37. Information regarding the type and amount of training/education received, and the name and address of a veteran, may be disclosed at the request of a veteran to local and State agencies and to prospective employers in order to assist the veteran in obtaining employment or further training.

38. The name, claims file number and any other information relating to a veteran's or beneficiary's incarceration in a penal institution and information regarding a dependent's right to a special apportionment of the incarcerated individual's VA benefit payment may be disclosed to those dependents who may be eligible for entitlement to such apportionment in accordance with 38 U.S.C. 504, 1682, 1780, and 3113.

39. The name, claims file number and any other information relating to a veteran or beneficiary who may be incarcerated in a penal institution may, pursuant to an arrangement, be disclosed to penal institutions or to correctional authorities in order to verify information concerning the veteran's or beneficiary's incarceration status. The disclosure of this information is necessary to determine that individual's continuing eligibility as authorized under 38 U.S.C. 504, 1682, 1780 and 3113.

40. Names and addresses, and other identifying data including the Social Security number, of surviving spouses, children and parents of decreased veterans may be released from this system of records to the Department of Defense (DOD) upon its official request in order for DOD to identify individuals eligible for health care benefits administered by the DOD, or to collect or verify information necessary for DOD facility planning, personnel studies, capitalization budgeting and post exchange, commissary and housing studies.

41. Identifying infomation including names and addresses, entitlement code, payee social security number, file number, payee number, regional office number, income for VA pension-determination purposes and pension net award may be released to the Department of Agriculture upon its official request for the purpose of a matching program designated USDA/OIG–6 for verification by the Department of Agriculture of applicants' eligibility for food stamps to reduce unauthorized payments in the food stamp program, and to collect debts owed to the United States Government. This anti-fraud matching program is being performed pursuant to the Department of Agriculture's Inspector General authority under Public Law No. 95–452, section 4(a), to detect and prevent fraud and abuse.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records (or information contained in records) are maintained on paper documents in claims file folders (e.g., "C" file folders, educational file folders and vocational rehabilitation file folders) and on automated storage media (e.g., microfilm, microfiche, magnetic tape and magnetic disks). Critical eligibility information regarding VA benefits is maintained on various automated storage media. Such information may be accessed through a data telecommunications terminal system denominated the Target System. Target terminal locations include VA Central Office, regional offices, and on a pilot basis some VA medical health care facilities. Information relating to receivable accounts owed to the VA, denominated the Centralized Accounts Receivable System (CARS), is maintained on magnetic tape and microfiche and microfilm. CARS is accessed through a data telecommunications terminal system at St. Paul, Minnesota.

RETRIEVABILITY:

Claims file folders are indexed by name of the veteran and VA file number. Automated records are indexed by named, VA file number, payee name and type of benefit.

SAFEGUARDS:

1. Physical Security: (a) access to working spaces and claims folder file storage areas in VA regional offices and centers is restricted to VA employees on a need-to-know basis. Generally, file areas are locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protective Service or other security personnel. Employee claims file records and claims file records of public figures are stored in separate locked files. Strict control measures are enforced to ensure that access to and disclosure from these claims file records are limited to a need-to-know basis.

(b) Access to Target data telecommunications terminals is by authorization controlled by the site security officer. The security officer is assigned responsibility for privacy-security measures, especially for review of violations logs, information logs and control of password and badge distribution.

(c) Access to data processing centers is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to computer rooms is restricted to authorized operational personnal through electronic locking devices. All other persons gaining access to computer rooms are escorted.

2. Target System Security: (a) Usage of the Target terminal equipment is protected by key locks, magnetic badge readers and audible alarms. Electronic keyboard locks are activated on security errors.

(b) At the data processing centers, identification of magnetic tape and disks containing data is rigidly enforced using labeling techniques. Automated storage media which are not in use are stored in tape libraries which are secured in locked rooms. Access to programs is controlled at three levels: programming, auditing and operations.

RETENTION AND DISPOSAL:

Individual claims file folders and the compensation, pension, rehabilitation and education claims records contained therein are retained at the servicing regional office for the life of the veteran. At the death of the veteran, these records are sent to the Federal Records Center (FRC), maintained by the FRC for 75 years and thereafter destroyed. Rehabilitation and education counseling records are maintained until the exhaustion of a veteran's maximum entitlement or upon the exceeding of a veteran's delimiting date of eligibility (generally, ten or twelve years from discharge or release from active duty), whichever occurs first, and then destroyed. Automated storage media containing temporary working information are retained until a claim is processed to determination. All other automated storage media is retained and disposed of in accordance with disposition authorization approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Compenation and Pension Service (21), Director, Education Service (22), Director, Vocational Rehabilitation and Counseling Service (28), VA Central Office, Washington, D.C. 20420.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request or apply in person to the nearest Veterans Administration regional office or center. Address locations are listed in VA Appendix 1 at the end of this document.

RECORD ACCESS PROCEDURES:

Individuals seeking information regarding access to and contesting of VA records may write, call or visit the nearest Veterans Administration regional office. Address locations are listed in VA Appendix 1 at the end of this document.

CONTESTING RECORD PROCEDURES:

(See Record access procedures above.)

RECORD SOURCE CATEGORIES:

The veteran, dependents and other beneficiaries of the veteran, accredited service organizations, VA-supervised fiduciaries (i.e., VA Federal fiduciaries, court-appointed fiduciaries), military service departments, VA medical facilities and physicians, private medical facilities and physicians, education and rehabilitation training establishments, State and local agencies, other Federal agencies, State, local and county courts and clerks, Federal, State and local penal institutions and correctional facilities, other third parties and other VA records.

[FR Doc. 82-27 Filed 1-4-82; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 2
Tuesday, January 5, 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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International Trade Commission	2
Legal Services Corporation	3
Nuclear Regulatory Commission	4

1

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, January 11, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request by the General Accounting Office for Board comment on a draft report regarding check clearing operations.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: December 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[S–1956–81 Filed 12–31–81; 1:46 pm]

BILLING CODE 6210–01–M

2

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–81–41C]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 62998, December 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Monday, January 4, 1982.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4). Commissioners Alberger, Calhoun, Stern, Eckes, and Frank voted by action jacket GC–81–181 to hold a portion of the discussion with respect to item No. 7 [Investigation 337–TA–105 (Certain Audio-Visual Games II)—briefing and vote on request for temporary exclusion order] in closed session.

Commissioners Alberger, Calhoun, Stern, Eckes, and Frank determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1957–81 Filed 12–31–81; 3:03 pm]

BILLING CODE 7020–02–M

3

LEGAL SERVICES CORPORATION

TIME AND DATE: 3 p.m., December 31, 1981.

PLACE: The meeting will be held by teleconference but may be monitored by the public via amplification at the Federal Bar Building, William Howard Taft Room, 1815 H Street, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Election of Chairman, 1982 grant and contract procedures.

CONTACT PERSON FOR MORE INFORMATION: William J. Olson, Acting Chairman; 202/223–9066.

[S–1955–81 Filed 12–31–81; 1:27 am]

BILLING CODE 6820–35–M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of January 4, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Tuesday, January 5:
- 10 a.m.: Discussion of Management-Organization and Internal Personnel Matters (closed meeting)

Wednesday, January 6:
- 10 a.m. Briefing on Status and Plan for Severe Accident Rulemaking (public meeting)

Thursday, January 7:
- 3 p.m.: Affirmation/Discussion Session (public meeting) Items to be affirmed and/or discussed:
  - a. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants" (POSTPONED FROM 12/22/81)
  - b. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance
  - c. Amendment to 10 CFR Part 110: Export of IAEA Safeguards Samples
  - d. Reconsideration of 10 CFR 2.700a (Exception from Procedural Rules for Adjudications Involving Conduct of Military or Foreign Affairs Functions) and Application to Pending Proceedings

ADDITIONAL INFORMATION: By a vote of 5–0 on December 22, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107a of the Commission's Rules that Commission business required that the affirmations of Clinch River Exemption Order and Order in TMI–1 Restart (held in closed session), held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Dated: December 29, 1981.

Walter Magee,

Office of the Secretary.

[S–1954–81 Filed 12–30–81; 4:54 pm]

BILLING CODE 7590–01–M

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Federal Register

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Los Angeles, Calif.	213-688-6694
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

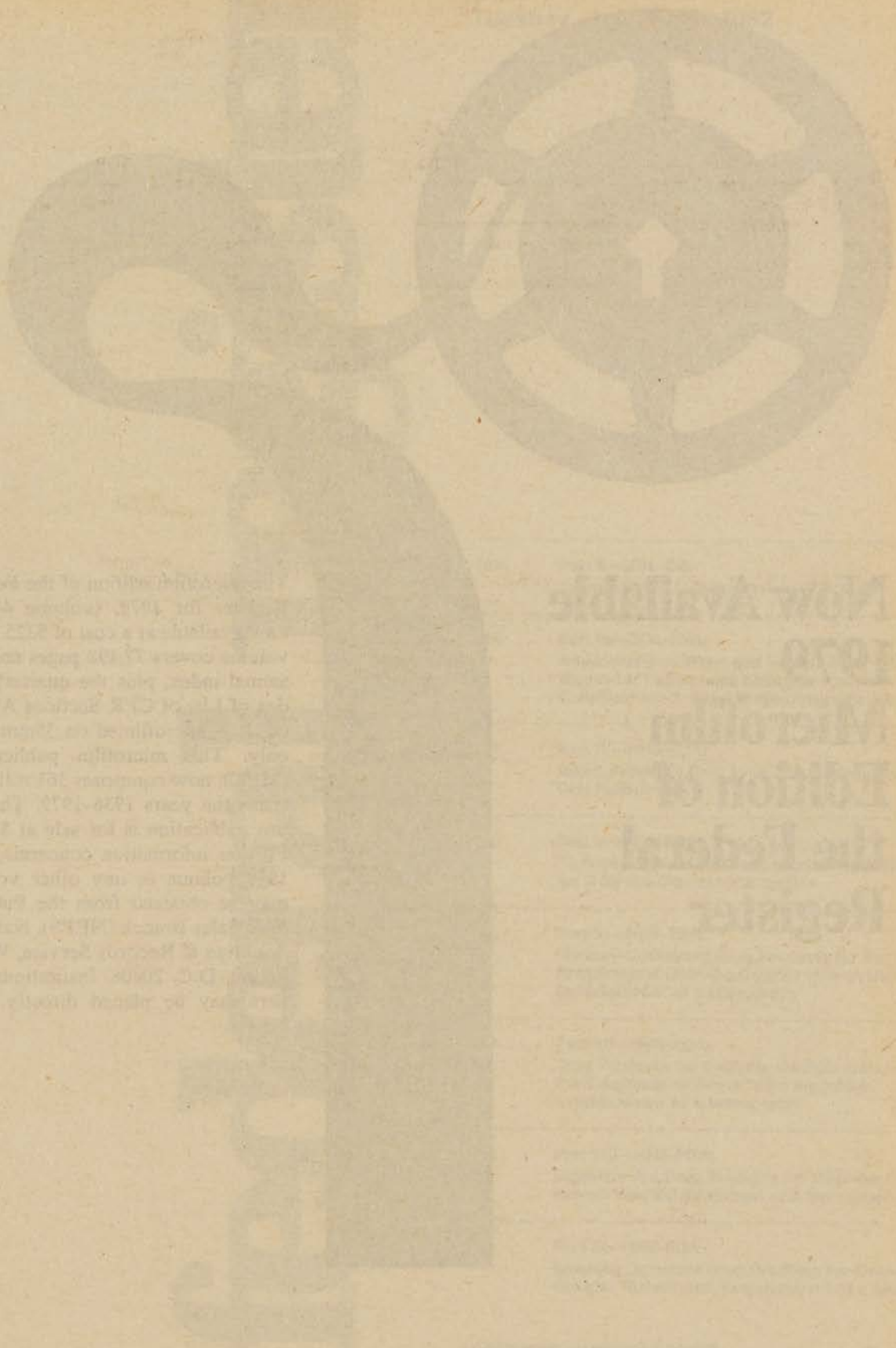
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

