--
2. Test chemicals in inventory	640	361
3. Archival allotments	169	264
4. Testing allotments	640	391
5. Public allotments	164	130
6. Test chemicals shipped for Salmonella testing in FY 1981	312	--
7. Test chemicals shipped for Drosophila testing in FY 1981	63	--
8. Test chemicals shipped for cytogenetics testing in FY 1981	83	--
9. Test chemicals shipped for aneuploidy testing in FY 1981	40	--
10. Aliquots shipped to date	1108	--
11. Chemicals on order or backorder	53	--
12. Chemicals synthesized	3	--
13. Chemicals scheduled for purity analysis	98	--
14. Purity analyses completed	98	--
15. Aliquots transferred to Cellular and Genetic Toxicology Repository	--	179
16. Aliquots shipped from Toxicology and Carcinogenesis Bioassay Repository	--	169
17. Chemicals selected for FY 1981 cellular and genetic toxicology testing	546	--
18. Chemicals selected for FY 1981 testing	211	--

TABLE 28

CHEMICALS, SUBSTANCES AND MANUFACTURING PROCESSES
INCLUDED IN THE SECOND ANNUAL REPORT ON CARCINOGENS

1. 2-Acetylaminofluorene
2. Acrylonitrile
3. Aflatoxins
4. 4-Aminobiphenyl
5. Amitrole
6. Aramite
7. Arsenic and Compounds
8. Asbestos
9. Auramine, Manufacture of
10. Benz(a)anthracene
11. Benzene
12. Benzidine
13. Benzo(b)fluoranthene and Benzo(j)fluoranthene
14. Benzo(a)pyrene
15. Beryllium and Compounds
16. N,N-Bis(2-chloroethyl)-2-naphthylamine
17. Bis(chloromethyl ether and Chloromethyl Methyl ether
18. Cadmium and Certain Compounds
19. Cabon Tetrachloride
20. Chlorambucil
21. Chloroform
22. Chromium and Compounds
23. Coke Oven Emissions
24. p-Cresidine
25. Cycasin
26. Cyclophosphamide
27. 2,4-Diamintoluene
28. Dibenz(a,h)acridine
29. Dibenz(a,j)acridine
30. Dibenz(a,h)acridine
31. 7H-Dibenzo(c,g)carbazole
32. Dibenzo(a,h)pyrene
33. Dibenzo(a,i)pyrene
34. 1,2-Dibromo-3-chloropropane
35. 1,2-Dibromoethane
36. Dichlorobenzidine
37. 1,2-Dichloroethane
38. Diethylstilbestrol
39. 4-Dimethylaminoazobenzene
40. Dimethyl Carbamoyl Chloride
41. Dimethyl Sulfate
42. 1,4-Dioxane
43. Formaldehyde
44. Hematit underground mining
45. Hydrazobenzene
46. Indeno(1,2,3-cd)pyrene
47. Iron Dextran
48. Isopropyl Alcohol manufacture using strong acid process
49. Kepone
50. Lead Acetate and Lead Phosphate
51. Lindane and Other Hexachlorocyclohexane Isomers
52. Melphalan
53. Mirex
54. Mustard Gas
55. 2-Naphthylamine
56. Nickel refining and Certain Compounds
57. N-Nitrosodi-N-butylamine
58. N-Nitrosodiethanolamine
59. N-Nitrosodiethylamine
60. N-Nitrosodimethylamine
61. N-Nitrosodi-N-propylamine
62. N-Nitroso-N-ethylurea
63. N-Nitroso-N-methylurea
64. N-Nitrosomethyl Vinylamine
65. N-Nitrosomorpholine
66. N-Nitrosonornicotine
67. N-Nitrosopiperidine
68. N-Nitrosopyrrolidine
69. N-Nitrososarcosine
70. Oxymethalone
71. Phenacetin
72. Phenazopyridine Hydrochloride
73. Phenytoin
74. Polychlorinated Biphenyls
75. Procarbazine and Procarbazine Hydrochloride
76. beta- Propiolactone
77. Reserpine
78. Saccharin
79. Safrole
80. Soots, Tars and Oils
81. Streptozotocin
82. 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)
83. Thorium Dioxide
84. o-Toluidine Hydrochloride
85. Toxaphene
86. Tris(aziridinyl)-phosphine Sulfide
87. Tris(2,3-dibromopropyl)phosphate
98. Vinyl Chloride

FIGURE 1

NATIONAL TOXICOLOGY PROGRAM

Agency origin and amounts of funding (millions)

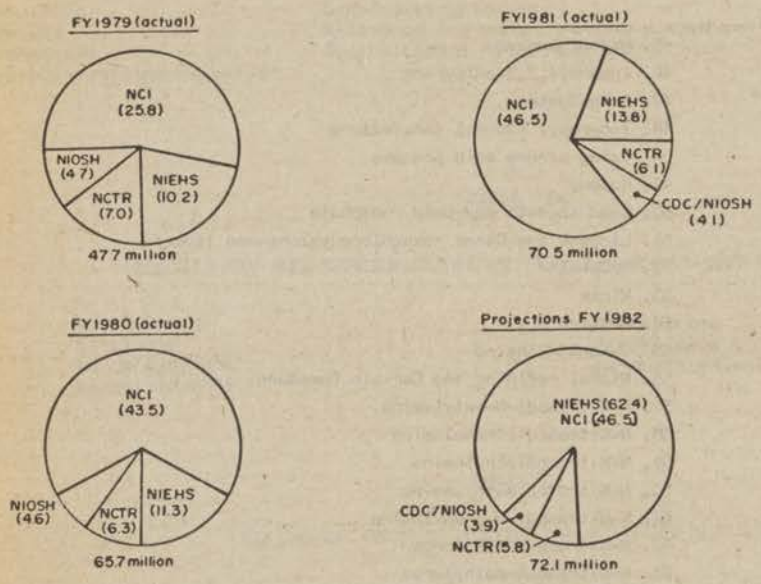
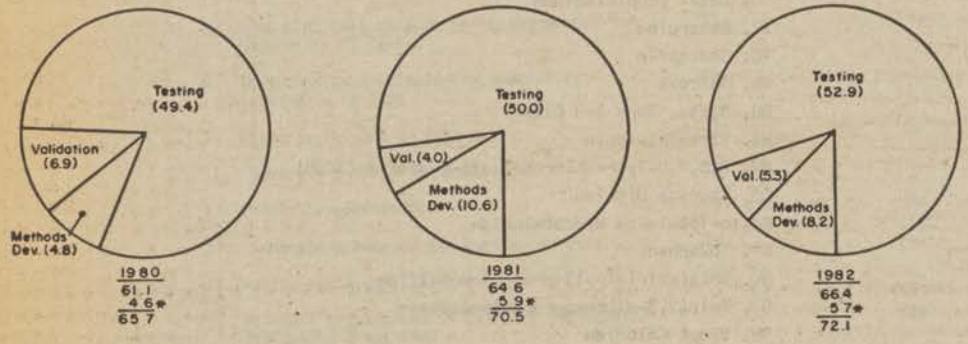


FIGURE 2

NATIONAL TOXICOLOGY PROGRAM (millions)



*Other activities such as grants, WHO Cooperative Center, dioxin registry, core staff, indirect operational support, etc.

FIGURE 3

NATIONAL TOXICOLOGY PROGRAM (millions)

1981

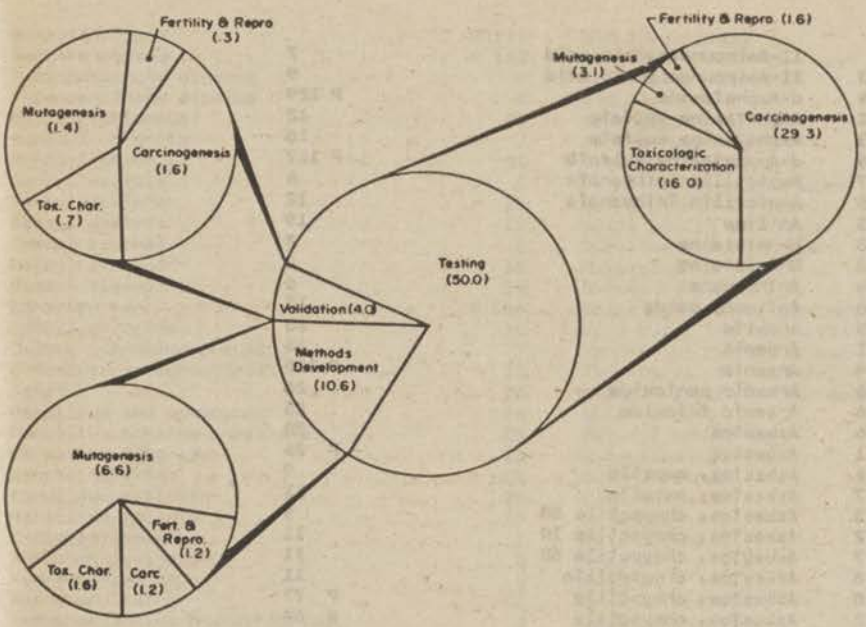
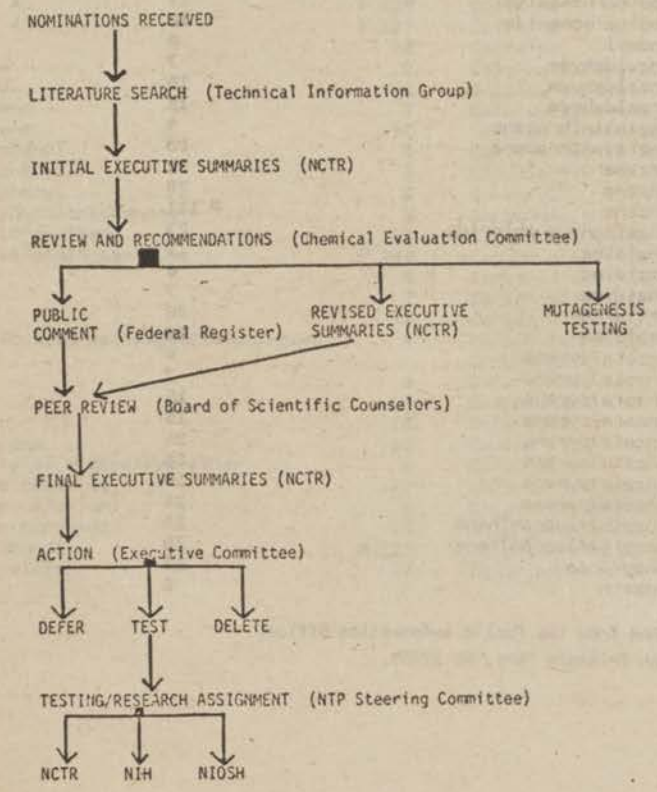


FIGURE 4

NTP CHEMICAL NOMINATION AND CHEMICAL SELECTION PROCESS



ALPHABETIC INDEX TO TABLES AND TEXT

CHEMICAL	TABLE NO. *
Acetic anhydride	23
Acetic anhydride	24
Acetin	2
Acetin	8
Acetonitrile	6
Acetonitrile	7
Acetonitrile	8
Acetonitrile	13
P-Acetophenetidide	28
P-Acetophenetidide	2
2-Acetylaminofluorene	4
2-Acetylaminofluorene	28
2-Acetylaminofluorene	P 79
2-Acetylaminofluorene	P 81
4-Acetylaminofluorene	4
1-Acetyl-2-picolinoyl hydrazine	6
Acetyl-o-toluidine	6
Acid Black 52	P 76
Acid Red 114	1
Acid Red 114	6
Acid Red 114	7
Acid Red 114	13
Acrolein	2
Acrolein	7
Acrolein	8
Acrolein	18
Acrolein	P 122
Acrylamide	P 107
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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.

Colorado:	
CO81-5149	Sept. 4, 1981.
CO82-5104	Feb. 26, 1982.
Kansas:	
KS82-4013	Apr. 16, 1982.
KS82-4015	Do.
KS82-4016	Do.
KS82-4017	Do.
New Jersey: NJ81-3063	Dec. 28, 1981.
Pennsylvania:	
PA81-3058	Aug. 28, 1981.
PA82-3008	Feb. 26, 1981.
PA79-3020	July 20, 1979.
Vermont: VT82-3003	Jan. 22, 1982.
Maryland: MD81-3074	Oct. 9, 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.

Alabama: AL81-1125 (AL82-1028)	Dec. 30, 1980.
Illinois: IL81-2027 (IL82-2033)	June 19, 1981.
Indiana: IN80-2058 (IN82-2030)	July 25, 1980.
West Virginia: WV80-3016 (WV82-3003)	May 30, 1980.
Pennsylvania: PA80-3075 (PA82-3016)	Dec. 5, 1980.

Please note that we are changing the format for **Federal Register** wage decisions to coincide with the provisions of All Agency Memorandum No. 132 dated January 29, 1980, which provides that the Department of Labor will discontinue identifying fringe benefits separately. Rather, they will be stated as a composite figure which is the total hourly equivalent value of fringe benefits found to be prevailing. Fringe benefits which can not be stated in monetary terms will be shown in footnotes. This procedures will be phased in gradually.

Signed at Washington, D.C., this 7th day of May, 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-30-M

Modification Page 1

DECISION NO. CO81-5149 - Mod. #3
(46 FR 44620 - September 4, 1981)
Statewide, Colorado

Change:	Basic Hourly Rates	Fringe Benefits
Line Construction:		
Cable Splicers	$17.29	.95+ 3-3/4%
Journeyman Lineman	16.15	.95+ 3-3/4%
Line Equipment Maintenance Man	13.66	.95+ 3-3/4%
Line Equipment Operator, Class 1: Crawler Equipment, Wire Equipment, Pullers, Tensioners, Cranes, Heavy Pole Trucks (such as diesel, twin screws), All Bucket Trucks, Backhoes, All Trenchers, Bobcats, All trucks over 15,000 lbs. empty weight	13.66	.95+ 3-3/4%
Line Equipment Operator, Class 2: Trucks, under 3 tons C.T.M. classification	12.20	.95+ 3-3/4%
Groundman	11.23	.95+ 3-3/4%

DECISION NO. CO82-5104 - Mod. #3
(47 FR 8497 - February 26, 1982)
El Paso County, Colorado

Change:	Basic Hourly Rates	Fringe Benefits
Bricklayers; Stonemasons	$15.65	$1.96

DECISION NO. KS82-4013 - Mod. #2 (47 FR 16519 - April 16, 1982)
Leavenworth Co., Kansas

Change:	Basic Hourly Rates	Fringe Benefits
Ironworkers	$15.15	3.75
Painters:		
Brush, Roller-Tapers	15.04	1.40
Spray	16.04	1.40
Paperhangers	15.54	1.40

DECISION NO. KS82-4015 - Mod. #2 (47 FR 16525 - April 16, 1982)
Douglas, Jefferson, Leavenworth, Miami & Shawnee Cos., Kansas

Change:	Basic Hourly Rates	Fringe Benefits
Ironworkers	15.15	3.75

DECISION NO. KS82-4016 - Mod. #1 (47 FR 16528 - April 16, 1982)
Shawnee County, Kansas

Change:	Basic Hourly Rates	Fringe Benefits
Ironworkers	15.15	3.75

DECISION NO. KS82-4017 - Mod. #1 (47 FR 16530 - April 16, 1982)
Shawnee County, Kansas

Change:	Basic Hourly Rates	Fringe Benefits
Ironworkers	15.15	3.75

Modification Page 2

DECISION NO. NJ81-3063 - MOD. #7
(46 FR 62746 - December 28, 1981)
ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM COUNTIES, NEW JERSEY

CHANGE:	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS, STONEMASONS, MARBLE MASON, CEMENT MASONS, PLASTERERS, TILE LAYERS & TERRAZZO WORKERS:		
ZONE 1 Bricklayers, stonemasons, Marble Masons & Plasterers	14.40	3.29
ZONE 2 Bricklayers, Stonemasons, Marble Masons, Tile Layers & Terrazzo Workers	14.76	3.17
ZONE 4	15.55	2.08
ZONE 5	14.71	2.90
CARPENTERS, MILLWRIGHTS INSULATORS:		
ZONE 2 Carpenters & Insulators	16.05	15-5/10%
Millwrights	16.30	"
ZONE 4 Carpenters & Insulators	16.05	"
Millwrights	16.30	"
ZONE 5 Carpenters & Insulators	16.05	"
Millwrights	16.30	"
ZONE 6 Carpenters & Insulators	14.75	"
Millwrights	15.00	"
DRYWALL TAPERS & FINISHERS: ZONE 2	13.03	4.19
ELECTRICIANS & CABLE SPLICERS:	16.16	10%+ 1.14
LABORERS, BUILDING CONSTRUCTION: ZONE 6 Laborers	11.40	1.50
Hod Carriers	11.50	1.50

LINE CONSTRUCTION (EXCLUDING RAILROAD CONSTRUCTION):	Basic Hourly Rates	Fringe Benefits
ZONE 4 Linemen	16.16	10 3/4% +1.10
Line Digger, Truck Drivers	11.69	"
Groundmen	12.84	"
PAINTERS: ZONE 1 New Construction & Major Alterations	13.20	2.38
Repaint-New Construction & Major Alterations	12.30	2.38
Repaint - Spray	12.90	2.38
Exterior over 3 stories & Steel	13.45	2.38
Repaint - Steel	12.45	2.38
Bridges, TV Towers	13.90	2.38

DECISION NO. PA81-3058 - MOD. #8 (46 FR 43596 - August 28, 1981)	Basic Hourly Rates	Fringe Benefits
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania		
CHANGE:		
CARPENTERS/PILEDRIVERMEN	11.47	1.90
LABORERS:		
Asphalts, tampers, concrete pitman, puddlers & rubbers, Highway guard rail, right of way and property line fence, Highway slab reinforcing placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen & signalmen, leaser beam men (pipe laying, paving machine)	10.31	1.15
Pneumatic and electric tool op. jackhammers, paving breakers, concrete saws, whacker vibrators, sheet hammers, steward chain saws, pipelayers, asphalt rake, lute or screed men, concrete block layers	10.51	1.15
Caisson-open air-below 8 feet, cofferdam open air-below 8 feet where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill diamond point drill, gunite nozzle operators	10.85	1.15
Blasters	11.09	1.15
Reinforcing steel placers, bonding, aligning and securing and burning and welding in conjunction with reinforcing steel	11.15	1.15
Concrete surfaces	11.53	1.15
Free Air Tunnels and Shafts		
Outside laborers in conjunction tunnels & rock shafts	10.95	1.15
Chuck tenders, muckers, nippers, miner, & drillers helpers, inside laborers	11.24	1.15
Miners, drillers, blasters, pneumatic shield operators lining, spotting & timers workmen, reinforcing steel placer placers, bonding, aligning and securing and concrete surfacers	11.72	1.15
POWER EQUIPMENT OPERATORS: (HEAVY CONSTRUCTION)		
ZONE I		
GROUP 1	15.14	22.6%+ a
GROUP 2	14.85	"
GROUP 3	13.97	"
GROUP 4	13.20	"
GROUP 5	12.72	"

DECISION NO. PA81-3058 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: (CONT'D)		
GROUP 6	11.80	22.6%+ a
GROUP 7	15.39	"
GROUP 7-A	15.64	"
GROUP 7-B	15.89	"
ZONE II		
GROUP 1	14.85	25.6%+ a
GROUP 2	14.56	"
GROUP 3	13.69	"
GROUP 4	12.92	"
GROUP 5	12.45	"
GROUP 6	11.54	"
GROUP 7	15.10	"
GROUP 7-A	15.35	"
GROUP 7-B	15.59	"
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION AND WATER LINES CONSTRUCTION (OFF PLANT SITE)		
GROUP 1	13.25	25.6%
GROUP 2	12.41	25.6%
GROUP 3	11.90	25.6%
GROUP 4	11.46	25.6%
GROUP 5	10.91	25.6%
GROUP 6	13.50	25.6%
GROUP 6-A	13.75	25.6%
GROUP 6-B	14.00	25.6%
TRUCK DRIVERS:		
CLASS 1	11.82	
CLASS 2	11.89	
CLASS 3	12.38	
DECISION NO. PA82-3008 - MOD. #2 (47 FR 8487 - February 26, 1982)		
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania		
CHANGE:		
CARPENTERS	13.97	4.41
CEMENT MASONS	12.00	5.54
ELECTRICIANS		
Philadelphia (Only)	17.14	2.40
IRONWORKERS:		
Structural & Ornamental		
Philadelphia (Only)	15.00	4.05
LABORERS:		
Group 1	12.30	2.30
Group 2	12.10	2.30
Group 3	12.00	2.30
Group 4	12.15	2.30
Group 5	11.90	2.30
Group 6	12.55	2.30
Group 7	12.40	2.30
Group 8	12.25	2.30
LINE CONSTRUCTION		
Journeyman Lineman	17.60	.60+3 3/8%
Winch Truck Operator	12.32	"
Groundman	10.56	"
MILLWRIGHTS		
Philadelphia (Only)	14.02	4.41
POWER EQUIPMENT OPERATORS:		
Heavy Construction		
Wage Group 1	15.16	25.6%+ d
Wage Group 2	14.90	" "
Wage Group 3	14.03	" "
Wage Group 4	13.82	" "
Wage Group 5	13.51	" "
Wage Group 6	13.34	" "
Wage Group 7	12.83	" "
Wage Group 8	12.09	"
POWER EQUIPMENT OPERATORS:		
Highway Construction, and Water Lines Construction (Off Plant Site)		
Wage Group 1	14.91	25.6%+ d
Wage Group 2	14.68	" "
Wage Group 3	14.07	" "
Wage Group 4	13.55	" "
Wage Group 5	13.18	" "
Wage Group 6	12.83	" "
Wage Group 7	12.09	
TRUCK DRIVERS:		
Heavy & Highway Truck Drivers: Including Site Preparation, Paving & Utilities on Building Construction:		
Class 1	11.20	2.5425
Class 2	12.30	"
Class 3	12.50	"

Modification Page 5

DECISION NO. PA79-3020 - MOD. #7 (44 FR 42880 - July 20, 1979) Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	13.83	1.71
BOILERMAKERS	16.67	2.295
BRICKLAYERS & STONEMASONS		
ZONE 1	13.45	3.01
ZONE 2	14.25	2.00
ZONE 3	13.25	1.91
ZONE 4	14.71	1.65
CARPENTERS		
ZONE 1	12.72	1.65
ZONE 2	14.01	2.35
ZONE 3	14.01	2.35
ZONE 4	14.37	1.75
CEMENT MASONS		
ZONE 1	13.50	
ZONE 2	12.55	
ZONE 3	14.71	1.65
ELECTRICIANS:		
Carbon County: Towamensing Lower Towamensing, East Penn Township and the Borough of Parryville in their entirety	14.55	1.64+3%
Carbon County: That portion of Kidder Twp., including Eastside Borough, north of State Highway 940 from that Borough to Monroe County:		
Zone A- From 20 - 1/10 miles to 30 miles from Public Square	15.39	2.13+3%
Zone B- All distance from 30- 1/10 miles & over	15.69	2.13+3%
Carbon County: Penn Forest, Lehigh, Lausane, Banks, Packer, Mauch Chunk, Franklin, Mahoning Townships and East Side Borough in their entirety and that portion of Kidder Township south of State Highway 940, but excluding Perryville Borough	13.27	1.70+3% +a
FOOTNOTE:		
a. Paid Holidays: Independence Day and Labor Day.		
ELECTRICIANS:		
Monroe County: That portion of Tobyhanna and Tunkhannock Townships west of State Highway 115.		
Zone A- From 10- 1/10 miles to 30 miles from Public Square	15.39	2.13+3%
Zone B- All distance from 30- 1/10 miles & over	15.69	2.13+3%
Monroe County: Polk, Eldred, Chestnut Hill, Ross, Hamilton, Jackson, Pocono, Stroud, Smithfield and Middle Smithfield Townships	15.00	2.07+3%
Monroe County: Barrett, Coolbaugh, Pardise and Price Townships, and that portion of Tobyhanna and Tunkhannock Townships east of State Highway 115.		
Zone A- From 20 to 30 miles from Zero milestone marker	13.20	2.60+3%
Zone B- All distance beyond 30 miles	13.70	2.60+3%