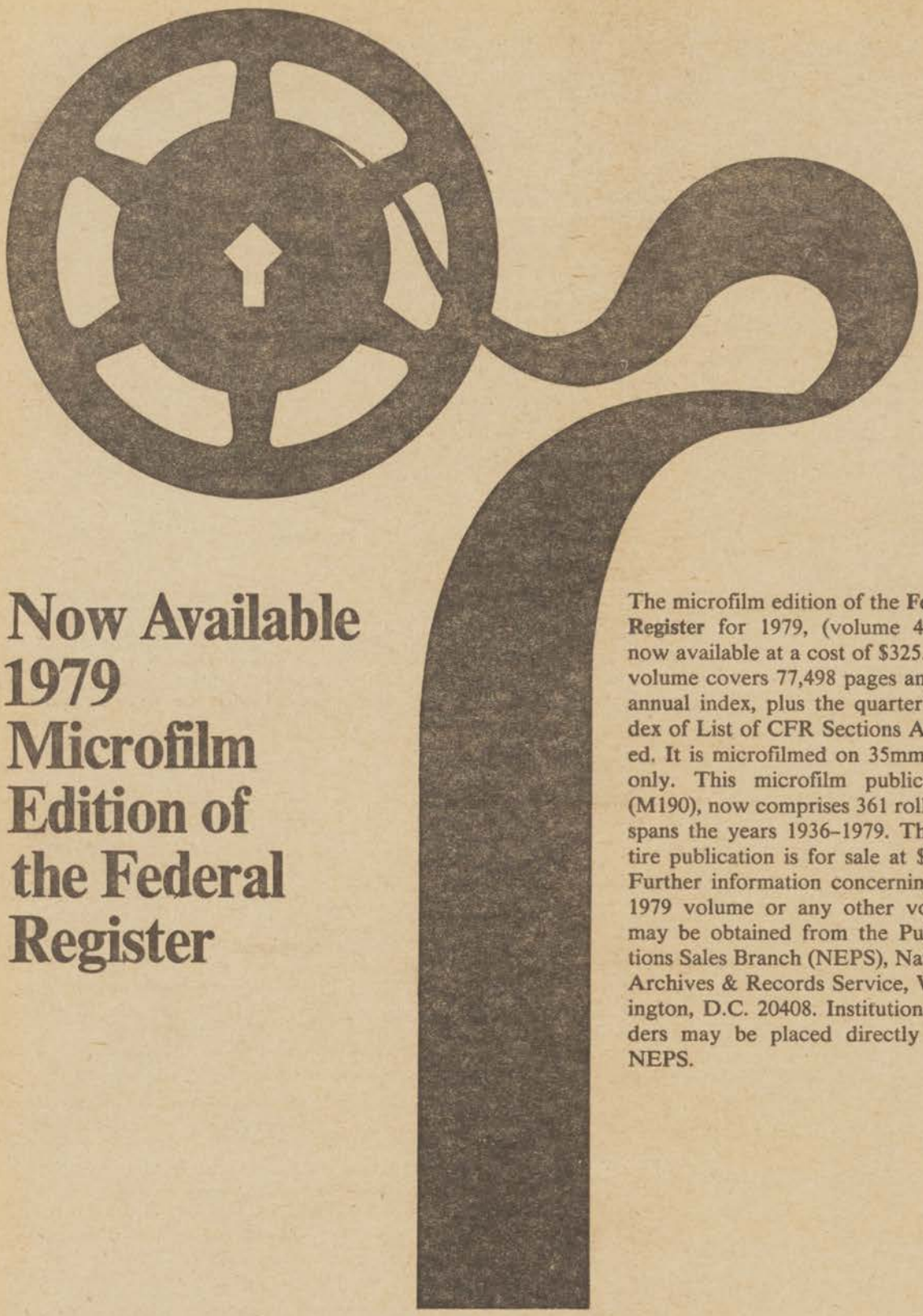
REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing December 30, 1981





Now Available 1979 Microfilm Edition of the Federal Register

The microfilm edition of the **Federal Register** for 1979, (volume 44), is now available at a cost of $325. This volume covers 77,498 pages and the annual index, plus the quarterly index of List of CFR Sections Affected. It is microfilmed on 35mm rolls only. This microfilm publication, (M190), now comprises 361 rolls and spans the years 1936–1979. The entire publication is for sale at $4693. Further information concerning the 1979 volume or any other volume may be obtained from the Publications Sales Branch (NEPS), National Archives & Records Service, Washington, D.C. 20408. Institutional orders may be placed directly with NEPS.

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Twelve-Month List for Review of Rules.

414 Part III—DOL-ESA:
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560 Part XV—DOL–OSMRE:
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584 Part XVI—DOL–ESA–WHD:
Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions.

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January 5, 1982

Part II

Department of Labor

Office of the Secretary

Twelve-Month List for Review of Rules

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, V, and VI

29 CFR Subtitle A and Chs. V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

Twelve-Month List for Review of Rules

AGENCY: Department of Labor.

ACTION: Twelve-month listing for review of rules.

SUMMARY: This Notice sets forth the Department's twelve-month listing for review of existing regulations pursuant to the Regulatory Flexibility Act.

DATES: This schedule includes all regulations which will be under review between now and the succeeding twelve months.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202–523–8201.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act requires that by July 1, 1981, each agency publish a 10-year schedule for the review of all agency rules that are in existence on the effective date of the Act (January 1, 1981), that have or will have a significant economic impact on a substantial number of small entities. The Department published its 10-year schedule on June 30, 1981 (see 46 FR 33536).

The Regulatory Flexibility Act also requires that each year agencies publish in the **Federal Register** a list of the rules to be reviewed during the succeeding twelve months which have a significant economic impact on a substantial number of small entities. The list must include a brief description of each rule, the need for and legal basis of each rule, and must invite public comment.

The twelve-month review list for the Department of Labor is listed below and public comment is invited on the listing. Concurrently with its review of each of the rules listed below, the Department intends to consider the following factors: (1) the continued need for the rule; (2) the nature of complaints or comments received concerning the rule from the public; (3) the complexity of the rule; (4) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

Twelve-Month Review List

I. Mine Safety and Health Administration

1. 30 CFR Part 100—Civil Penalties

Description: The existing rule, published on May 30, 1978 (45 FR 23514), set forth procedures for proposing and assessing civil penalties for violations of the Federal Mine Safety and Health Act of 1977 (Mine Act), standards and regulations. Basically, the rule established a "formula system" for determining most proposed penalties and included for the first time the metal and nonmetal mining industries in the assessment process. MSHA reviewed the existing regulation in 1979 and decided that revisions were necessary. On November 7, 1980 (45 FR 74444), MSHA published a proposal for restructuring the civil penalty system to provide increased incentives for mine operators to comply with the Mine Act, its standards and regulations. Public hearings would be the next step in the rulemaking process. This project is one of MSHA's highest priorities and the need for a regulatory impact analysis is under study.

Need and Legal Basis: This rule is necessary because it will implement the penalty provision in the Mine Act. This proposal is authorized under sections 105, 110, and 508 of the Mine Act.

2. 30 CFR Parts 55, 56 and 57—Review of Standards

Description: The existing safety and health standards applicable to metal and nonmetal mines have generally been in effect for over ten years. They cover all aspects of metal and nonmetal mining activity, e.g. ground control, electrical, explosives, fire prevention, health, and loading, hauling and dumping. MSHA is reviewing the standards to (1) eliminate unnecessary standards, (2) clarify and update existing standards, (3) incorporate technological advances and (4) reduce recordkeeping burdens on the industry. This project is one of MSHA's highest priorities and the need for a regulatory impact analysis is under study. MSHA anticipates holding open conferences on selected high priority sections during the Spring of 1982.

Need and Legal Basis: This rule is necessary to improve the existing metal and nonmetal safety and health standards, many of which are outdated, unnecessary, duplicative, or ambiguous. This project is authorized under Section 101 of the Mine Act which provides for the development, revision and promulgation of new and improved mandatory safety and health standards.

3. 30 CFR Part 23—Telephones and Signaling Devices

Description: The existing rule sets forth the requirements and conditions for MSHA approval of battery-operated telephones and signaling devices for uses in mines. The proposed amendment would modify the definition of "signaling device" to permit the approval of devices and telephones that are equipped with a standby power source, as well as those that are battery-operated. It would conform the existing rule to advances in technology. A regulatory impact analysis is not required. MSHA expects to publish the final rule by the end of 1981.

Need and Legal Basis: This regulation is necessary because it would remove outdated restrictions related to the design and approval of telephones and signaling devices in mines. It is issued pursuant to Section 101 of the Mine Act, which provides for the promulgation of improved safety and health standards.