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DECISION NO. PA79-3020 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
Pike County: Porter, Delaware and Lehman Townships in their entirety;	15.00	2.07+3%
Remainder of County:		
Zone A- From 20 to 30 miles from Zero milestone marker	13.20	2.60+3%
Zone B- All distances beyond 30 miles from Zero marker	13.70	2.60+3%
ELEVATOR CONSTRUCTORS	13.10	2.465+c +d
ELEVATOR CONSTRUCTORS HELPERS	9.17	"
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	6.55	
GLAZIERS		
ZONE 1	11.54	1.465
ZONE 2	11.85	1.95
IRONWORKERS:		
ZONE 1	15.20	2.95
ZONE 2		
Structural	14.75	3.05
Reinforcing	14.65	3.05
LATHERS		
ZONE 1	12.04	.11
ZONE 2	12.72	1.65
MARBLE SETTERS		
ZONE 1	11.60	2.60
ZONE 2	12.10	1.30
ZONE 3	13.78	1.65
LABORERS		
ZONE 1		
CLASS 1	11.80	2.32
CLASS 2	11.95	2.32
CLASS 3	12.20	2.32
ZONE 2		
CLASS 1	10.04	1.21
CLASS 2	10.29	1.21
CLASS 3	10.54	1.21
CLASS 4	11.06	1.21
CLASS 5	10.79	1.21
MILLWRIGHTS:		
ZONE 1	14.37	1.75
ZONE 2	14.41	2.35
ZONE 3	14.42	1.65
PAINTERS:		
ZONE 1		
Brush	11.85	1.80
Tapers	12.51	1.80
Hazardous	13.51	1.80
ZONE 2		
Brush & Roller	11.35	1.20
Structural Steel	12.35	1.20
Spray	12.85	1.20
ZONE 3		
Brush	13.00	2.10
Spray	14.00	2.10
Steel	14.50	2.10
PILEDRIVERMEN	12.97	4.66+g
PLASTERERS:		
ZONE 2	14.25	2.00
ZONE 3	13.45	3.01
ZONE 4	12.63	
ZONE 5	14.50	1.65
PLUMBERS:		
ZONE 1	13.59	2.60
ZONE 2	18.33	2.64
POWER EQUIPMENT OPERATORS:		
ZONE 1		
GROUP 1	15.14	22.6% +a
GROUP 2	14.85	"
GROUP 3	13.97	"
GROUP 4	13.20	"
GROUP 5	12.72	"
GROUP 6	11.80	"
GROUP 7	15.39	"
GROUP 7-A	15.64	"
GROUP 7-B	15.89	"
ZONE II		
GROUP 1	14.85	24.1%+ a
GROUP 2	14.56	"
GROUP 3	13.69	"
GROUP 4	12.92	"
GROUP 5	12.45	"
GROUP 6	11.54	"
GROUP 7	15.10	"
GROUP 7-A	15.35	"
GROUP 7-B	15.59	"

DECISION NO. PA79-3020 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
ROOFERS		
ZONE 2		
Composition & Kettleman	13.30	2.10
ZONE 3		
Composition & Kettleman	12.07	2.13
SHEET METAL WORKERS	14.62	1.85
SOFT FLOOR LAYERS:		
ZONE 1	11.69	1.90
ZONE 2	14.37	1.75
ZONE 3	12.05	2.79
SPRINKLER FITTERS	16.92	2.83
TERRAZZO WORKERS:		
ZONE 1	12.75	3.00
TILE SETTERS:		
ZONE 1	12.50	3.00
ZONE 2	12.10	1.30
ZONE 3	13.83	1.65
TRUCK DRIVERS:		
CLASS 1	11.82	
CLASS 2	11.89	
CLASS 3	12.38	

DECISION NO. VT82 - 3003 - MOD. #1 (47 FR 3275 - January 22, 1982) STATEWIDE VERMONT	Basic Hourly Rates	Fringe Benefits
CHANGE:		
POWER EQUIPMENT OPERATORS:		
Mechanic:		
Windsor Co.	7.76	
Remainder of Counties	7.75	.80+b

DECISION NO. MD81-3074 - Mod. #5 (46 FR 50238 - Oct. 9, 1981) Anna Arundel (excluding the D.C. Training School), Baltimore and Baltimore City, Maryland and for Heavy Construction Projects in Harford & Howard Counties, Maryland	Basic Hourly Rates	Fringe Benefits
CHANGE		
Cement Masons	$13.94	2.12
Ironworkers:		
Ironworkers, finishers, rodmen, pre-cast and pre-stress erectors	13.99	3.83
Fence Erectors	13.64	3.83
Sheeters	14.24	3.83
Sheetmetal Workers	13.84	2.59
Steamfitters	16.68	3.01
Power Equipment Operators:		
(Building & Heavy Construction):		
Group I	15.08	2.55
Group II	13.78	2.55
Group III	13.07	2.55
Group IV	12.40	2.55
Group V	11.05	2.55
Electricians	15.10	2.40 +3.5%

SUPERSEDEAS DECISION

STATE: ALABAMA

COUNTIES: BARBOUR, COFFEE, COWINGTON, DALE, GENEVA, HENRY, & HOUSTON

DECISION NO: AL82-1028

DATE: DATE OF PUBLICATION

Supersedes Decision No.: AL81-1125, December 30, 1980, 45 FR 86185.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANIC	$6.75	
BRICKLAYERS	8.00	
CARPENTERS	5.16	
CEMENT MASONS	5.29	
DRYWALL FINISHERS	6.00	
DRYWALL HANGERS	6.00	
ELECTRICIANS	6.12	
LABORERS	4.00	
PAINTERS, Brush	5.88	
PLUMBERS & PIPEFITTERS	5.58	
POWER EQUIPMENT OPERATORS:		
Backhoe	4.90	
Bulldozers	6.43	
Forklift	5.00	
Loader	5.00	
ROOFERS	4.25	
SHEET METAL WORKERS	5.65	
SOFT FLOOR LAYERS	5.60	
TILE SETTERS	7.00	
TRUCK DRIVERS	4.00	
WELDERS - Rate for Craft		

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

SUPERSEDEAS DECISION

STATE: Illinois
Counties: *See Below
DECISION NO: IL82-2033
Date: Date of publication
Supersedes Decision No.: IL81-2027, dated June 19, 1981 in 46 FR 32184
DESCRIPTION OF WORK: Building Construction Projects (Including Residential Construction Projects)
*DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.00	1.85
BOILERMAKERS	16.80	4.37
BRICKLAYERS; Stonemasons:		
DuPage & McHenry Cos.	15.61	2.46
Grundy & Will Cos.	15.83	2.24
Kane, Kendall & Lake Cos.	15.61	2.46
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:		
DuPage & Lake Cos.:	15.50	2.61
Grundy Co.:		
Commercial:		
Carpenters;Piledrivermen; & Soft Floor Layers	14.78	2.18
Millwrights	15.03	2.18
Residential	13.43	2.18
Kane,Kendall & McHenry Cos.:		
Carpenters;Soft Floor Layers; Millwrights; Piledrivermen	14.00	2.24
Will Co.:		
Commercial	15.80	2.35
Residential	13.71	
CEMENT MASONS:		
DuPage Co.	15.40	2.92
Grundy & Will Cos.	15.55	3.11
Kane(S.Part) & Kendall Cos.	15.75	1.66
Kane(N.Part) & McHenry Cos.	16.45	1.86
Lake Co.	15.00	3.30
ELECTRICIANS:		
DuPage Co.	17.65	3.68
Grundy & Will Cos.:		
Commercial	17.68	2.72
Residential	13.20	2.06
Kane (N ½) & McHenry Cos.	18.10	1.63
Kane (S ½) & Kendall Cos.	17.95	3.50
Lake Co.	16.75	3.85
ELEVATOR CONSTRUCTORS:		
DuPage, Lake & Will Cos.:		
Elevator Constructors	17.36	2.33+ a&b
Helpers	70%JR	"
Helpers (Prob.)	50%JR	
GLAZIERS:		
DuPage,Kane,Kendall(Eastern part),Lake & Will Cos.	15.70	2.27
Grundy & Kendall (Western part) Cos.	$15.00	0.90+c
McHenry Co.	10.93	1.49
IRONWORKERS:		
DuPage(Argonne & Vic.), Grundy,Kendall(S.part), & Will Cos.	14.77	4.955
DuPage(Rem.of Co.),Kane, Kendall(N.part),& McHenry (SE ¼) Cos.	18.40	1.705
Lake & McHenry (Hebron, Woodstock & E.thereof) Cos.:		
Reinforcing & Structural	16.80	3.71
Ornamental	15.50	2.49+d
Metal Fence Erectors:		
Black Book	16.20	2.69+d
Red Book	11.57	2.69+d
McHenry (NW ¼) Co.	15.85	2.775
LATHERS:		
DuPage & Lake Cos.	13.82	1.29
McHenry (W ½) Co.	13.26	3.23
LINE CONSTRUCTION:		
DuPage,Kane,Kendall,Lake & McHenry Cos.:		
Linemen;Digger Op.& Crane Op.(15 Ton & above)	16.30	1.84+e
Equipment Op.;Semi Truck Drivers	13.84	1.63+e
Groundmen Truck Drivers	11.03	1.39+e
Groundmen	10.67	1.36+e
Grundy & Will Cos.:		
Linemen;Equipment Ops.	17.05	2.86
Groundmen	12.10	2.03
MARBLE SETTERS:		
DuPage,Lake & Will Cos.	15.86	0.90
MARBLE SETTERS'FINISHERS:		
DuPage & Lake Cos.	12.45	1.65
PAINTERS:		
DuPage,Kane,Kendall & McHenry Cos.:		
Brush;Drywall Tapers; Sandblasters & Spray	13.55	1.91
Grundy & Will Cos.:		
Brush;Drywall Taping; Paperhanging;& Sign Painting	14.05	1.85
Spray	14.80	1.85

DECISION NO. IL82-2033

	Basic Hourly Rates	Fringe Benefits
Painters (Cont'd):		
Lake Co.:		
Brush;Decorators;Paperhangers; Tapers	$14.00	1.475
PLASTERERS:		
DuPage Co.	14.96	2.35
Grundy & Will Cos.	14.395	2.14
Kane(S.part)& Kendall Cos.	15.75	2.56
Kane(N.part)& McHenry Cos.	16.45	1.86
Lake Co.	13.97	2.30
PLUMBERS;Pipefitters; & Steamfitters:		
DuPage(Naperville & S.)Co.	15.93	2.87
DuPage(Excl.Naperville & S),Grundy(W.of Rt.47), Lake,McHenry, & Will(Except city limits of Joliet) Cos.:		
Pipefitters & Steamfitters	17.00	2.82
DuPage(Excl.Naperville & S.) Co.: Plumbers	16.35	2.45
Grundy(W.of Rt.47) Co.: Plumbers	16.72	1.50
Grundy(E.of Rt. 47) & Will (Joliet & Vic.) Cos.	17.00	1.85
Kane (Elgin & Vic.) Co.	16.36	2.43
Kane(Aurora & Vic.) & Kendall (Exclu. Yorkville) Cos.	16.56	2.24
Kendall (Yorkville) Co.	16.72	1.50
Lake Co.	15.80	3.70
Will (Except City limits of Joliet) Co.:		
Pipefitters & Steamfitters	17.00	2.82
Plumbers	16.30	2.47
ROOFERS:		
DuPage & Lake Cos.	15.80	2.75
Grundy & Will Cos.	18.85	2.51
Kane,Kendall & McHenry (S. part incl.cities of McHenry,Woodstock & Crystal Lake) Cos.	16.03	2.35
McHenry (Rem.of Co.) Co.	16.17	0.93
SHEET METAL WORKERS:		
DuPage Co.	15.22	2.19
Grundy & Will Cos.	16.43	2.76
Kane, Kendall & McHenry Cos.	15.35	3.41
Lake Co.	12.95	2.20
SPRINKLER FITTERS:		
DuPage & Lake(within 30 mi.radius of Chicago City Hall) Cos.	17.00	2.85
Grundy,Kane,Kendall,Lake (Rem.of Co.),McHenry & Will Cos.	15.31	2.43
TILE SETTERS:		
DuPage,Grundy,Lake, & Will Cos.	$14.66	2.32
TILE SETTERS'FINISHERS:		
DuPage,Lake & Will Cos.	12.80	1.53
TRUCK DRIVERS:		
2-3 Axles	12.25	62.00f
4 Axles	12.40	"
5 Axles	12.60	"
6 Axles	12.80	"
LANDSCAPE WORK: DuPage, Kane, Lake, McHenry & Will Cos.:		
Plantsmen	8.18	g&h
Truck Driver - Tractor Trailer(3 axle or more) & Equipment Opr.	8.66	g&h
Truck Driver - 2 Axle	8.24	g&h
LABORERS:		
DuPage,Grundy & Will Cos:		
Common;Plasterer Tenders; Pumps for Dewatering & other unclassified Laborers	12.40	1.92
Cement Gun Laborers	12.475	1.92
Scaffold Laborers & Chimney Laborers over 40 ft.	12.50	1.92
Windlass & Cement Gun Nozzle Laborers-Gunnite	12.55	1.92
Stone Handlers & Derrickmen	12.60	1.92
Jackhammermen	12.625	1.92
Concrete Vibrator;Plumbers'Tenders; & Chain Saw Oprs.	12.65	1.92
Firebrick & Boiler Setters' Tenders	12.725	1.92
Chimney Tenders on Firebrick;Caisson Diggers & Well Point System Men	12.75	1.92
Boiler Setter Plastic Tenders	12.85	1.92
Jackhammer on Firebrick Only	12.975	1.92
LABORERS -Kane,Kendall & McHenry Counties:		
Class 1 - Laborers	12.25	1.92
Class 2 - Power Vibrator	12.35	1.92
Class 3 - Mortar Men, Torchmen(on Demolition Only)	12.40	1.92
Class 4 - Power Tampers	12.45	1.92
Class 5 - Chain Saw Man, Swinging Stage & Boatswain Chairs,Cement Gun Nozzlemen,Hod Carriers		

	Basic Hourly Rates	Fringe Benefits
LABORERS - Kane, Kendall & McHenry Counties (Cont'd):		
Class 5 (Cont'd): Plasterers Tenders, Tunnelmen, Tree Surgeons (Toppers)	$12.50	1.92
Class 6 - Tile Layers & Bottom Men	12.60	1.92
Class 7 - Caisson Laborers & Dynamiters	12.75	1.92
LABORERS - Lake County:		
Class 1 - Building & Plasters Laborers; General Laborers (Wrecking & Demolition), Fireproofing & Fire Shop Laborers	12.40	1.92
Class 2 - Cement Gun Laborers & Hose	12.475	1.92
Class 3 - Chimney Laborers (over 40'); Scaffold Laborers; Wall Men or Wreckers	12.50	1.92
Class 4 - Stone Derrickmen & Handlers	12.60	1.92
Class 5 - Jackhammer Men (Tampers & Vibrators); Power Driven Concrete Saws	$12.625	1.92
Class 6 - Firebrick & Boiler Laborers Setters	12.725	1.92
Class 7 - Cement Gun Nozzle, Laborers (Gunnite)	12.55	1.92
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental		
POWER EQUIPMENT OPERATORS:		
CLASS I	15.80	3.70
CLASS II	14.50	3.70
CLASS III	13.05	3.70
CLASS IV	11.60	3.70

PAID HOLIDAYS (Where Applicable):

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

FOOTNOTES

a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular rate to vacation pay credit for employee who has worked in business less than 5 years.

b. 7 Paid Holidays: A through G

c. 7 Paid Holidays: A through G

d. 7 Paid Holidays: A through G

e. 4 Paid Holidays: B, C, D, & E

f. Per Week Per Employee.

g. 6 Paid Holidays: A, B, C, D, E & G.

h. 1 years service - 1 week paid vacation; 3 or more years - 2 weeks paid vacation

POWER EQUIPMENT OPERATOR CLASSIFICATIONS:

CLASS I: Asphalt Plant, Asphalt Spreader; Autograde; Batch Plant; Benoto; Boiler and Throttle Valve; Caisson Rigs; Central Redi-mix Plant; Combination Back Hoe Front End Loader Machine; Compressor and Throttle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver; Concrete Placer; Concrete Pump (truck mounted); Concrete Tower; Cranes; Creter Crane; Crusher, stone; Derricks; Derricks, Traveling; Formless Curb and Gutter Machine; Crader, elevating; Grouting Machines; Highlift Shovels or Front End Loader, 2¼ yards and over; Hoists, elevators (outside type rack and pinion and similar machines); Hoists, one, two and three drum; Hoists, two tugger one floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Locomotives; Mechanic; Motor Patrol; Pile Drivers and Skid Rig; Post Hole Digger; Pre-stress Machine; Pump Cretes Dual Ram; Pump Cretes: Squeeze Cretes - screw type pumps, Gypsum Bulker and Pump; Raised and Blind Hole Drill; Rock Drill (self-propelled); Rock Drill (truck mounted); Roto Mill Grinder; Scoops, tractor drawn, Slip Form Paver; Straddle Buggies; Tournapull; Tractor with boom, and side boom; Trenching Machines

CLASS II: Bobcat (over 3/4 cu. yd.); Boilers; Brick Forklift; Broom, all power propelled; Bulldozers; Concrete Mixer (two bag and over); Conveyor, Portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders, under 2¼ yds.; Hoists, automatic; Hoists, inside freight elevators; Hoists, sewer dragging machine; Hoists, tugger single drum; Rollers; Steam Generators; Tractors; Tractor drawn Vibratory Roller (receives an additional $0.50 per hour); Winch Trucks with "A" Frame

CLASS III: Air Compressor; Combination, small equipment Operator; Generators; Heaters, mechanical; Hoists, inside elevators (Rheostat manual controlled and push button with automatic doors); Hydraulic Power Units (Pile Driving and extracting); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 small electric Drill Winches; Bobcat (up to and including 3/4 cu. yd.); Brick Forklift

CLASS IV: Oilers

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

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: *Below
DECISION NUMBER: IN82-2030 DATE: Date of Publication
Supersedes Decision No. IN80-2058 dated July 25, 1980, 45 FR 49803
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

*Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Adams, Allen, Blackford, Clinton, DeKalb, Grant, Huntington, Jay, Miami, Noble, Steuben, Wabash, & Wells Counties	$15.90	2.05
Cass, Fulton, & White Cos.	16.96	2.57
Remaining Counties	15.90	2.30
BOILERMAKERS	17.70	3.005
BRICKLAYERS: Caulkers; Cleaners; Pointers; & Stonemasons:		
Adams, Allen, Dekalb, Huntington, Noble, Steuben, Wells, & Whitley Counties	14.41	1.62
Bartholomew & Monroe Cos.	14.30	1.37
Benton, Clinton, Fountain, Tippecanoe, Warren, & White Counties	14.27	1.62
Blackford, Delaware, Hamilton, Jay, Madison, & Tipton Counties	13.45	2.56
Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan, & Shelby Counties	15.39	1.68
Cass & Fulton Counties	14.57	2.77
Grant & Wabash Counties	13.66	2.02
Howard & Miami Cos.	13.53	2.35
CARPENTERS: Millwrights; Piledrivermen & Soft Floor Layers:		
Adams, Cass, Fulton, Grant, Howard, Huntington, Miami, Tipton, Wabash, & Wells Cos.		
Carpenters; Soft Floor Layers	13.23	1.75
Millwrights	13.98	1.75
Piledrivermen	13.43	1.75
Allen, Dekalb, Noble, Steuben, & Whitley Counties:		
Carpenters; Soft Floor Layers	13.40	.72+6%
Millwrights; Piledrivermen	13.80	.72+6%
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson (excl. Edinburgh), Marion, Montgomery, (Morgan excl. Twp. of Washington & Baker), Shelby (Camp Atterbury Area, Moral, & Van Buren Twps.), & Warren Counties		
Carpenters; Millwrights	13.95	1.78
Bartholomew (Rem. of Co.) Johnson (Edinburgh), & Shelby (Rem. of Co.) Counties:		
Carpenters; Soft Floor Layers	13.09	1.79
Millwrights	13.59	1.79
Piledrivermen; Burners & Welders	13.34	1.79
Benton, Clinton, Tippecanoe, & White Counties		
Carpenters; Soft Floor Layers	14.16	1.57
Millwrights; Piledrivermen	14.51	1.57
Blackford, Delaware, Jay, & Madison Counties:		
Carpenters; Soft Floor Layers	13.33	1.65
Millwrights	13.63	1.65
Piledrivermen	13.53	1.65
Monroe, Morgan (Twps. of Washington & Baker) Counties:		

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	Basic Hourly Rates	Fringe Benefits
Carpenters; Soft Floor Layers	14.35	1.84
Piledrivermen	14.60	1.84
Millwrights	15.10	1.84
CEMENT MASONS:		
Adams, Allen, DeKalb, Noble, Steuben, & Whitley Cos.	12.85	1.57
Bartholomew & Shelby Cos.	13.00	
Benton, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Warren, & White Cos.	13.40	1.90
Blackford, Delaware, Grant, Huntington, Jay, Wabash & Wells Counties	13.70	1.85
Boone, Hamilton (S. ¼ of Cos., N. to New Rte. Indiana Hwy. #32 incl. Noblesville), Hancock (Southern & Western part of Co. N. to but not incl. Town of Wilkinson, & E. to, but not incl. Town of Fortville), Hendricks, Johnson, Marion, Morgan, (N½), & Shelby (ending at Pleasant View) Counties	12.80	1.69
Fulton County	14.43	2.09
Hamilton (N½), Hancock (E½), Madison, Tipton Counties	13.76	1.23
ELECTRICIANS:		
Adams, Allen, DeKlab, Huntington, Noble, Steuben, Wells, & Whitley Counties	16.55	1.76
Bartholomew, Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Montgomery, Morgan, & Shelby Cos.	16.55	2.57
Benton, Cass, Fulton, Tippecanoe, & White Cos.	15.70	1.63
Blackford, Delaware, & Jay Counties	15.65	1.70
Clinton, Grant, Howard, Miami, Tipton, & Wabash	15.55	1.65
Fountain & Warren Cos.	15.97	1.67
Monroe County	15.90	2.54
ELEVATOR CONSTRUCTORS:		
Adams, Allen, Blackford, DeKalb, Grant, Huntington, Jay, Noble, Steuben, Wabash, wells, & Whitley Cos.	14.15	2.154+ a+b
Cass & Fulton counties	14.61	2.33+ a+b
Remaining Counties	15.39	2.33+ a+b
GLAZIERS:		
ADAMS, Allen, Blackford, Cass, DeKalb, Grant, Huntington, Jay, Miami, Noble, steuben, Wabash, Wells, & Whitley Cos.	14.34	.95+c
Benton (E. of Rte. #41, S. to Gravel Hill), & White (NW of Rte. #39) Cos.	14.75	1.45
Remaining counties	15.09	
IRONWORKERS:		
Adams, allen, Blackford, DeKalb, Delaware (Northeastern 1/3 of Co.), Grant (excl. Southwestern portion) Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Counties	14.20	3.89
Bartholomew, Boone (excluding (NW ¼), Clinton (E½), Delaware (S 2/3 of Co.), Grant (SW portion), Hamilton, Hancock, Hendricks, Howard, Johnson, Madison, Monroe, Morgan, Shelby, & Tipton (excl. NW ¼) Counties	14.30	3.40
Benton, Boone (NW¼), Cass, Clinton (Rem. of Co.), Fountain, Miami, Montgomery, Tippecanoe, Tipton, (NW ¼) Warren & White Counties	14.14	3.07
Fulton county	14.40	3.71
Marion County	14.15	3.40