4. 30 CFR Part 36—Electrical Components and Headlights for Mobile Diesel-powered Transportation Equipment

Description: The existing rule prohibits the use of all electrical devices except self-contained, battery-operated headlights on permissible mobile diesel-powered transportation equipment for use in gassy metal and nonmetal mines. The proposed amendment would modify the requirements and conditions for approval of such equipment by removing current design restrictions. The amendment would not affect currently approved equipment, but it would allow operators of gassy mines to use improved equipment which incorporates advanced technology. A regulatory impact analysis is not required. MSHA anticipates that the final rule will be published by the end of 1981.

Need and Legal Basis: This regulation is necessary because it would improve the existing standards by removing outdated design restrictions. It is authorized under Section 101 of the Mine Act which provides for new and improved safety and health standards.

5. 30 CFR Part 19—Electric Cap Lamps

Description: The existing rule sets forth procedures for the approval of electric cap lamps in underground

mines. The amendment would allow MSHA to test and approve cap lamps which incorporate advances in technology. The proposal would not affect currently approved cap lamps, nor would it affect testing and evaluation of any cap lamp design which can be approved under the existing procedures. A regulatory impact analysis is not required. MSHA expects to publish the final rule by the end of 1981.

Need and Legal Basis: This regulation is necessary because it would improve the existing standard by removing outdated design restrictions. MSHA believes miners would be afforded greater safety and health protection by amending Part 19. The proposal is authorized under Section 101 of the Mine Act which provides for new and improved safety and health standards.

6. 30 CFR Parts 75 and 77—Wire Rope Standards

Description: MSHA's current coal mine wire rope standards incorporate by reference the American National Standards Institute (ANSI) standard M.11.1 on wire ropes in mines. The proposal would revise the standards to include specific requirements for the selection, installation, use, inspection, maintenance, and removal of wire ropes used in underground and surface coal mines. A regulatory impact analysis is not required. MSHA expects to publish a proposed rule by the Spring of 1982.

Need and Legal Basis: In a recent decision, the Federal Mine Safety and Health Review Commission held that MSHA's coal mine wire rope standards are not mandatory. The proposal is necessary to correct any ambiguity in the existing method. It is authorized under Section 101 of the Mine Act which provides for new and improved safety and health standards.

5. 30 CFR Parts 55, 56, 57, 75 and 77—Revisions to Mandatory Safety Standards for Coal and Metal and Nonmetal Mines Based on Affirmative Decisions on Petitions for Modification of the Application of Standards

Description: Under Section 101(c) of the Mine Act, MSHA has granted many petitions for modification of the application of standards (variances) based on mine operators' implementation of alternative methods which reflect advances in technology. MSHA intends to review the standards for which modifications have been granted and determine which standards could be revised to allow the use of improved and alternative methods which provide adequate protection for miners. A regulatory impact analysis is not required. MSHA anticipates publishing an advanced notice of proposed rulemaking by the Spring of 1982.

Need and Legal Basis: This regulation is necessary so that MSHA can revise its standards, as appropriate, to reflect technological advancements. This proposal is authorized under Section 101 of the Mine Act which provides for the promulgation of improved mandatory safety and health standards.

II. Labor-Management Services Administration, The Pension and Welfare Benefits Program

1. 29 CFR 2510.3–37—Multiemployer Plan

Description: Multiemployer employee benefit plans under ERISA must meet different rules and requirements than other employee benefif plans. Section 3(37) of ERISA defines, subject to regulations of the Secretary, when an employee benefit plan is a multiemployer plan. The existing regulation specifying the requirements that an employee benefit plan must meet in order to be a multiemployer plan under ERISA was published in both temporary and proposed form on November 7, 1975 (40 FR 52008). Different standards were set forth for plans in existence prior to the effective date of ERISA (September 2, 1974) and those not in existence at that time. The regulation was never finalized. In addition, the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, amended the definition of multiemployer plan.

Need and Legal Basis: Section 3(37)(A)(iii) of ERISA provides that a plan is multiemployer plan if, among other things, it "satisfies such other requirements as the Secretary may prescribe by regulation." In addition, the Secretary is given general authority in Section 505 to promulgate necessary and appropriate regulations. In light of the new law and the fact that the temporary regulation was never finalized, this regulation has been designated for review.

2. 29 CFR 2550.412–1—Bonding Requirements

Description: Section 412 of ERISA provides that, with certain exceptions, every fiduciary of an employee benefit plan and every person who handles funds or other property shall be bonded. The statute also provides that the Secretary shall prescribe regulations necessary to carry out this section, including exemptions from the bonding requirement in certain specified instances. On January 10, 1975 (40 FR 2203), the Department published temporary regulations that were to be effective pending the issuance of permanent regulations. The temporary regulations in general, adopted the bonding requirements that were applicable under Section 13 of the Welfare and Pension Plans Disclosure Act Prior to ERISA.

Need and Legal Basis: Section 412(e) provides for the promulgation of regulations by the Secretary. In addition general authority exists under Section 505. Since this temporary regulation has never been finalized and a number of requests have been received for advisory opinions in this area, this regulation has been designated for review.

III. Occupational Safety and Health Administration

1. 29 CFR 1910.1001—Occupational Exposure to Asbestos

Description: OSHA's 1972 standard for asbestos established an 8-hour time-weighted (TWA) exposure limit of 5 fibers (longer than 5 micrometers) per cubic centimeter of air (5 f/cc), with a ceiling limitation against any exposure in excess of 10 fibers per cubic centimeter of air (10 f/cc). Under the 1972 standard, and effective as of 1976, that 8-hour TWA was reduced to 2 fibers per cubic centimeter of air (2 f/cc). On October 9, 1975 (40 FR 47652), OSHA issued a notice of proposed rulemaking to further lower the permissible exposure level (PEL) to 0.5 fibers per cubic centimeter of air (0.5 f/cc). In 1976, OSHA requested the National Institute for Occupational Safety and Health (NIOSH) to reevaluate information on asbestos and to advise OSHA of the findings. NIOSH recommended to OSHA that the PEL be lowered to 0.1 fibers per cubic centimeter of air (0.1 f/cc). A technological feasibility assessment and an economic impact analysis were prepared in September 1977 and 1978. In April 1980, OSHA announced that it would begin work on a proposed revision to the present standard. This decision was based on recommendations of an OSHA/NIOSH committee formed in 1979 to review scientific information on asbestos-related disease and to assess the adequacy of the current OSHA occupational health standard. A draft regulatory analysis was prepared in 1980 to address the proposed PELs of 0.5 f/cc of air and 0.1 f/cc of air. OSHA will continue to review the current asbestos standard during the next year, both under the standards set by Executive

Order 12291 and the Regulatory Flexibility Act.

Need and Legal Basis: This rule is needed because asbestos is a hazard to which many thousands of American workers are exposed. New research on the health hazards of asbestos, particularly its role as a cause of occupationally related cancer, and concern for the adequacy of the current standard have prompted Agency review of the PEL for asbestos. Recent epidemiologic evidence indicates that asbestos-related disease may be induced at very low levels of exposure, and experimental data in animals suggest that all forms of asbestos present a health hazard. The asbestos standard was promulgated pursuant to section 6 of the Occupational Safety and Health Act (hereinafter 29 U.S.C. 655).

2. 29 CFR 1910.20—Access to Employee Exposure and Medical Records

Description: The standard on access to employee exposure and medical records was published in the **Federal Register** on May 21, 1980 (45 FR 35212). The standard went into effect on August 21, 1980. The standard requires employers to: (1) preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances and harmful physical agents; (2) assure access to pertinent exposure records by the exposed employee, similarly exposed employees, designated employee, representatives, and OSHA; (3) assure access to medical records by the employee who is the subject of the records and to OSHA; and (4) inform employees annually of their rights under the standard and of the requisite procedures for exercising those rights. On August 7, 1981, OSHA announced in the **Federal Register** (46 FR 40492) that the Agency has requested a six-month deferral of the briefing schedule from U.S. Court of Appeals for the District of Columbia in the consolidated challenges to the records access standard, *Industrial Union Department, AFL-CIO* v. *Marshall, No. 80–1550 et al.*, to permit the Agency an opportunity to decide whether and to what extent to repropose a modified records access standard.

Need and Legal Basis: This rule is needed because employee exposure and medical records are critically important to the detection, treatment, and prevention of occupational disease. OSHA believes that workers and their representatives need direct access to this information. Representatives of OSHA also need access to this information to fulfill responsibilities under the Occupational Safety and Health Act. The legal basis for this rule is under Sections 6(b), 3(8), 2(b)(3), 2(b)(9), 8(c)(i) and 8(g)(2) of the Occupational Safety and Health Act.

3. 29 CFR 1910.1043—Occupational Exposure to Cotton Dust

Description: On March 31, 1981 (46 FR 19501), the Occupational Safety and Health Administration (OSHA) published an advance notice of proposed rulemaking to reevaluate and reconsider the occupational health standard regulating exposure to cotton dust. This standard prescribes levels of exposure from 0.2 to 0.75 milligrams per cubic meter of air (0.2–0.75 mg/m^3) for different types of operations involving exposure to cotton dust. The purpose of the current proceeding is to review the economic consequences of the regulation and the cost-effectiveness of the standard. Public comments, suggestions, and information were invited and requested to be submitted by May 15, 1981. On June 17, 1981, the U.S. Supreme Court held that cost-benefit analysis in promulgating a standard under Section 6(b)(5) is not required by the OSH Act because feasibility analysis is required.

Need and Legal Basis: This rule is needed because cotton dust exposure presents a severe risk of debilitating respiratory disease, especially among cotton textile workers. The legal basis for this rule is 29 U.S.C. 655.

4. 29 CFR 1990—Identification, Classification and Regulation of Potential Occupational Carcinogens

Description: OSHA plans to reevaluate and reconsider the current standard for the identification, classification and regulation of potential occupational carcinogens. As a result of a July 1980 Supreme Court decision on OSHA's benzene standard, the Agency deleted portions of the current regulations to reflect the Court's finding that consideration must be given to the significance of risk in the issuance of carcinogen standards. The deletions were published on January 19, 1981 (46 FR 4889). Amendments to conform the carcinogen regulations to the Supreme Court's decision were proposed on January 23, 1981 (46 FR 7402) but were withdrawn on March 27, 1981 (46 FR 19000) to permit the Agency to address alternatives that had not been fully considered. The Agency plans to publish an advance notice of proposed rulemaking and request for comments in January 1982.