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	Basic Hourly Rates	Fringe Benefits
Marble Setters	14.41	1.62
Terrazzo Workers & Tile Setters	13.35	
Bartholomew & Monroe Cos.	14.30	1.37
Benton, Clinton, Fountain, Tippecanoe, Warren, & White Counties	14.27	1.62
Blackford, Delaware, Hamilton, Jay, Madison, & Tipton Counties:		
Tile Setters	13.20	2.56
Boone, Hancock, Hendricks, Johnson, Marion Montgomery, & Morgan Counties:		
Marble Setters; Tile Setters	15.91	1.39
Terrazzo Workers	15.66	1.63
Cass & Fulton Counties	12.15	2.72
Grant & Wabash Counties	13.66	2.02
Howard & Miami counties	13.53	2.35
PAINTERS:		
Adams, Allen, DeKalb, Grant, Huntington, Noble, Steuben, wabash, Wells to & incl. Bluffton) & Whitley Counties		
Brush; Roller; Paperhangers' & Tapers	11.70	1.97
Spray; Sandblasters; Steamcleaning & Presure Water Blsting	12.70	1.97
Bartholomew County:		
Brush; Drywall Taping & Finishing; & Rollers	13.90	
Sandblasting; Spray; Swing Stage	14.90	
Benton, Clinton, Fountain, Montgomery, Tippecanoe, & Warren Counties:		
Brush; Drywall Tapers, & Finishers; Roller; Wall Covering Applicators	13.65	.70
Structural Steel	13.90	.70
Sandblasting	14.65	.70
Spray	16.92	.70
Blackford, Cass, Delaware, Fulton, Howard, Jay, Madison, Miami, Tipton, & Wells (to the So. City Limits of Bluffton) Cos.		
Brush; Taping	11.65	.90
Pressure Cleaning Equipment; Sandblasting; Spray	12.65	.90
Boone, Hamilton, Hancock, Hendrick, Johnson, Marion, Morgan (N ½), & Shelby Counties:		
Brush; Rollers; Drywall Tapers & Finishers	13.30	1.40
Monroe, Morgan (to the Northern Limits of Martinsville) Counties:		
Brush; Drywall; Vinyl; Paperhanging; & Roller	11.67	
Structural Steel; Stage & Hazardous Work; Scaffold	12.42	
Sandblasters; Spray & Epoxy Brush	12.67	
Spray Epoxy	13.67	
White County:		
Brush	13.70	2.04
Sandblasting; Spray	14.45	2.04
Drywall Taping	13.70	2.04
Vinyl Paperhanging	13.95	2.04
PLASTERERS:		
Adams, Allen, DeKalb, Noble, Steuben, & Whitley Counties	13.48	1.40
Bartholomew & Shelby Cos.	13.00	
Benton (Eastern 2/3 West to & incl. Boswell, Earl Parke, & Raub), Cass, Clinton, Fountain (W. to and incl. Attica, in the North & West to, but not incl. Veeders-burg in the South), Howard, Miami, Montgomery, Tippecanoe, Warren (E⅓ West to but not incl. Judyville, So. to & incl. Kramer), & White Cos.	13.32	.75

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	Basic Hourly Rates	Fringe Benefits
Blackford, Delaware, Grant, Huntington, Jay, Wabash, & Wells Cos.	13.40	.86
Boone, Hamilton (So. ½ No. to Indiana Rte. #32), Hancock (S. & Western Part No. to State Rd. #234 & E. to Co. Rd. #300 - W), Hendricks, Johnson, Marion, Morgan (N½), & Shelby Cos.	14.93	.82
Monroe County	13.20	1.12
Hamilton (No. ½), Hancock, (No. part), Madison, & Tipton cos.	12.88	1.36
PLUMBERS; Steamfitters:		
Adams, Allen, DeKalb Huntington, Noble, Steuben, Wells, & Whitley Counties	16.48	2.72
Bartholomew (exclu. Camp Atterbury) Co..	16.91	1.25
Bartholomew (Camp Atterbury), Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Marion, Miami, (So. of Rte #218), Morgan, Shelby, & Tipton Cos.	16.35	1.74
Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren, & White Counties	16.80	1.90
Blackford, Grant, & Wabash Counties	15.82	2.30
Cass, Fulton, Miami (No. of Hwy. #218), Counties	16.03	2.05
Delaware, Jay, & Madison Cos.	16.60	2.00
ROOFERS:		
Adams, Allen, DeKalb, Noble, Steuben, Wells, & Whitley Counties	13.90	.50
Bartholomew, Boone, Hancock, Hendricks, Johnson, Marion, Monroe, Morgan, & Shelby Counties:		
Composition & Waterproof Slate, Tile, Asbestos & Precast slab	13.75	1.25
Benton, Cass, Clinton, Fountain, Montgomery, Tippecanoe, Warren, & White Counties:		
Composition, Damp & Waterproof	14.20	1.53
Slate, Tile & Asbestos	14.45	1.53
Blackford, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Maimi, Tipton, & Wabash Counties:		
Slate, Tile, & Asbestos; Composition Damp & Waterproof	13.60	1.35
Fulton County:		
Composition, Damp & Waterproof	13.60	1.58
Slate, Tile & Asbestos	14.10	1.58
SHEET METAL WORKERS:		
Adams, Allen, Blackford, Cass, DeKalb, Grant Howard, Huntington, Jay, Miami, Noble, Steuben, Wabash, Wells, & Whitley Counties	15.87	3.65
Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby, & Tipton Counties	15.63	2.76
Benton, Clinton, Fountain, Montgomery, Tippecanoe, Warren, & White Cos.	15.71	1.90+f
Fulton County	15.76	2.06
SPRINKLER FITTERS	15.31	2.43

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	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Benton, Boone, Cass, Clinton, Fountain, Howard, Miami, Montgomery, Tippecanoe, Tipton, & White Counties:		
Group I	10.00	1.84
Group II	10.20	1.84
Group III	10.30	1.84
Group IV	11.00	1.84
Bartholomew, Fountain, Henricks, Johnson, Monroe, Morgan, & Warren Counties:		
Group I	10.15	1.84
Group II	10.35	1.84
Group III	10.45	1.84
Group IV	11.15	1.84
Blackford, Delaware, Grant, Hamilton, Hancock, Jay & Madison Counties:		
Group I	9.75	1.84
Group II	9.95	1.84
Group III	10.05	1.84
Group IV	10.75	1.84
Marion & Shelby Counties:		
Group I	10.35	1.84
Group II	10.55	1.84
Group III	10.65	1.84
Group IV	11.35	1.84

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Adams, Allen, DeKalb, Hunting, Noble, Steuben, Wabash, Wells, & Whitley Counties:		
Group I	10.00	1.84
Group II	10.20	1.84
Group III	10.30	1.84
Group IV	11.00	1.84
POWER EQUIPMENT OPERATORS:		
Boone, Fountain, Hendricks, Monroe, Montgomery, Morgan, & Warren Cos.		
Group I	13.70	1.58
Group II	13.60	1.58
Group III	13.40	1.58
Group IV	8.75	1.58
POWER EQUIPMENT OPERATORS		
Adams, Allen, Benton, Blackford, Cass, Clinton, DeKalb, Delaware, Grant, Hamilton, Hancock, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Wells, White, & Whitley Counties		
Group 1	15.50	1.85
Group 2	14.55	1.85
Group 3	11.80	1.85
Group 4	10.45	1.85

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CLASSIFICATION DEFINITIONS FOR LABORERS:

Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley, Counties

GROUP I - Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; civil Engineer Tender & Surveyor Tenders; Rodmen & Chainmen, Window Washers & Cleaners; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Tenders of All other Crafts not listed; Mason Tenders; All Portable Water Pumps with Discharge Up to 3 inches

GROUP II - Waterproofing; Handling of Creosote Lumber of Like Treated Material (excluding railroad material); Asphalt Rakers & Lutemen; Kettlemen; Air Tool Operators; Vibrators; Chipping Hammer Operators and All Pneumatic Tool Operators; Jackmen & Sheet men Working Ditches Deeper than 6 ft. in depth; Laborers Working Ditches 6 ft. in depth or Deeper; Assembly of Unicrete Pump; Chain Saw & Demolition Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operator; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic non-metallic); Screed Man or Screw Op. On Asphalt Paver

GROUP III - Plasterers' Tenders; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when working for Plasterers

GROUP IV - Dynamite Men; Drillers - Air Track or Wagon Drilling for Explosives

CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS:

Adams, Allen, Benton, Blackford, Cass, Clinton, DeKalb, Delaware, Grant, Hamilton, Hancock, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Shelby, Steuben, Tippecanoe, Tipton, Wabash, wells, White, & Whitley Cos.

GROUP 1 - Air Conpressor (pressurizing shafts, tunnels and divers); Air Tugger; Auto Patrol; Backfiller; Backhoe; Boom Cat; Boring Machine; Bulldozer; Caisson Drilling Machine; Cherry Picker; Compactor (w/dozer blade); Concrete Pump; Crane w/all attachments; Crane-Electric Overhead; Derrick; Ditching Machine (18" and over); Dredge; Elevator (when hoisting material or tool); Forklift Machinery); Formless Paver; Generator (power for welders or compressors); Gradall; Helicopter; Helicopter Winch Operator; Highlift-Front End Loader; Hoist; Locomotive; Machine (C.M.I. or similar tower crane); Mechanic on Job Site; Mucking Machine; Panel Board, Concrete Plant Piledriver; Push Cat; Scoop and Tractor; Scraper-rubber-tired; Spreader-Tractor Mounted; Straddle Carrier-Ross Type; Sub Base Finish; Tractor w/Backhoe (over ½ yd.); Welder

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CLASSIFICATIONS FOR POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 2 - A-Frame Truck; Batcher Plant (automatic dry batch); Bending Machine-Power Driven; Bituminous Mixer; Bituminous Paver; Bituminous Plant Engineer; Boatman; Bullfloat; Compactor or Tamper-Self-propelled; Concrete Mixer (21 cu. ft. or over); Concrete Spreader-Power Driven; Dinkey Engine; Ditching Machine (less than 18"); Drilling Machine finish Machine and Bullfloat; Finishing Machine; Piledriving and Boilers; Forklift-Masonry and Material; Gunnite Machine; Head Greaser; Mesh Depresser-Mesh Placer' P.C.C. Concrete Belt Placer; Roller-Asphalt Stone and Sub-Base; Sheepstone Roller Self-Propelled; Spreader or Base Paver-Self-Propelled; Subgrader; Throttle Valve w/air Compressor or Boiler; Tractor w/Backhoe (½ yard and under); Tractor-High Lift-Farm-Type; Tractor-Industrial Type; Tractor W/winch; Well Points; Winch Truck

GROUP 3 - Air Compressor (210 cu. ft. and over); Bituminous Distributor; Chair Cart; Concrete Curing Machine; Concrete Saw; Dope Pot-Power Agitated; Flexplane; Form Grader; Hydro-hammer; Jacks-Hydraulic-Power Driven; Minor Equipment Operator; Paving Joint Machine; Post Hole Digger; Roller-Earth; Throttle Valve; Track Jack-Power Driven; Tractor-Farm Type; Truck Crane Driver.

GROUP 4 - Air Compressor (less than 210 cu. ft.); Concrete Mixer (under 21 cu. ft.); Conveyor; Generator; Mechanical Heater; Oiler; Power Broom Pump Tenders; & Welding Machines

CLASSIFICATIONS DEFINITIONS FOR POWER EQUIPMENT OPERATORS:

Boone, Fountain, Hendricks, Monroe, Montgomery, Morgan, & Warren Cos.

GROUP I - Master Mechanics

GROUP II - Utility Operator

GROUP III - Power Cranes; Draglines; Derricks; Electric Overhead Cranes; Shovels; Gradall; Mechanics; Repair and Maintenance of all Equipment Tractor Highlift; Fork Lifts; Tournadozer; Mixer over 14S Capacity; Tournamixer; Two Drum Machine or Two Cage Hoists; Cableways; Tower Machines; Motor Patrol; Boom Tractor; Boom or Winch Truck Crane; Tournapull; Tractor Operating Scoops; Bulldozer; Push Tractor; Finishing Machine on Asphalt Larger Rollers & Roller on Asphalt; Gravel; Macadam and Brick Surface; Ross Carrier or Similar Machine; Gravel Processing Machine; Asphalt Plant Engineer or Pug Mill; Two Air Compressors; Hetherington Paver Operator; Farm Tractor with Half Yard Bucket and/or Backhoe Attachments; Trench Machines cutting 24"; Dredging Equipment; Central Mix Plant Engineers; CMI or Similar Type Machine; Concrete Spreader; Cherry Picker; Standard or Dinkey Locomotives; Scoopmobiles; Euclid Loader; Soil Cement Machines; Back Filler; Elevating Machine; Power Blade; Asphalt Plant Engineer; Well Drilling Machines; Plant Machine; Pipe Cleaning Machines; Pipe Wrapping Machines; Pipe Bending Machine; Apsco Paver; Boring Machine; Tractor without; Head Equipment Greasers; Barber Green Loaders; Formless Paver; Well Point System Hydra Ax; Resco Concrete Saw; Marine Scoopes; Brush Mulcher; Brush Burner; Mesh Placer; Tree Mover; Helicopter Crew; (3); Pile

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CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS (CONT'D)

Driver Skid or Crawler; Stump Remover; Root take; Tug Boat Operator; Refrigerating Machine Freezing Operator Chair cart-Self Propelled; Hydra Deeder; Straw Blower; Concrete Mixer with Skip; All one Drum Hoists with Tower or Boom; Dredge Engineer; Dredge Operator; Rock Spreader; Truck or Skid Mounted Tower Crane; Engine or Rock Crusher Plant; Boiler Operator; Concrete Plant Engineer Loaders; Hydra Crane Caissons; Shaft or any similar Type Drilling Machine; Concrete Curb Machine Self Propelled Winch or Dyraulic Boom Truck

GROUP IV - Mixers 14S Capacity or less; Trench Machine Cutting 24" and Under Farm Tractor with less than Half Yard Bucket and other Attachments Except Back Hoe; Truck Crane Oiler; Power Subgrader; Bull Float; Form Grader; Finishing Machine; Pavement Breaker; Rock Crushers; One Drum Machine; One Air Compressor; Concrete Pump; Gunnite Machine; Air Tuggers; Truck Crane Drivers; House Elevator when used for Hoisting Material; Two to Four Generators or Welding Machine; Mechanized Heaters Irrespective of Motor Power when used for Temporary Heat; Small Rollers on Earth; Engine Tenders; Firemen; Wagon Drill; Flexplane; Conveyor two to Four Water Pumps; Siphon and Pulsometer; Distributor Operator on Trucks; Tampers; Power Broom; Post Hole Digger; Self-propelled Concrete Saw; Stripping Machine (Motor Driven); Form Tamper; Seaman Tiller; Bulk Cement Plant Equipment Greaser; Track Jack; Mud Jack; Concrete Buggies Motor Driven Oilers; Barrel Type Mixer; One Welding Machine or One Water Pump; Air Valves or Steam Valves from Plant; Concrete Mixer without Skip; Curing Machine; Concrete & Blacktop Curb Machine; Deck Hands

Cranes with Booms from 149 ft. to 199 ft. Including jib
Receive additional $.75 Per Hour
Cranes with Boom over 199 ft. including jib receive additional $1.25 per hour

PAID HOLIDAYS
a-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 7 Paid Holidays: A through F, & Day after Thanksgivng Day
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 6% for employee who has worked in business less than 5 years.
c. 6 Paid Holidays: A through F, provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such day is granted by the employer.
d. 6 Paid Holiday: A through F
e. 2 Paid Holidays: C.and D
f. 3% of gross earnings to SASMI
g. Per week per employee
h. One week's paid vacation after one year's employment; two weeks' paid vacation after three years' employment; three weeks' paid vacation after ten years employment

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northampton
DECISION NO.: PA82-3016 DATE: Date of Publication
Supersedes Decision No. PA80-3075, dated December 5, 1980, in 45 FR 80638.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories). Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.01	1.12	.90		.02
BOILERMAKERS	16.67	1.275	1.00		.02
BRICKLAYERS & STONEMASONS	14.50	1.10	.75		.01
CARPENTERS	14.01	1.15	1.15		.05
CEMENT MASONS	14.40	1.10	.75		.01
ELECTRICIANS:					
Allen, Hanover, Lehigh, Bath, Freemansburg, Hellertown and Bethlehem	14.55	.80	3%+1.00		.04
Remainder of County	15.00	1.05	3%+1.00		.02
GLAZIERS	11.54	.75	.70		.015
IRONWORKERS	15.20	1.49	1.46		
LABORERS:					
Laborers & Window Cleaners	10.04	.62	.59		
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for the same and cofferdams (below 10')	10.29	.62	.59		
Wagon drills and men handling burning torches in the wrecking of buildings	10.79	.62	.59		
Plaster and mason tenders, scaffold builders and handling of all materials to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunniting and molded-D and sandblaster helpers, power buggies, all floor hardner and "cure" application					

DECISION NO. PA82-3016

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS CONT'D					
shall be the work of the mason tender. All pump such as the concrete, plasterer, mortar and water, installing plastic or other non-solid refactory materials in connection with the boiler work	10.54	.62	.59		
Barko Tamper Operator	11.06	.62	.59		
LATHERS	11.61	.65	.35		.01
LEAD BURNERS	10.75	.40	.25	b	.01
LINE CONSTRUCTION:					
Linemen	15.44	.60	3%		3/8 of 1%
Cable Splicer	15.44	.60	3%		3/8 of 1%
Groundmen	9.26	.60	3%		3/8 of 1%
Winch truck operator	10.81	.60	3%		3/8 of 1%
MILLWRIGHTS	14.41	1.15	1.15		.05
PAINTERS (Bethlehem):					
Brush	13.00	1.28	.80		.10
Structural Steel	14.50	1.28	.80		.10
Spray	14.00	1.28	.80		.10
PAINTERS, REMAINDER OF CO.:					
Brush	9.30	1.00	.60		
Structural Steel	10.05	1.00	.60		
Spray	11.01	1.00	.60		
PILEDRIVERMEN	12.97	3.13	1.40	a	.13
PLASTERERS	14.29	1.10	.75		.01
PLUMBERS	18.33	1.10	1.40		.14
ROOFERS, COMPOSITION, SLATE & TILE	12.28		1.55		
ROOFERS, HELPERS	7.21		1.55		
SHEET METAL WORKERS	13.51	1.17	2.17		.23
SOFT FLOOR LAYERS	12.05	1.07	1.07	.65	
SPRINKLER FITTERS	16.92	1.15	1.60		.08
STEAMFITTERS	17.86	.95	2.05		.11
TERRAZZO WORKERS	13.40	1.10	.75		.01

DECISION NO. PA82-3016

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Class I					
Helper, Stake Body Truck (single axle), Dumpster	$11.82				
Class II					
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Dumpcrete Type Vehicles Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	11.89				
Class III					
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double Hitched Equipment Straddle (Ross) Carrier, Low-Bed Trailers	12.38				

Welder - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable)

A-New Year;s Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas Day.

b. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceeding and following the holiday.

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

DECISION NO. PA82-3016

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.85	13.5%	10.3%	a	1.8%
GROUP 2	14.56	13.5%	10.3%	a	1.8%
GROUP 3	13.69	13.5%	10.3%	a	1.8%
GROUP 4	12.92	13.5%	10.3%	a	1.8%
GROUP 5	12.45	13.5%	10.3%	a	1.8%
GROUP 6	11.54	13.5%	10.3%	a	1.8%
GROUP 7	15.10	13.5%	10.3%	a	1.8%
GROUP 7-A	15.35	13.5%	10.3%	a	1.8%
GROUP 7-B	15.59	13.5%	10.3%	a	1.8%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helocopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist wirh two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt palnt engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishingmachines concrete breaking machines, rollers, seaman pulverzing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: West Virginia COUNTY: Statewide
DECISION NO.: WV82-3003 DATE: Date of Publication
Supersedes Decision No. WV80-3016, dated May 30, 1980, in 46 FR 36771
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS & STONEMASONS:					
AREA 1	15.11	.65	1.00		.02
AREA 2	14.51	.55	.50		.05
AREA 3	14.13	.80	1.05		.02
AREA 4	15.23	.65			.03
AREA 5	15.94	.75	.40		
AREA 6	14.35	.90			
AREA 7	12.29	.80	1.00		
AREA 8	13.20		.50		

AREAS COVERED BY BRICKLAYERS & STONEMASONS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Putnam, Raleigh & Summers Counties.
AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 3 - Marshall, Ohio, Tyler & Wetzel Counties.
AREA 4 - Brooke & Hancock Counties.
AREA 5 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
AREA 7 - Berkeley, Hampshire, Jefferson, Mineral & Morgan Counties.
AREA 8 - McDowell, Mercer, Monroe & Wyoming Counties.