Need and Legal Basis: This rule is needed because OSHA needs to have a consistent method of dealing with the specific identification, classification and regulation of toxic substances for which there is reported to be evidence of a carcinogenic potential to humans. The rule attempts to deal with the exposure of workers to toxic substances that may be potential carcinogens. The legal basis for this rule is 29 U.S.C 655.

5. 29 CFR 1910.1018—Occupational Exposure to Inorganic Arsenic

Description: The Occupational Safety and Health Administration (OSHA) will publish a limited notice of rulemaking on the risk assessment of inorganic arsenic in December 1981. This notice will provide the scientific data and an analysis of the degree of risk due to exposure to inorganic arsenic as well as the scientific basis for justifying the current standard of 10 micrograms of arsenic per cubic meter of air (10 $\mu g/m^3$). The notice will provide for public comment on the risk assessment. A hearing may be scheduled if requested. The Regulatory Flexibility Act review will be conducted in conjunction with the agency's over-all review.

Need and Legal Basis: This rule is needed because worker exposure to arsenic can result in the development of cancer. The legal basis for this rule is 29 U.S.C. 655.

6. 29 CFR 1910.1025—Occupational Exposure to Lead

Description: On April 21, 1981 (46 FR 22764), the Occupational Safety and Health Administration (OSHA) published an advance notice of proposed rulemaking to reevaluate and reconsider the occupational health standard regulating exposure to lead. The proposal provides for a permissible exposure limit (PEL) of 50 micrograms of lead per cubic meter of air (50 $\mu g/m^3$) averaged over an 8-hour day, for control strategies for reducing lead exposures, and for medical removal protection. The purpose of this proceeding is to review and analyze the technological and economic feasibility of complying with the standard and to evaluate the feasibility and utility of relying on cost-benefit analysis in setting occupational health standards. Public comments, suggestions, and information were required to be received by June 1, 1981. On June 29, 1981, the U.S. Supreme Court upheld the lead standard for primary and secondary lead smelters, ink, paint, coatings and wallpaper manufacturers, and for electronic component and battery manufacturers. During the next year, OSHA will continue to review the feasibility and cost-effectiveness of the standard for lead industries, and will conduct a Regulatory Flexibility Act review in conjunction with its over-all review.

Need and Legal Basis: This rule is needed because exposure to lead presents severe health hazards to workers. The legal basis for this rule is 29 U.S.C. 655.

7. 29 CFR 1910.95—Occupational Exposure to Noise

Description: In 1974, the Occupational Safety and Health Administration (OSHA) proposed standards governing occupational noise exposure, which included a permissible exposure limit (PEL) of 90 dB, as an 8-hour time-weighted average (TWA), and requirements for establishing hearing conservation programs. Public hearings were held during 1975 and 1976. On January 16, 1981 (46 FR 4078), OSHA published a final hearing conservation amendment as a final rule and a regulatory impact analysis of the amendment. This amendment was directed toward establishing hearing conservation programs for employees to prevent occupational hearing loss. Since January, the Agency received numerous petitions for an administrative stay and reconsideration of the hearing conservation amendment. In order to evaluate those petitions and to comply with Executive Order 12291, the Agency delayed the effective date from April 15 to June 1, 1981; from June 1 to August 1, 1981; and from August 1 to August 22, 1981. A regulatory impact and regulatory flexibility analysis was performed and published on August 21, 1981 (46 FR 42622). OSHA will continue to evaluate and study those stayed requirements of the amendment that did not go into effect on August 22, 1981.

Need and Legal Basis: This rule is needed because there are over 900,000 Americans who suffer a moderate to severe hearing loss due to exposure to occupational noise. Epidemiological and laboratory evidence indicates that protracted noise exposures above 90 dB cause hearing loss in a substantial portion of the exposed population and that more susceptible individuals will incur hearing loss at levels below 90 dB. Noise-induced hearing loss is an irreversible condition that progresses with increased exposure and with age. Because hearing is essential for communication, hearing loss can lead to serious social and psychological handicaps. The legal basis for this rule is 29 U.S.C. 655.

8. 29 CFR 1910.134; 1926.103; 1915.82; 1916.82; 1917.82, and 1918.102—Respiratory Protection

Description: On May 19, 1981 (46 FR 27358), OSHA proposed to permit specific methods of qualitative fit testing in lieu of the quantitative fit testing procedures currently required by the lead standard (29 CFR 1910.1025(f)(3)(ii)). Quantitative fit testing requires special equipment to assign a numerical value to the protection afforded the wearer; qualitative fit testing relies on the subjective reaction of a wearer to an irritant fume or other test substance. The agency invited public comment on its proposal and received several requests for a public hearing, which was held in September 1981. In addition, OSHA is building a public record to ascertain what changes should be made to present regulations for respiratory protection in general. A Regulatory Flexibility Act review will be conducted in conjunction with the overall review of the present regulations.

Need and Legal Basis: This rule is needed because respirators are effective for protecting workers only when they are properly fitted to the wearer, properly used, and properly maintained. These rules help employers provide adequate respiratory protection for employees. The legal basis for this rule is 29 U.S.C. 655.

9. 29 CFR Part 1910, Subpart H—Hazardous Materials Description: The current standards address the hazards associated with compressed gases, flammable and combustible liquids, including those used in spray finishing or dip tank operations, explosives and blasting agents, liquified petroleum gases and anhydrous ammonia. These standards were originally promulgated in 1971 based on the then existing national consensus standards.

Need and Legal Basis: This rule is needed because of the hazards associated with workers handling of substances such as compressed gases, flammable and combustible liquids, and explosives. The legal basis for the rule is 29 U.S.C. 655.

10. 29 CFR Part 1926, Subpart Q—Concrete, Concrete Forms and Shoring

Description: Present standards set forth safe work practices for the erection of concrete and masonry buildings and structures.

Need and Legal Basis: This rule is needed because of the number of building collapses an other structure collapses. The legal basis for this rule is 29 U.S.C. 655.

11. 29 CFR Part 1910, Subpart N—Materials Handling and Storage

Description: Present standards address safe design and safe work practices for storage and handling of materials. The standards also address the safe design, maintenance, and use of motorized materials handling equipment.

Need and Legal Basis: This rule is needed because of the occupational hazards related to improper handling and storage of materials and failures of material handling equipment. The legal basis for this rule is 29 U.S.C. 655.

12. 29 CFR 1910.177—Servicing Multi-Piece Rim Wheels

Description: Present standards set forth safe work practices design for servicing tires on multi-piece rim wheels. The standard sets training requirements for those who service multi-piece rim wheels.

Need and Legal Basis: This rule is needed because of worker accidents and injuries resulting from the servicing of multiple and single piece rim wheels. The legal for this rule is 29 U.S.C. 655.

13. 29 CFR Part 1926, Subpart L—Ladders and Scaffolding

Description: Present standards address safe work practices for employees who use portable and fixed ladders and scaffolds. The standard sets forth design load criteria and care and use of equipment. These standards were originally promulgated in 1971 under in the Construction Safety Act.

Need and Legal Basis: This rule is needed because of the numerous occupational injuries and deaths from accidents and falls associated with unsafe ladders and scaffolding in the general industry and in construction. The legal basis for this rule is 29 U.S.C. 655.

14. 29 CFR Part 1910, Subpart D—Walking-Working Surfaces

Description: Present standards address the design, maintenance and use of walking-working surfaces. These standards set forth fall protection measures for walking-working surfaces and address fall hazards on the same level, as well as falls to different levels. These standards were originally promulgated in 1971 based on the then existing national consensus standards.

Need and Legal Basis: This rule is needed because of the number of occupational injuries and deaths due to accidents and falls associated with unsafe walking and working surfaces in the general industry and in construction. The legal basis for this rule is 29 U.S.C. 655.

15. 29 CFR Part 1926, Subpart K—Electrical

Description: Present standards address safe design and installation for electrical wiring and electrically

energized equipment. The standard sets forth design criteria for temporary and permanent electrical installations.

Need and Legal Basis: This rule is needed because of the injuries and fatalities associated with temporary and permanent electrical installation used on the jobsite. The legal basis for this rule is 29 U.S.C. 655.

16. 29 CFR Part 1910, Subpart T—Commercial Diving Operations

Description: The current standards specify safe work practices for commercial diving operations as well as requirements for equipment and maintenance and recordkeeping and reporting. These standards were originally promulgated in 1977.

Need and Legal Basis: This rule is needed because of the safety and health hazards associated with commercial diving operations. The legal basis for this rule is 29 U.S.C. 655.

17. 29 CFR Part 1926, Subpart M—Floor and Wall Openings

Description: These standards address safety hazards associated with the danger of employees or materials falling through or from floors, roofs or wall openings or from stairways and other points of access. These standards were originally promulgated in 1971 under the Construction Safety Act.

Need and Legal Basis: This rule is needed because of the occupational injuries and deaths resulting from accidents and falls associated with unsafe floor and wall openings in the general industry and in construction. The legal basis for this rule is 29 U.S.C. 655.

18. 29 CFR Part 1926, Subpart S—Tunnels and Shafts, Caissons, Cofferdams and Compressed Air

Description: Present standards address construction activities underground and under water areas in cofferdams and similar areas. The present standards address safe conditions and work practices for structures and employees within these work areas. These standards were originally promulgated under the Construction Safety Act in 1971.

Need and Legal Basis: This rule is needed because of the safety and health hazards associated with work performed in tunnels and shafts, caissons and coffer-dams, and with compressed air. The legal basis for this rule is 29 U.S.C. 655.

19. 29 CFR Part 1910, Subpart O—Machinery and Machine Guarding

Description: Present standards address safe design, maintenance, care and use of machinery. These standards also set forth machine guarding criteria for power transmission and point-of-operation guarding of fixed machinery. These standards were originally promulgated in 1971 based on the then existing national consensus standards with some more recent changes.

Need and Legal Basis: This rule is needed because of the occupationally related injuries and deaths associated wih unguarded and poorly maintained machinery. The legal basis for this rule is 29 U.S.C. 655.

20. 29 CFR Part 1926, Subpart P—Excavation, Trenching and Shoring

Description: Subpart P, Excavation, Trenching and Shoring, is comprised of four sections, §§ 1926.650 through 1926.653. Section titles are: General protection requirements; Specific excavation requirements; Specific trenching requirements; and Definitions applicable to the subpart. Basically, the subpart requires that all trenches and/or excavations over five feet in depth be shored or the sidewalls sloped.