CARPENTERS:					
Heavy Construction	12.08	1.15	1.00		.05
Highway Construction	11.85	1.15	1.00		.05
CEMENT MASONS:					
Heavy Construction	12.20	.50			.02
Highway Construction	11.98	.50			.02

DECISION NO. WV82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
AREA 1					
Wiremen	16.86	.50	8%		.04
Cable splicers	18.55	.50	8%		.04
AREA 2					
Contracts $15,000 or less:					
Wiremen	12.32	.50	3%+.67	.77	.06
Cable splicers	12.62	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	15.22	.50	3%+.67	.77	.06
Cable splicers	15.52	.50	3%+.67	.77	.06
Area 3					
Wiremen	13.35	.50	3%+1.25	2.00	.05
Cable splicers	14.69	.50	3%+1.25	2.00	.05
AREA 4					
Wiremen	14.66	.50	3%+1.25	1.50	.04
Cable splicers	14.91	.50	3%+1.25	1.50	.04
AREA 5					
Wiremen	17.05	8%	17%		½ of 1%
AREA 6					
Contracts under $50,000:					
Wiremen	9.20	.50	3%+1.25	1.75	.04
Contracts $50,000 or more:					
Wiremen	13.65	.50	3%+1.50	2.00	.04
Cable splicers	13.80	.50	3%+1.50	2.00	.04
AREA 7					
Wiremen	14.15	.50	3%+1.75	2.00	.06
Cable splicers	14.40	.50	3%+1.75	2.00	.06
AREA 8					
Wiremen	15.721	.50	3%+1.00	1.00	.04
Cable splicers	16.51	.50	3%+1.00	1.00	.04
AREA 9					
Wiremen	16.22	.50	3%+1.00	1.00	.04
Cable splicers	17.03	.50	3%+1.00	1.00	.04
AREA 10					
Wiremen	16.22	.50	3%+1.00	1.00	.04
Cable splicers	17.03	.50	3%+1.00	1.00	.04

DECISION NO. WV82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D):					
AREA 11					
Wiremen	13.70	.90	3%+.70		3/4%
AREA 12					
Wiremen	13.70	.90	3%+.70		3/4%
AREA 13					
Wiremen	14.70	.90	3%+.70		3/4%
AREA 14					
Wiremen	10.86	.30	3%		½ of 1%
Cable splicers	11.26	.30	3%		½ of 1%
AREA 15					
Contracts $15,000 or less:					
Wiremen	12.62	.50	3%+.67	.77	.06
Cable splicers	12.92	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	15.52	.50	3%+.67	.77	.06
Cable splicers	15.82	.50	3%+.67	.77	.06
AREA 16					
Contracts $15,000 or less:					
Wiremen	12.82	.50	3%+.67	.77	.06
Cable splicers	13.12	.50	3%+.67	.77	.06
Contracts over $15,000:					
Wiremen	15.72	.50	3%+.67	.77	.06
Cable splicers	16.02	.50	3%+.67	.77	.06
AREA 17					
Contracts under $30,000:					
Wiremen	6.95	.50	3%		3/4 of1%
Contracts $30,000 or more:					
Wiremen	10.95	.50	3%		3/4 of1%
AREA 18					
Wiremen	13.30	8%	6½%	8%	1%
Cable splicers	13.70	8%	6½%	8%	1%
AREA 19					
Putnam County					
Wireman	17.61	.50	8%		.04
Cable Splicer	19.37	.50	8%		.04

DECISION NO. WV82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 20					
Roane, Clay, Fayette, Raleigh, Boone County & Montgomery Township					
Wireman	17.86	.50	8%		.04
Cable Splicer	19.65	.50	8%		.04
AREA 21					
Calhoun, Gilmer, Braxton, Webster & Nicholas Counties					
Wiremen	18.86	.50	8%		.04
Cable Splicer	20.75	.50	8%		.04

AREAS COVERED BY ELECTRICIANS

AREA 1 - Kanawha County (not including Montgomery Township)
AREA 2 - Raleigh (remainder of county) County.
AREA 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
AREA 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel Counties
AREA 5 - Brooke (except Buffalo Twp) & Hancock (except Grant Twp.) Counties.
AREA 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
AREA 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
AREA 8 - Cabell & Wayne Counties.
AREA 9 - Logan, Mason & Mingo Counties.
AREA 10 - Lincoln County.
AREA 11 - Mineral County.
AREA 12 - Berkeley, Hampshire & Morgan Counties.
AREA 13 - Grant County.
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.
AREA 15 - Fayette (remainder of county) County.
AREA 16 - Summers & Wyoming Counties.
AREA 17 - Hardy, Jefferson & Pendleton Counties.
AREA 18 - Hancock County - Grant Twp. only
AREA 19 - Putnam County
AREA 20 - Roane, Clay, Fayette, Raleigh & Boone County and Montgomery Township
Area 21 - Calhoun, Gilmer, Braxton, Webster & Nicholas Counties

DECISION NO. WV82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
AREA 1	14.46	1.00	1.80		.09
AREA 2	13.22	1.05	2.55		.05
AREA 3	13.85	1.00	1.85		.03
AREA 4					
Zone 1 - 10 miles from Union Hall	12.07	.90	1.05		.01
Zone 2 - 10 to 15 miles from Union Hall	12.22	.90	1.05		.01
Zone 3 - 15 to 20 miles from Union Hall	12.32	.90	1.05		.01
Zone 4 - over 20 miles from Union Hall	12.42	.90	1.05		.01
AREA 5	13.61	.80	1.55		
AREA 6	12.05	.80	.85		.03

AREAS COVERED BY IRONWORKERS

AREA 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties.
AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
AREA 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties.
AREA 4 - Cabell, Mingo & Wayne Counties.
AREA 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties.
AREA 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

LABORERS:					
Heavy Construction:					
Group 1	10.57	.70	.70		.05
Group 2	10.15	.70	.70		.05
Group 3	9.85	.70	.70		.05
Group 4	9.52	.70	.70		.05
Group 5	9.28	.70	.70		.05
Group 6	8.78	.70	.70		.05
Highway Construction:					
Group 1	10.37	.70	.70		.05
Group 2	9.96	.70	.70		.05
Group 3	9.64	.70	.70		.05
Group 4	9.32	.70	.70		.05
Group 5	9.02	.70	.70		.05
Group 6	8.56	.70	.70		.05

All classifications who are required to work in open vertical ditches and manholes that are 6' or more in depth shall receive 15¢ per hour above their regular rate of pay.

DECISION NO. WV82-3003

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner and Powderman.
GROUP 2 - Mucker-Chucker.
GROUP 3 - Caison bottom man, Pipe Layer (including Laser Beam Set-up), Form setter (road), Drill Operator and Inside Laborer.
GROUP 4 - Airtool Operator, Vibrator Man, Whacker, Chainsaw Operator, Mortarman, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Helper, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Bullfloat Man, Pavement Reinforcing Placer, Handyman, Signal Man, Asphalt Raker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Blower Man.
GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer, Flagman.
GROUP 6 - Watchman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
AREA 1					
Linemen	13.68	.60	3%+.50	.90	1/2%
Cable Splicer and Linemen Welder	15.05	.60	3%+.50	.90	1/2%
Mechanized Equipment Operators	10.94	.60	3%+.50	.90	1/2%
Groundmen	8.89	.60	3%+.50	.90	1/2%
AREA 2					
Linemen and operators (all mechanized equipment)	11.97	.70	3%+.67	.77	1/2%
Cable Splicers	12.27	.70	3%+.67	.77	1/2%
Groundmen	9.58	.70	3%+.67	.77	1/2%
AREA 3					
Linemen and Equipment Operators	11.65	.60	3%+1.25	1.50	1/2%
Cable Splicers	12.82	.60	3%+1.25	1.50	1/2%
Groundmen	9.32	.60	3%+1.25	1.50	1/2%
AREA 4					
Linemen and Equipment Operators	10.95	.50	3%+.50	2.00	1/2%
Cable Splicers	12.045	.50	3%+.50	2.00	1/2%
Groundmen and Truck Drivers	8.76	.50	3%+.50	2.00	1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
AREA 5					
Linemen & operators (all mechanized equipment)	12.60	.50	3%+.35	1.00	½ of 1%
Cable splicers	12.85	.50	3%+.35	1.00	½ of 1%
Groundmen	10.08	.50	3%+.35	1.00	½ of 1%
AREA 6					
Linemen & operators (all mechanized equipment)	13.50	7%	10%	10%	
Cable splicers	14.00	7%	10%	10%	
Groundmen	8.78	7%	10%	10%	
AREA 7					
Linemen & operators (all mechanized equipment)	13.65	.50	3%+1.50	2.00	½ of 1%
Cable splicers	15.02	.50	3%+1.50	2.00	½ of 1%
Groundmen & Truck Drivers	10.92	.50	3%+1.50	2.00	½ of 1%
AREA 8					
Linemen	10.15	.50	3%+.25		½ of 1%
Equipment operators	9.64	.50	3%+.25		½ of 1%
Truck drivers & groundmen	6.60	.50	3%+.25		½ of 1%
AREA 9					
Linemen	10.35	.50	3%+.25		½ of 1%
Equipment operators	9.84	.50	3%+.25		½ of 1%
Truck drivers & groundmen	6.80	.50	3%+.25		½ of 1%
AREA 10					
Linemen	10.55	.50	3%+.25		½ of 1%
Equipment operators	10.04	.50	3%+.25		½ of 1%
Truck drivers & groundmen	7.00	.50	3%+.25		½ of 1%
AREA 11					
Linemen, cable splicers & equipment operators	12.11	.45	3%		½ of 1%
Truck with winch, pole or steel handling	7.43	.45	3%		½ of 1%
Groundmen	7.17	.45	3%		½ of 1%
AREA 12					
Linemen and operators (all mechanized equipment)	12.27	.70	3%+.67	.77	1/2%
Cable Splicers	12.57	.70	3%+.67	.77	1/2%
Groundmen	9.82	.70	3%+.67	.77	1/2%

DECISION NO. WV82-3003

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
AREA 13					
Linemen and operators (all mechanized equipment)	12.47	.70	3%+.67	.77	1/2%
Cable Splicers	12.77	.70	3%+.67	.77	1/2%
Groundmen	9.98	.70	3%+.67	.77	1/2%
AREA 14					
Linemen	8.66	.35	3%		½ of 1%
Cable splicers	9.06	.35	3%		½ of 1%
Equipment operators	7.45	.35	3%		½ of 1%
Trucks with earth boring auger	6.06	.35	3%		½ of 1%
Trucks with winch, groundmen	4.76	.35	3%		½ of 1%
AREA 15					
Linemen & Equipment Operators	10.26	8%	6½%	8%	1%
Cable splicers	10.66	8%	6½%	8%	1%
Truck drivers & Groundmen	9.36	8%	6½%	8%	1%

AREAS COVERED BY LINE CONSTRUCTION

AREA 1 - Boone, Braxton, Cabell, Calhoun, Clay, Fayette (Falls and Kanawha Twps.), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Raleigh (Clear Fork and Marsh Fork Twps.), Roane, Wayne & Webster Counties.
AREA 2 - Raleigh County (excluding Clear Fork and Marsh Fork Twps.)
AREA 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.
AREA 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
AREA 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties.
AREA 6 - Brooke (except Buffalo Twp.) & Hancock (except Grant Twp.) Counties.
AREA 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties.
AREA 8 - Mineral County.
AREA 9 - Berkeley, Hampshire & Morgan Counties.
AREA 10 - Grant County.
AREA 11 - Hardy, Jefferson & Pendleton Counties.
AREA 12 - Fayette County (excluding Falls and Kanawha Twps.)

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AREAS COVERED BY LINE CONSTRUCTION (CONT'D)

AREA 13 - Summers & Wyoming Counties
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties.
AREA 15 - Hancock County - Grant Twp. only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
AREA 1					
Painters					
An area within 50 miles of Huntington, W.V.	11.40	.45	.35		.02
An area 50 miles and beyond of Huntington, W.V.	12.95	.45	.35		.02
Bridge & Hazardous Work (includes towers, smoke stacks, flag poles & tanks)					
An area within 50 miles of Huntington, W.V.	12.77	.45	.35		.02
An area 50 miles and beyond of Huntington, W.V.	14.23	.45	.35		.02
AREA 2					
Brush, roller, and spray	9.35	.30			
Industrial structural steel	12.65	.30			
Power cleaning tools and lining machine work - 50¢ over appropriate scale					
Material emitting toxic vapors-$1.00 over appropriate scale					
Height clause - additional $1.00 per hour per 100'					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
AREA 3					
Painters	11.66		.20		
Structural steel after erection	12.57		.20		
Bridge painting	12.47		.20		
Spray painters	13.16		.20		
Towers, tanks & stacks	13.00		.20		
Repaint industrial & structural steel	11.77		.20		
Sand blasters	13.64		.20		
AREA 4					
New Construction:					
Brush	10.76		.30		.01
Roller	11.02		.30		.01
Spray & Blast, Pot-Men	11.78		.30		.01
Repaint Work					
Brush	9.34		.30		.01
Roller	9.62		.30		.01
Spray & Pot-Men	11.78		.30		.01
Bridge					
Brush	11.46		.30		.01
Roller	11.71		.30		.01
Spray, Blast, glove	12.46		.30		.01
Open structural steel	11.11		.30		.01
Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high	11.71		.30		.01