Need and Legal Basis: This rule is needed because of trench and excavation sidewall failures that have resulted in death and injury to workers. The percentage of such failures is unknown, but deaths resulting from these accidents exceed 100 each year. The changes, additions, and clarifications in the standard will provide a flexibility to the user that will allow for the use of more advanced technological solutions to the problems of shoring trenches and excavations. The legal basis for this rule is 29 U.S.C. 655.

IV. Employment and Training Administration

1. 20 CFR Part 615—Extended Benefits

Description: The regulation implements the Federal-State Extended Unemployment Compensation Act of 1970, and amendments thereto. The act requires States to provide for payment of Extended Benefits during periods of high unemployment to persons who have exhausted their regular benefits.

Need and Legal Basis: The regulations are necessary to clarify many terms and effective dates in the law. The legal basis for the rule is the Federal-State Extended Unemployment Compensation Act of 1980, which was Title II of Pub. L. 91–373, and amendments thereto.

2. 20 CFR Part 616—Combined Wage Claims

Description: Implementing regulations were promulgated on December 28, 1971 (36 FR 24991), and amended periodically. They approve and implement an arrangement between the States to combine all employment and wages in all States for an individual who worked in more than one State. All changes in the arrangement are developed jointly by the Secretary of Labor and the participating State agencies, as needed to meet operating problems.

Need and Legal Basis: The rule is needed to establish the basic policies that are binding upon the Federal and State partners. The legal basis for the rule is section 3304(9)(B) of the Internal Revenue Code of 1954.

3. 20 CFR Part 618—Federal Supplemental Benefits

Description: Implementing regulations were promulgated February 6, 1975 (40 FR 5498), and amended March 23, 1976 (41 FR 12152). A notice to be published in the **Federal Register** will serve to officially cancel the enabling regulations for this program.

Need and Legal Basis: The Emergency Unemployment Compensation Act of 1974 was Pub. L. 93–572 (88 Stat. 1869). It created a temporary program to pay extended benefits during periods of high unemployment to individuals who were unemployed and had exhausted all other regular and extended unemployment compensation. The program operated from January 1, 1975 to March 31, 1977. All benefit payment processes have been completed.

4. 20 CFR Part 619—Special Unemployment Assistance

Description: Implementing regulations were promulgated February 6, 1975 (40 FR 5502), and subsequently amended March 23, 1976 (41 FR 12162). A notice to be published in the **Federal Register** will serve to officially cancel the enabling regulations for this program.

Need and Legal Basis: Title II of the "Emergency Jobs and Unemployment Assistance Act of 1974" contained in Pub. L. 93–567 and amended Pub. L. 94–32 and Pub. L. 94–45, created a temporary program of Special Unemployment Assistance (SUA) for individuals who were unemployed during a period of aggravated unemployment and were not otherwise eligible for unemployment compensation under any other State or Federal Law. The program was operational commencing with the week beginning December 22, 1974. No further benefits were payable for any week of unemployment ending after June 30, 1977, thus terminating the program. All benefit payment and appellate processes have been completed.

5. 20 CFR Part 640—Benefit Payment Promptness Standard

Description: These regulations were promulgated March 5, 1976 (41 CFR 9559), and amended by July 28, 1978 (43 CFR 33224). They established a standard to assure that payment of unemployment compensation will be made as promptly as administratively feasible. The standard distinguishes between intrastate and interstate claims and between States which require a waiting period for benefits and those which do not. The regulation provides for review of compliance and enforcement.

Need for Legal Basis: Section 303(a)(1) of the Social Security Act requires that States pay unemployment benefits "when due" and provides that administrative operating costs will not be reimbursed if a State fails to provide adequate methods of administration. The regulations are needed to interpret what "when due" means and to set out arithmetic standards for measurement of each State's compliance. They provide for administrative actions when a State falls below those standards.

6. 20 CFR Part 650—Standard for Appeals Promptness—Unemployment Compensation

Description: The existing regulation was promulgated August 11, 1972 (37 FR 16173), and amended February 13, 1976 (41 FR 6756). It establishes a standard to assure that administrative appeals affecting unemployment compensation benefit rights are heard and decided with the greatest promptness that is administratively feasible. In this regulation the Secretary of Labor considers as substantial compliance the issuance of minimum percentages of first level benefit appeal decisions for calendar year 1975 and ensuing years of at least 60 percent of appeal decisions within 30 days of the date of appeal, and at lest 80 percent within 45 days.

Need and Legal Basis: This regulation was required by mandate of the U.S. Supreme Court in the case of *California Department of Human Resources* v. *JAVA*, 402 U.S. 121 (1971), and other courts, which have expressed concern with delay in the disposition of appeals on unemployment insurance benefit claims. It is in compliance with the commitment made by the Secretary of Labor in the brief filed with the Supreme Court on the *Java* case.

7. 29 CFR Part 26—Exemplary Rehabilitation Certificate for Ex-Servicemen

Description: These regulations, cover the processes by which the Secretary of Labor issues certificates to individuals released or discharged from military service under conditions other than honorable. Such certificates are awarded to individuals who have provided evidence of exemplary character, conduct, and activities within at least the three-year period prior to application. The receipt of an exemplary rehabilitation certificate does not change in any way the character of the individual's military discharge, nor does it entitle the person to any special benefits.

Need and Legal Basis: These regulations were issued pursuant to 10 U.S.C. 1571 *et seq.*, and are needed to carry out the statutory mandate of providing for a rehabilitation process for servicemen discharged from the service under conditions other than honorable.

8. 20 CFR Part 680—Comprehensive Employment and Training Act; Amendments to Title IV Youth Programs

Description: Implementing regulations were promulgated May 20, 1980 (45 CFR 33846), and subsequently amended September 4, 1981, (46 FR 44730). Part 680 establishes the requirements for governing youth programs under Title IV, Part A and C of CETA, providing career opportunities for young persons, especially disadvantaged youth, to enable them to secure unsubsidized employment in the public and private sectors of the economy.

Youth programs authorized include: The Youth Incentive Entitlement Pilot Projects (YIEPP), designed to test the effect of a guaranteed year-round structured work experience to encourage school completion; the Youth Community Conservation and Improvement Projects (YCCIP), designed to provide jobs and employment experience in community betterment projects; the Youth Employment and Training Programs (YETP), designed to make available a broad range of employment and training services adopted to local needs; and the Summer Youth Employment Program (SYEP), designed to provide eligible youth with useful work opportunities during the summer months to assist youth in developing their maximum occupational potential.

Need and Legal Basis: The Comprehensive Employment and Training Act (CETA) Amendments of 1978, Pub. L. 95–524, October 27, 1978, and the statutory changes to CETA contained in the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, August 13, 1981, establish employment and training programs for State and local jurisdication in the employment of economically disadvantaged and eligible participants. Part 680 is needed to regulate the implementation of prime sponsor youth programs under Title IV of CETA. The current CETA regulations of May 20, 1980, and September 4, 1981, promulgated under the Act will remain in effect to govern youth programs through the extension of the programs for fiscal year 1982.

9. 20 CFR Part 655, Labor Certification Process for the Temporary Employment of Aliens in the United States, and Part 656, Labor Certification Process for the Permanent Employment of Aliens in the United States

Description: Parts 655 and 656 set forth the Department of Labor responsibilities for the certification of aliens for employment within the United States on a temporary or permanent basis. Part 655 establishes the procedures and standards for the temporary employment of aliens. Included among these provisions are the content of job offers, assurances to be given by employers, recruitment of workers, and reviews or adjudication of DOL findings or detetrminations. Within 655 the subparts cover particular occupations or localities.

Part 656 establishes procedures and standards for the regulation of permanent employment of aliens. Subparts within 656 deal with occupational labor certifications, the certification process and the determination of prevailing wages.

Constant shifts in the labor market and occupations make frequent modifications to Parts 655 and 656 necessary.

Need and Legal Basis: Part 655 is needed to establish the standards and procedures for the temporary employment of aliens. At issue in the certification of aliens for employment in the United States are the availability of willing, qualified U.S. workers and any possible adverse effect that the admission of immigrant and non-immigrant aliens into the U.S. will have upon the wages or working conditions of U.S. workers similarly employed. The legal basis for these regulations is the Immigration and Nationality Act, 8 U.S.C. 1104 and 1184 *et seq.*

10. 29 CFR Part 75, Department of Labor Review and Certification Procedures and Rural Industrialization Loan and Grant Programs Under the Consolidated Farm and Rural Development Act of 1972

Description: Part 75 establishes standards for the review of loan applications to finance industrial and

business activities as well as pollution control and abatement projects in rural areas. The United States Employment Service responsibilities include the gathering and assessment of certain required information in the loan/grant process. This part was last amended in 1975 and will be reviewed during fiscal year 1982 in order to update references, terms, required forms and reporting instructions.

Need and Legal Basis: This part is needed to establish a specific review process for rural development loans made under the Act. The Department of Agriculture has the primary responsibility for reviewing and granting these loans. The procedures in Part 75 have been established in consultation with the Department of Agriculture for the timely issuance of labor certifications required as a condition of any loan/grant. The legal basis for these regulations is the Consolidated Farm and Rural Development Act of 1972, as amended (Pub. L. 95–334, August 4, 1978).

11. 20 CFR Part 604, Policies of the United States Employment Service

Description: Part 604 has in recent years served a double purpose in codifying the policies of the employment service. First, this part established basic policies binding on both the Federal and State partners in the employment service system. Secondly, during the conversion from Employment Security Manual (ESM) to regulatory requirements, Part 604 serves as a consistent statement of policies. As the ESM is replaced by regulations, many of the general policy statements will be removed from Part 604; for instance, publication of the basic services regulations during the last year made possible the removal of a number of the policies listed in Part 604. Because Part 604 contains basic policies of the employment service, its content will be reviewed each time new responsibilities or regulations for the employment service are issued. No date has been established for publication as amendments to Part 604 will be incorporated into other regulations for publication.

Need and Legal Basis: Part 604 is needed to establish the basic policies that are binding upon the Federal and State partners. When published as a part of the employment service regulations, they are a clear, consistent, public statement of policy. The legal basis for these regulations is the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*

12. 20 CFR Part 651—General Provisions Governing the Federal-State Employment Service System

Description: Part 651 sets forth the basic structure of the employment service system under the Wagner-Peyser Act. This part contains: Primary federal statutes governing the employment service; Executive Orders; definitions of terms used in Parts 651–658; and a format of the Federal regulations affecting the system. New statutory and regulatory requirements have been instituted since this part was last reviewed; an update is needed. No specific date has been established for publication of an updated Part 651.