DECISION NO. WV82-3003	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):						
AREA 5						
Brush	10.36	11.38	.55			
Air Compressor Operator	10.36	11.38	.55			
Roller, Spray, Dipping & Mitten Work	10.80	11.83	.55			
Water blasters, Steam jenny nozzle men, swinging scaffold & Boatswain chair, window belt & window jack work	11.73	12.42	.55			
Brush painters on bridges needle beam, cable work, power tool work, brush & flame cleaning	12.26	12.88	.55			
Sand blaster	12.66	13.27	.55			
All stacks, vent pipes, flag poles in excess of 30' high, all towers, elevated tanks, electrical switch yards, transformer banks, television towers	13.92	14.45	.55			
Spray painter or sandblaster on bridges needle beam cable work	12.57	13.27	.55			

DECISION NO. WV82-3003	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
AREA 6:					
Brush & roller	9.87	.65	.50		.02
Glove	10.12	.65	.50		.02
Spray, sandblast & steam-cleaning	10.87	.65	.50		.02
Height over 40' - Brush	10.37	.65	.50		.02
Locks and Dams - Brush	10.95	.65	.50		.02
Towers - Brush	12.19	.65	.50		.02
Elevated Tanks over 35' - Brush and Roller	12.19	.65	.50		.02
Standpipe tanks over 35'-Brush and Roller, Power-line towers-Brush, Flag-poles over 40'-Brush, and Substations-Brush	12.19	.65	.50		.02
Railroad and Highway Bridges:					
Spray and Sandblast	12.19	.65	.50		.02
Brush	11.19	.65	.50		.02
Glove and Roller	11.44	.65	.50		.02
AREA 7					
Brush & roller	6.20	.50	.40		
Spray	7.20	.50	.40		
AREA 8					
Light Work					
Brush, rollers, sign painting	10.35		.50		
Brush & roller (toxic materials)	10.85		.50		
Spray, sandblasting & use of flame burning & power tools	11.35		.50		
Spray (toxic materials)	11.85		.50		
Heavy & Hazardous Work:					
Brush & sign painting	11.35		.50		
Brush (toxic materials)	11.85		.50		
Spray, rollers, sandblasting, & use of flame burning & power tools	12.35		.50		
Spray & roller (toxic materials)	12.85		.50		

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AREAS COVERED BY PAINTERS

AREA 1 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.
AREA 2 - Monongalia & Preston Counties.
AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
AREA 5 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.
AREA 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.
AREA 7 - Brooke (remainder of county), & Hancock Counties.
AREA 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN - HEAVY CONSTRUCTION:					
AREA 1	10.60	5%	10%		1%
AREA 2	12.46	1.15	1.00		.05

AREAS COVERED BY PILEDRIVERMEN
HEAVY CONSTRUCTION

AREA 1 - Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties.
AREA 2 - All remaining Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN - HIGHWAY CONSTRUCTION:					
AREA 1	10.60	5%	10%		1%
AREA 2	12.21	1.15	1.00		.05

AREAS COVERED BY PILEDRIVERMEN
HIGHWAY CONSTRUCTION

AREA 1 - Brooke, Hancock, Marshall, Monongalia, Ohio, & Wetzel Counties.
AREA 2 - All remaining counties

PLUMBERS AND PIPEFITTERS:					
AREA 1 Harrison, Marion, and Monongolia Counties	11.57	.65	1.00	1.157	.04
AREA 2 Barbour, Doddridge, Lewis, Preston, Taylor, and Upshur Counties	11.82	.65	1.00	1.182	.04
AREA 3 Braxton, Gilmer, Randolph, and Tucker Counties	12.07	.65	1.00	1.207	.04
AREA 4 Grant, Hampshire, Hardy, Mineral, and Pendleton Counties	12.32	.65	1.00	1.232	.04
AREA 5 Brooke (south of Buffalo Creek), Marshall, Ohio, and Wetzel Counties	11.79	.75	1.06	1.18	.05
AREA 6 Brooke (remainder of County) and Hancock Counties	12.61	.50	8%	8%	.12
AREA 7 Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt, and Wood Counties	12.63	.50	.80		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS AND PIPEFITTERS: (CONT'D):					
AREA 8					
Cabell, Lincoln, Logan, Mason, Mingo, and Wayne Counties:					
Zone 1 - Within 8 mile radius of Cabell County Courthouse	10.88	.60	1.40		.02
Zone 2 - 8 to 15 miles from the Courthouse	11.00	.60	1.40		.02
Zone 3 - 15 to 25 miles from the Courthouse	11.28	.60	1.40		.02
Zone 4 - Over 25 miles from the Courthouse	11.53	.60	1.40		.02
AREA 9					
McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties:					
Contracts $75,000 or less	8.55	.55	.60		.09
Contracts over $75,000	12.33	.55	.60		.09
AREA 10					
Boone, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Pocohontas, Putnam, Roane and Webster Counties	12.95	.65	.80		.05
AREA 11					
Berkeley, Jefferson, and Morgan Counties	7.82	.60	.80	a	
POWER EQUIPMENT OPERATORS:					
Heavy Construction:					
Group 1	12.01	1.10	.60		.12
Group 2	11.21	1.10	.60		.12
Group 3	10.47	1.10	.60		.12
Group 4	10.23	1.10	.60		.12
Group 5	9.90	1.10	.60		.12
Group 6	9.58	1.10	.60		.12
Group 7	10.79	1.10	.60		.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Highway Construction:					
Group 1	11.84	1.10	.60		.12
Group 2	11.01	1.10	.60		.12
Group 3	10.27	1.10	.60		.12
Group 4	10.03	1.10	.60		.12
Group 5	9.70	1.10	.60		.12
Group 6	9.38	1.10	.60		.12
Group 7	10.60	1.10	.60		.12

All classifications performing tunneling and underground work shall receive an additional 25¢ per hour.

CLASSSIFICATION DEFINITION FOR POWER EQUIPMENT OPERATORS ON HEAVY AND HIGHWAY CONSTRUCTION

Group 1 - Cranes, derricks, tower cranes, all shovels, draglines, clamshells, backhoes, cableways, derricks (2 drums or more), dredge, sideboom tractors and similar equipment having a reach from the top of the boom to the ground of 150 feet, or a capacity of 3 cubic yards and/or a lift capacity of 50 tons. Endloaders and concrete mixing plants of 4 cubic yards capacity or over. Hoist with 18,000 pound line pull or over, tug, tow or work boat above 25 horsepower engine. Transloader. Capacities to be based on manufacturer's specifications. Master Mechanic.

Group 2 - Crane, derrick boat, dragline, grade-all, hoist (two drums or more), mechanic (heavy), mixer plant (two or more mixers including batch control), paver (dual drums), pile driver, shovel, coredrill operator, trencher (20" or over), truck crane, backhoe, hi-lift (1-1/2 cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard gauge locomotive, concrete pump, controlled fine grade machine, slip form paver operator, dozer with sloper and log loader.

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CLASSIFICATION DEFINITION FOR POWER EQUIPMENT OPERATORS ON HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

Group 3 - Fork lift, self-propelled concrete spreader, concrete finishing machine, Bulldozer, derrick (single drum), hi-lift (under 1-1/2 cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubbertired scraper, self-loading tractor pan, Ross Carrier, "A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, horizontal road boring machine, conductor of locomotive, tie distributor, track lining machine ballast tamper, anchor application machine, ribbon rail puller, ballast regulator, auto sled, turn table.

Group 4 - Concrete mixer (single drum) one cubic yard or over, tireman, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, form subgrader, power form handling equipment, burlap and curing machine, form grader, bull float, portable concrete saw roller and compactor, bar and joint installing machine and power broom.

Group 5 - High pressure fireman.

Group 6 - Air compressor, concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, deckhand, screed man, spreader box man, farm tractor, joint sealer and pump, steam jenny and brakeman of locomotive.

Group 7 - Group 6 operators when operating on (1) or more 600 CFM compressors or one (1) or more pumps 4" or larger, or more than one (1) air compressor, conveyor-belt or bucket, light plant, welding machine, and pumps.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Heavy Construction					
Area 1: All counties except Grant, Hampshire, Hardy, Mineral, Morgan and Pendleton					
Group 1	9.72	b	c		
Group 2	9.89	b	c		
Group 3	10.13	b	c		
Group 4	10.47	b	c		
Group 5	10.55	b	c		
Group 6	10.73	b	c		
Group 7	10.93	b	c		
Group 8	10.76	b	c		
Area 2: Grant, Hardy, Hampshire, Mineral, Morgan, and Pendleton Counties:					
Group 1	9.72	1.00	.87		
Group 2	9.89	1.00	.87		
Group 3	10.13	1.00	.87		
Group 4	10.47	1.00	.87		
Group 5	10.55	1.00	.87		
Group 6	10.73	1.00	.87		
Group 7	10.93	1.00	.87		
Group 8	10.76	1.00	.87		
TRUCK DRIVERS:					
Highway Construction:					
Area 1: All counties except Grant, Hampshire, Hardy, Mineral, Morgan, & Pendleton					
Group 1	9.52	b	c		
Group 2	9.68	b	c		
Group 3	9.92	b	c		
Group 4	10.28	b	c		
Group 5	10.34	b	c		
Group 6	10.52	b	c		
Group 7	10.67	b	c		
Group 8	10.76	b	c		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (CONT'D)					
Area 2: Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties:					
Group 1	9.52	1.00	.87		
Group 2	9.68	1.00	.87		
Group 3	9.92	1.00	.87		
Group 4	10.28	1.00	.87		
Group 5	10.34	1.00	.87		
Group 6	10.52	1.00	.87		
Group 7	10.67	1.00	.87		
Group 8	10.76	1.00	.87		

All truck driver classifications performing tunneling and underground work shall receivean additional 25¢ per hour

CLASSIFICATION DEFINITIONS FOR TRUCK DRIVERS ON HIGHWAY & HEAVY CONSTRUCTION

Group 1 - Warehouse, yardmen, truck helper, pick-ups, station wagons, panel trucks, team 2-up

Group 2 - Single axle trucks used as dump, supply, fuel, water, van, flatbody, monorail, distributor, (Other than bituminous distributors) and including towed single units - material checkers, material receivers, team 4-up, greasers, tiremen and mechanic helpers (trucks).

Group 3 - Tandem axle trucks used as dump, supply, fuel, water, van, flatbody, monorail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, agitator or mixer trucks (up to and including 5 c.y.).

Group 4 - Agitator or mixer trucks over 5 c.y. and less than 12 c.y., rubbertired tractors (towing or pushing), drag drivers, and tag alongs.

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CLASSIFICATION DEFINITIONS FOR TRUCK DRIVERS ON HIGHWAY & HEAVY CONSTSUCTION CON'T

Group 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.)

Group 6 - Mobile metered mixer, agitator or mixer trucks (over 20 c.y.), off highway rear dump trucks to 75 tons.

Group 7 - "A" frame operator

Group 8 - Off highway rear dump - over 75 tons.

FOOTNOTES:

a. Holiday: Christmas Day

b. Employer contributes $110.00 per month per employee

c. Employer contributes $95.33 per month per employee

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

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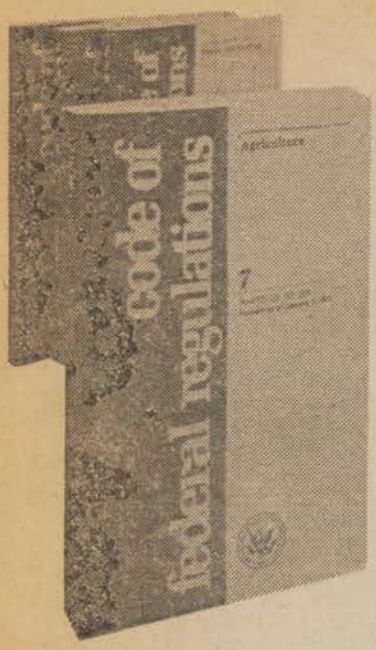
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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 May 13, 1982



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