Need and Legal Basis: Part 651, otherwise known as the "General Provisions" is needed to describe the basic provisions and requirements for the operation of the employment service system. By providing legislative and Executive Order citations as well as the format for regulations governing the system, all parties—the State agencies, the public and other interested parties—have in one place all necessary information on how the system is governed. The legal basis for these regulations is the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*

13. 20 CFR Part 653, Services of the Employment Service System; Subpart A—Basic Services and Subpart C—Services for Veterans

Description: The regulations issued or under development for 20 CFR Parts 651–658 provide Federal policy and requirements which must be adhered to by State employment service agencies.

The employment service performs essentially a labor exchange function, i.e., it provides no-fee employment services to applicants seeking employment and to employers seeking applicants.

Subpart A—Basic Services—establishes standards for most services to applicants and employers. Among the services provided applicants are: job information; referral to job openings listed with the employment service; employment counseling; employment testing; job development; and referral to training. Among the services provided employers are: referral of qualified applicants to job openings listed with the employment service system; labor market information; and assistance in meeting affirmative action obligations under legislation, court order, consent decree, government contracts, or other fair employment practice authority rulings.

Subpart C—Services to Veterans—establishes standards for services to veterans. In addition to describing the services to veterans under the Wagner-Peyser Act, this subpart implements many employment services responsibilities under a number of legislative initiatives for veterans.

Clarifying and technical amendments to the 20 CFR Part 653, Subpart A—Basic Services—regulations will be proposed early in fiscal year 1982. These amendments correct errors which appeared in the final rules of January 23, 1981 (46 FR 7764), and also reflect necessary changes that are the result of developments during the last few months. As Subpart A is basic and essential to the employment service system, its contents are constantly and thoroughly scrutinized and amendments are often considered. Also Subpart C—Services for Veterans—will be amended during the 1982 fiscal year. In addition to instituting the new requirements of the Veterans Rehabilitation Amendments of 1980 (Pub. L. 96–466), the amendments will clarify and consolidate the numerous mandates for specific services to veterans.

Need and Legal Basis: The Wagner-Peyser Act of 1933, as amended, 29 U.S.C. 49 *et seq.*, established a Federal-State employment service system of public employment offices to provide employment services to workers and employers. Subpart A—Basic Services—is needed to establish the standards for the basic services that must be provided (see description above). Subpart C is needed to establish the standards for services to veterans. The legal basis for these regulations is established by a number of statutory mandates.

Veterans services are specifically mentioned in the Wagner-Peyser Act. In addition, a number of laws mandate services to be provided to veterans by the employment service. For example, 38 U.S.C. 2001–2008 (Chapter 41), requires referral of veterans to employment and training opportunities; 38 U.S.C. 2012(a) requires referral of veterans on a priority basis to job openings listed by certain Federal contractors; Section 104 of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567) requires the Department to provide (in conjunction with other designated agencies) outreach to veterans for employment and training opportunities; section 2012, 38 U.S.C. (Chapter 42), prescribes performance standards for State agencies' services to veterans; and the Veterans Rehabilitation Amendments of 1980 (Pub. L. 96–466) contain the most recent requirements for vetrans' services.

V. The Employment Standards Administration

1. 20 CFR Part 1—Performance of Functions under this Chapter (Office of Worker's Compensation Programs (OWCP) Organization and Procedures)

Description: This regulation sets forth the organizational background and information concerning the Office of Workers' Compensation, the assignment of functions to OWCP and regulatory responsibilities of the OWCP.

Need and Legal Basis: The regulation is needed to identify duties assigned to the Secretary by nine different statutes which have been delegated to OWCP for their implementation and to specify the location of the detailed regulations for the implementation of each of those statutes. It is based on Secretary's Order 13–71 and Employment Standards Administration Order 2–74.

2. 20 CFR Part 10—Claims for Compensation under the Federal Employee's Compensation Act, as amended

Description: This regulation sets forth the regulations applicable to the filing, processing and payment of claims for workers' compensation benefits under the provisions of the Federal Employees' Compensation Act, as amended.

Need and Legal Basis: The regulation is needed to provide detailed guidance and assistance to persons seeking compensation benefits under the Act, as well as to personnel within the Department of Labor and other agencies of the United States who are required to perform some function with respect to its administration. The legal basis for the regulation is the Federal Employees' Compensation Act (5 U.S.C. 8101 *et seq.*).

3. 20 CFR Part 25—Compensation for Disability of Noncitizen Federal Employees Outside the United States

Description: These regulations define benefit levels for injured or killed noncitizen Federal employees working outside the U.S. and govern methods for awarding such Federal employees workers' compensation benefits.

Need and Legal Basis: The regulations are necessary to define the relationships between the FECA and local law for certain groups of noncitizen Federal employees injured outside the United States. The legal basis for these regulations is 5 U.S.C. 8137, 8145, and 8149.

4. 20 CFR Part 701—General, Administering Agency; Definitions and Use of Terms (Longshoremen's and Harbor Workers' Compensation Act and Related Acts)

Description: This part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (LHWCA), Workmen's Compensation Act, the Outer Continental Shelf Lands Act and the Nonappropriated Fund Instrumentalities Act, provides a general description of the regulations contained in 20 CFR Parts 701 through 704, information as to persons and agencies within the Department of Labor authorized by the Secretary of Labor to administer the Longshoremen's and Harbor Workers' Compensation Act and its extensions and the regulations, and guidance as to the meaning and use of specific terms in the regulations.

Need and Legal Basis: This part identifies the various statutes which incorporate substantive provisions of the LHWCA and provides uniform definitions for the regulations implementing those laws in Parts 701 through 704. The legal basis for these regulations is 33 U.S.C. 939.

5. 20 CFR Part 702—Administration and Procedures (Longshoremen's and Harbor Workers' Compensation Act and Related Statutes)

Description: This part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act and related statutes contains the general administrative regulations governing claims filed under the Act, and the procedures for the adjudication of such claims and the provision of medical and vocational rehabilitation services under the Act.

Need and Legal Basis: These regulations are necessary to provide detailed procedures for the implementation of the LHWCA and the adjudication of rights and duties established by it. The Longshoremen's and Harbor Workers' Compensation Act is codified at 33 U.S.C. 901 through 950.

6. 20 CFR Part 703—Insurance Regulations (Longshoremen's and Harbor Workers' Compensation Act and Related Statutes)

Description: This Part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act and related statutes contains regulations governing authorization of insurance carriers, authorization of self-insurers, and issuance of certificates of compliance with the insurance regulations.

Need and Legal Basis: These regulations are necessary to provide detailed procedures defining the means used to secure the payment of compensation and other benefits provided under the LHWCA. Their legal basis is 33 U.S.C. 932, 937, and 939.

7. 20 CFR Part 704—Special Provisions for Longshoremen's and Harbor Workers' Compensation Act Extensions

Description: This part of the regulations governing the administration of the Longshoremen's and Harbor Workers' Compensation Act and related statutes contains the exceptions to the general applicability of Parts 702 and 703 for the Defense Base Act, the District of Columbia Compensation Act, the Outer Continental Shelf Lands Act and the Nonappropriated Fund Instrumentalities Act.

Need and Legal Basis: These regulations are needed to provide detailed procedures for the implementation of the provisions of the extensions of the LHWCA which differ from the provisions of the basic statute. They are based on legal provisions in 33 U.S.C. 939, 42 U.S.C. 1651 *et seq.*, 36 District of Columbia Code 501 *et seq.*, 43 U.S.C. 1331, 5 U.S.C. 8171 *et seq.*

8. 20 CFR Part 722—Criteria for Determining Whether State Workmen's Compensation Laws Provide Adequate Coverage for Pneumoconiosis and Listing of Approved State laws

Description: These regulations establish procedures and standards to be applied by the Secretary of Labor in determining whether a State workmen's compensation law provides adequate coverage for death or disability due to pneumoconiosis.

Need and Legal Basis: The Black Lung Benefits Act requires the Secretary to establish criteria by which the adequacy of State laws which provide benefits for disability or death due to pneumoconiosis are to be determined. The legal basis for this regulation is 30 U.S.C. 931 and 936.

9. 20 CFR Part 725—Claims for Benefits under Part C of Title IV of the Federal Mine Safety and Health Act, as amended

Description: These regulations define the procedures for the adjudication and payment of benefits on claims for total disability due to Black Lung disease.

Need and Legal Basis: The Black Lung Benefits Act provides broad authority to the Secretary to establish specific and detailed procedures for the adjudication

of claims and the payment of benefits under the Act. These detailed procedures are necessary for the orderly administration of the Act. Their legal basis in contained in 30 U.S.C. 901 through 945 and 33 U.S.C. 901 through 950.

10. 20 CFR Part 726—Black Lung Benefits, Requirements for Coal Mine Operators' Insurance

Description: These rules governing the manner by which a coal mine operator shall fulfill its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company.

Need and Legal Basis: These regulations are necessary to provide detailed procedures defining the means used to secure the payment of benefits under the Black Lung Benefits Act. The legal basis for this regulation is 30 U.S.C. 931, 933, 936 and 33 U.S.C. 901 *et seq.*

11. 41 CFR Chapter 60—Office of Federal Contract Compliance Programs (OFCCP), Equal Employment Opportunity, Department of Labor (Except 41 CFR Part 60–3, Guidelines on Employee Selection Procedures)

Description: This group of regulations contains OFCCP's rules covering obligations of Federal contractors and under E.O. 11246 (41 CFR Part 60–1); affirmative action program requirements under E.O. 11246 (41 CFR Part 60–2); construction contractors' affirmative action requirements under E.O. 11246 (41 CFR Part 60–4); sex discrimination guidelines under E.O. 11246 (41 CFR Part 60–20); administrative hearing rules under E.O. 11246, section 402 of the Vietnam Era Veterans' Readjustment Assistance Act and section 503 of the Rehabilitation Act of 1973 (41 CFR Part 60–30); religion and national origin discrimination guidelines under E.O. 11246 (41 CFR Part 60–50); nonconstruction contractor evaluation procedures under E.O. 11246 (41 CFR Part 60–60); affirmative action requirements and enforcement provisions under Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act (41 CFR Part 60–250); and affirmative action requirements and enforcement provisions under section 503 of the Rehabilitation Act of 1973 (41 CFR Part 60–741); and examination and copying of OFCCP documents (41 CFR Part 60–40).

Need and Legal Basis: These regulations implement E.O. 11246, as amended by E.O. 11375 and E.O. 12086, Section 402 of the Vietnam Era Veterans' Readjustment Act of 1974, as amended, and Section 503 of the Vocational Rehabilitation Act of 1973, as amended.

12. 29 CFR Parts 1 and 5—Labor Standards Provisions, Davis-Bacon and Related Acts

Description: These provisions contain regulations governing the issuance of prevailing wage determinations and the administration and enforcement of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and responsibilities under the Copeland Anti-Kickback Act.

Need and Legal Basis: These regulations are necessary to set forth the procedures for making and applying determinations of prevailing wage rates and fringe benefits under the Davis-Bacon and related Acts, to coordinate the administration and enforcement of the labor standards provisions of the Davis-Bacon and related Acts, the Contract Work Hours and Safety Act and the Copeland Act by Federal agencies responsible for their administration, and to codify the Department's policies for administering the Acts. They are issued pursuant to the Secretary of Labor's authority under 40 U.S.C. 276a and 276c Reorganization Plan No. 14 of 1950.

13. 29 CFR Part 4—Labor Standards for Federal Service Contracts

Description: The Service Contract Act requires most Federal service contractors and subcontractors to pay their service employees not less than the minimum wages and fringe benefits which the Secretary of Labor finds to be prevailing in the locality. These regulations govern the administration of the Service Contract Act and set forth official rulings and interpretations with respect to the application of the Act for the guidance of Government contracting agencies, Government contractors and subcontractors, and the employees who perform work under such contracts.

Need and Legal Basis: These regulations are necessary to implement the requirements of the Service Contract Act. They are issued pursuant to statutory authority under 41 U.S.C. 351, *et seq.*, 41 U.S.C. 38 and 39, and 5 U.S.C. 301.

14. 29 CFR Part 6—Rules of Practice for Administrative Proceedings Enforcing Labor Standards in Federal Service Contracts

Description: This regulation provides the rules of practice for administrative proceedings relating to the enforcement of labor standards under the Service Contract Act of 1965.

Need and Legal Basis: This regulation is necessary to advise contractors of the procedures for administrative proceedings and to assure the orderly conduct of such proceedings. It is issued pursuant to 41 U.S.C. 351 *et seq.*, 41 U.S.C. 38 and 39, and 5 U.S.C. 301.

15. 29 CFR Part 505—Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts

Description: This regulation sets forth procedures to carry out the provisions of Section 5(j) of the National Foundation on the Arts and Humanites Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts.

Need and Legal Basis: Section 5(j) of the National Foundation on the Arts and Humanties Act requires grant recipients to furnish adequate assurances to pay not less than the minimum compensation to their professional employees and related or supporting professional personnel *as determined by the Secretary of Labor* to be the prevailing minimum compensation for persons employed in similar activities.

16. 29 CFR Part 516—Records to be Kept by Employers

Description: This regulation contains the recordkeeping requirements applicable to all employers whose employees are covered by the Fair Labor Standards Act (FLSA).

Need and Legal Basis: This regulation is needed to set forth employer recordkeeping requirements under the FLSA necessary to the law's enforcement. Section 11(c) of the FLSA authorizes the Secretary to prescribe the records which employers subject to the FLSA must maintain.

17. 29 CFR Part 525—Employment of Handicapped Clients in Sheltered Workshops

Description: This regulation sets forth the conditions under which certificates may be issued under the Fair Labor Standards Act authorizing special minimum wage rates for handicapped clients in sheltered workshops.

Need and Legal Basis: Section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214) requires the Secretary of Labor to, "by regulation or order provide for the employment under special certificates of individuals * * * whose earning or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than

the minimum wage applicable under section 6 of the Act."

18. 29 CFR Part 530—Employment of Homeworkers in Certain Industries

Description: This regulation sets forth the conditions under which certificates can be issued authorizing the employment of individuals as homeworkers in certain industries.

Need and Legal Basis: Section 11(d) of the Fair Labor Standards Act authorizes the Secretary to regulate, restrict or prohibit industrial homework to the extent necessary to safeguard the minimum wage.

19. 29 CFR Part 541—Defining the Terms "Executive," "Administrative," "Professional," and "Outside Salesman"

Description: These regulations set forth criteria for determining the application of the Fair Labor Standards Act (FLSA) exemption for "executive," "administrative," "professional," and "outside sales" employees from the minimum wage and overtime requirements of the Act.

Need and Legal Basis: These regulations delineate the duties, responsibilities, and minimum salary levels which must be met in order for employees to qualify for the minimum wage and overtime exemption contained in section 13(a)(1) of the FLSA. Section 13(a)(1) gives the Secretary of Labor the responsibility to define and delimit the terms "bona fide executive, administrative or professional capacity, or in the capacity of an outside salesman."

20. 29 CFR Part 570, Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Regulation 3)

Description: This regulation sets standards for the employment of 14 and 15-year-old minors that will not interfere with their schooling, health or well-being.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act requires the Secretary to "provide by regulation or order that the employment of employees between the ages of fourteen and sixteen years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being."

21. 29 CFR 570.52—Motor Vehicle Driver and Outside Helper (Child Labor Hazardous Order No. 2 under the FLSA)

Description: Child Labor Hazardous Order No. 2 prohibits the employment of minors 16 and 17 years of age in the occupations of motor vehicle operator and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation identified under Hazardous Occupations Order No. 17 (29 CFR 570.68) as hazardous for the employment of such minors.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act defines "oppressive child labor" which is prohibited under the Act. It designates as hazardous occupations those the Secretary of Labor "shall find and by order declare to be particularly hazardous" for the employment of children between the ages of 16 and 18 or detrimental to their health of well-being. This regulation implements that statutory authority.

22. 29 CFR 570.61—Occupations Involving Slaughtering, Meat Packing or Processing, or Rendering (Child Labor Hazardous Order No. 10 under the FLSA)

Description: This regulation defines specific meat-processing and allied occupations which have been found to be particularly hazardous for the employment of minors between 16 and 18 years of age.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act defines "oppressive child labor" which is prohibited under the Act. It designates as hazardous occupations those the Secretary of Labor "shall find and by order declare to be particularly hazardous" for the employment of children between the ages of 16 and 18 or detrimental to their health or well-being. This regulation implements that statutory authority.

23. 29 CFR 570.62—Occupations Involving the Operation of Power-driven Bakery Machines (Child Labor Hazardous Order No. 11 under the FLSA)

Description: Child Labor Hazardous Order No. 11 prohibits the employment of minors 16 and 17 years of age in occupations involving the operation of various power-driven bakery machines.

Need and Legal Basis: Section 3(1) of the Fair Labor Standards Act defines "oppressive child labor" which is prohibited under the Act. It designates as hazardous occupations those the Secretary of Labor "shall find and by order declare to be particularly hazardous" for the employment of children between the ages of 16 and 18 or detrimental to their health or well-being. This regulation implements that statutory authority.

Signed this 21st day of December, 1981 at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-1 Filed 1-4-82; 8:45 am]

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federal register

Tuesday
January 5, 1982

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.

Connecticut: CT81-3032	May 15, 1981.
Iowa:	
IA81-4088	Nov. 13, 1981.
IA81-4090	Dec. 11, 1981.
IA81-4091	Nov. 13, 1981.
IA81-4092	Nov. 27, 1981.
IA81-4093	Nov. 27, 1981.
IA81-4094	Nov. 27, 1981.
IA81-4095	Nov. 27, 1981.
IA81-4097	Nov. 27, 1981.
IA81-4101	Dec. 11, 1981.
Louisiana:	
LA81-4084	Nov. 6, 1981.
LA81-4085	Nov. 6, 1981.
LA81-4086	Nov. 6, 1981.
Pennsylvania:	
PA81-3041	July 6, 1981.
PA81-3044	Aug. 7, 1981.
Texas:	
TX81-4044	June 26, 1981.
TX81-4052	July 10, 1981.
TX81-4074	Oct. 2, 1981.
TX81-4075	Oct. 2, 1981.
TX81-4076	Oct. 2, 1981.
TX81-4077	Oct. 2, 1981.
TX81-4078	Oct. 2, 1981.
TX81-4079	Oct. 2, 1981.
TX81-4083	Nov. 6, 1981.
Virginia: VA81-3092	Dec. 18, 1981.

Signed at Washington, D.C., this 24th day of December 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. CT81-3032 - MOD. #7 (46 FR 27040 - May 15, 1981) HARTFORD, MIDDLESEX, NEW HAVEN, NEW LONDON AND TOLLAND COUNTIES, CONNECTICUT	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	16.53	1.275	10%		.04
BRICKLAYERS; CEMENT MASONS; FINISHERS; MARBLE MASONS; PLASTERERS; STONEMASONS; TERRAZZO WORKERS AND TILE SETTERS:					
Building Construction:					
Area 2	13.50	.75	1.00		
Area 7	13.50	.75	1.00		
ELECTRICIANS:					
Area 3	13.10	1.22	3%+.60		1/8%
GLAZIERS:					
Area 2	13.16	.84	2.65	.35+i	
LINE CONSTRUCTION:					
Linemen, Cable Splicers, & Dynamite Man	15.15	.70	3%+1.00	1	
Heavy Equipment Operator	13.79	.70	3%+1.00	1	
Equipment Operator, Tractor Trailer Driver, Field Mechanic	13.01	.70	3%+1.00	1	
Material Man	12.79	.70	3%+1.00	1	
Groundman Truck Driver	11.69	.70	3%+1.00	1	
Groundman	10.34	.70	3%+1.00	1	
PAINTERS:					
Area 2:					
Brush; Tapers	12.85	1.20	1.25		.03
Paperhangers	13.35	1.20	1.25		.03
Riding Steel; Steam-cleaning; Sandblasting Tank; Towers; and Hazardous Work	13.43	1.20	1.25		.03
Spray	15.85	1.20	1.25		.03
PLUMBERS; STEAMFITTERS:					
Area 4	16.00	.75	1.40	q	.07
SPRINKLER FITTERS	15.80	.95	1.40		.08
STEAMFITTERS					
Area 1	15.08	1.16	2.00		.13
TILE, MARBLE AND TERRAZZO FINISHERS	10.65	.50	1.00		

DECISION NO. IA81-4088 - MOD. #2 (46 FR 56121 - November 13, 1981) Black Hawk County, Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Sheet metal workers	$15.56	1.00	.60		.06
Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4090 - MOD. #1 (46 FR 60752 - December 11, 1981) Des Moines County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Cement masons	16.15				
Plasterers	15.78				
DECISION NO. IA81-4091 - MOD. #2 (46 FR 56123 - November 13, 1981) Dubuque County, Iowa					
CHANGE:					
Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. IA81-4092 - MOD. #1 (46 FR 58025 - November 27, 1981) Johnson County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	$13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4093 - MOD. #1 (46 FR 58018 - November 27, 1981) Linn County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Tile setters	13.93		.80		
Power Equipment Ops.					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4094 - MOD. #3 (46 FR 58019 - November 27, 1981) Polk County, Iowa					
ADD: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Plasterers	13.355		.90		
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Cement masons	13.28		.90		.04
Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IA81-4095 - MOD. #2 (46 FR 58022 - November 27, 1981) Webster County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	$13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4097 - MOD. #2 (46 FR 58016 - November 27, 1981) Cerro Gordo County, Iowa					
CHANGE: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10
DECISION NO. IA81-4101 - MOD. #1 (46 FR 60754 - December 11, 1981) Pottawattamie County, Iowa					
CHANGE: Power Equipment Ops.:					
Group 1	13.12	1.00	1.00		.10
Group 2	12.865	1.00	1.00		.10
Group 3	11.47	1.00	1.00		.10
Group 4	10.645	1.00	1.00		.10

DECISION NO. LA81-4084 - MOD. #4 (46 FR 55203 - November 6, 1981) Bossier, Caddo & Calcasieu Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
Painters:					
Calcasieu Parish:					
Group 1	$14.745		.30		
Group 2	14.945		.30		
Group 3	15.09		.30		
Roofers:					
Bossier & Caddo Parishes:					
Roofers	12.86		.20		.04
Kettlemen	8.90		.20		.04
Tile setters:					
Calcasieu Parish	11.07	.68	1.00		.02

DECISION NO. LA81-4085 - MOD. #3 (46 FR 55206 - November 6, 1981) Allen, Beauregard, Bossier, Caddo, Calcasieu, Cameron, Jefferson, Jefferson Davis Orleans, Plaquemines, St. Bernard & St. Charles Parishes, Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Carpenters & piledrivermen					
Zone 2	13.20	.90	.90		.06
Zone 3	13.08	.85	.48		.07
Zone 4	10.40	.85	.48		.07
Zone 5	9.90	.85	.48		.07
Cement masons:					
Zone 1	12.57	.79	.60		.09
Zone 3	13.40				
Zone 4	11.80				
Zone 5	11.30				
Ironworkers:					
Zone 1	13.56	.93	.65		.08
Zone 2	13.50	.60	.65		.05
Zone 3	11.80	.60	1.65		.06
Zone 4 - Cameron & Jefferson Davis Parishes	10.50	.60	.65		.05
Zone 4 - Allen & Beauregard Parishes	10.00	.60	.65		.05

DECISION NO. LA81-4085 - MOD. #3 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers:					
Zone 1 - Group 1	$ 9.23	.30	.27		.05
Group 2	9.33	.30	.27		.05
Group 3	9.78	.30	.27		.05
Group 4	10.03	.30	.27		.05
Zone 3 - Group 1	9.28	.25	.27		.05
Group 2	9.38	.25	.27		.05
Group 3	9.83	.25	.27		.05
Group 4	10.08	.25	.27		.05
Zone 4 - Group 1	7.48	.25	.27		.05
Group 2	7.58	.25	.27		.05
Group 3	8.03	.25	.27		.05
Group 4	8.23	.25	.27		.05
Zone 5 - Group 1	7.28	.25	.27		.05
Group 2	7.38	.25	.27		.05
Group 3	7.83	.25	.27		.05
Group 4	8.03	.25	.27		.05
Painters:					
Zone 1 - Group 1	14.745		.30		
Group 2	15.09		.30		
Group 3	16.535		.30		
Power equipment ops.:					
Zone 1 - Group 1	13.36	.65	1.20		.10
Group 2	13.61	.65	1.20		.10
Group 3	13.11	.65	1.20		.10
Group 4	11.54	.65	1.20		.10
Group 5	11.09	.65	1.20		.10
Group 6	9.81	.65	1.20		.10
Group 7	8.38	.65	1.20		.10
Group 8	11.14	.65	1.20		.10
Group 9	11.39	.65	1.20		.10
Group 10	8.63	.65	1.20		.10
Zone 3 - Group 1	13.01	.65	1.20		.10
Group 2	13.26	.65	1.20		.10
Group 3	12.76	.65	1.20		.10
Group 4	11.22	.65	1.20		.10
Group 5	10.51	.65	1.20		.10
Group 6	9.23	.65	1.20		.10
Group 7	7.77	.65	1.20		.10
Group 8	10.82	.65	1.20		.10
Group 9	11.07	.65	1.20		.10
Group 10	8.02	.65	1.20		.10

DECISION NO. LA81-4085 - MOD. #3 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment ops. (Cont'd):					
Zone 4 - Group 1	$ 9.95	.65	1.20		.10
Group 2	10.20	.65	1.20		.10
Group 3	9.70	.65	1.20		.10
Group 4	8.52	.65	1.20		.10
Group 5	7.94	.65	1.20		.10
Group 6	6.77	.65	1.20		.10
Group 7	6.21	.65	1.20		.10
Group 8	8.21	.65	1.20		.10
Group 9	8.46	.65	1.20		.10
Group 10	6.46	.65	1.20		.10
Zone 5 - Group 1	9.45	.65	1.20		.10
Group 2	9.70	.65	1.20		.10
Group 3	9.20	.65	1.20		.10
Group 4	8.02	.65	1.20		.10
Group 5	7.44	.65	1.20		.10
Group 6	6.27	.65	1.20		.10
Group 7	5.71	.65	1.20		.10
Group 8	7.71	.65	1.20		.10
Group 9	7.96	.65	1.20		.10
Group 10	5.96	.65	1.20		.10
Truck drivers:					
Zone 1 - Group 1	9.33	.70			
Group 2	9.46	.70			
Group 3	9.52	.70			
Group 4	9.60	.70			
Group 5	9.79	.70			
Zone 3 - Group 1	9.49	.70			
Group 2	9.62	.70			
Group 3	9.68	.70			
Group 4	9.75	.70			
Group 5	9.94	.70			
Zone 4 - Group 1	7.27	.70			
Group 2	7.40	.70			
Group 3	7.46	.70			
Group 4	7.53	.70			
Group 5	7.73	.70			
Zone 5 - Group 1	7.37	.70			
Group 2	7.50	.70			
Group 3	7.56	.70			
Group 4	7.63	.70			
Group 5	7.82	.70			

DECISION NO. LA81-4086 - MOD. #4
(46 FR 55189 - November 6, 1981)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers-Zone 4	$13.29	.84	.50		.02
Carpenters:					
Zone 7:					
Carpenters & soft floor layers	12.55				
Millwrights	13.30				
Piledrivermen	13.05				
Zone 9:					
Carpenters & soft floor layers	12.05	.80	.85		.10
Millwrights	12.95	.80	.85		.10
Piledrivermen	12.55	.80	.85		.10
Glaziers - Zone 2	11.25				.01
Lathers - Zone 9	12.55				
Zone 10	12.05	.80	.85		.10
Marble, tile & terrazzo workers & finishers:					
Zone 2 - Tile setters	11.07	.68	1.00		.02
Painters:					
Zone 1 - Group 1	14.745		.30		
Group 2	14.945		.30		
Group 3	15.09		.30		
Group 4	16.535		.30		
Plasterers - Zone 2	12.25				.01
Roofers:					
Zone 3 - Roofers	10.98	.75	.95		.04
Zone 4 - Roofers	10.50		.30		
Kettlemen	8.80		.30		
Zone 5 - Roofers	12.86		.20		.04
Kettlemen	8.90		.20		.04
OMIT:					
Plumbers & pipefitters					
Zone 3	13.10	1.05	1.20		.10

Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Hwys. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northeast of Hwy. 10), West Carroll & Winn Parishes

DECISION NO. LA81-4086 - MOD. #4 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Plumbers & pipefitters:					
Zone 3	$13.10	1.05	1.20		.10
Zone 6	14.05	.75	.80		.10

ZONE 3 - Avoyelles, Catahoula, Concordia, Evangeline Grant, LaSalle, Natchitoches (south of Hwys. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Hwy. 10) & Winn (south of Hwy. 84) Parishes

ZONE 6 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & Winn (north of Hwy. 84) Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3041					
MOD. NO. 4					
(46 FR 34934 - July 6, 1981)					
Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Mercer, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Counties, Pa.					
CHANGE:					
HEAVY & HIGHWAY CONSTRUCTION					
Carpenters					
Zone I	$13.57	7%	9%	10%	
Zone II	13.37	7%	9%	10%	
Carpenter - Welder					
Zone I	13.97	7%	9%	10%	
Zone II	13.77	7%	9%	10%	
Carpenter - Burner					
Zone I	13.77	7%	9%	10%	
Zone II	13.57	7%	9%	10%	
Cement Masons	13.90	7%	16%		
Piledrivermen	15.04	6%	10%		
Piledrivermen - Welder	15.29	6%	10%		
LABORERS					
CLASS I					
ZONE I	11.18	10%	10%		
ZONE II	11.06	10%	10%		
CLASS II					
ZONE I	11.34	10%	10%		
ZONE II	11.25	10%	10%		
CLASS III					
ZONE I	11.76	10%	10%		
ZONE II	11.76	10%	10%		
CLASS IV					
ZONE I	12.72	10%	10%		
ZONE II	12.72	10%	10%		

DECISION NO. PA81-3041
MOD. NO. 4, CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS I					
ZONE I	$15.18	7.5%	8.25%		1%
ZONE II	14.93	7.5%	8.25%		1%
CLASS II					
ZONE I	14.96	7.5%	8.25%		1%
ZONE II	14.69	7.5%	8.25%		1%
CLASS III					
ZONE I	12.16	7.5%	8.25%		1%
ZONE II	11.92	7.5%	8.25%		1%
CLASS IV					
ZONE I	11.78	7.5%	8.25%		1%
ZONE II	11.49	7.5%	8.25%		1%
CLASS V					
ZONE I	11.56	7.5%	8.25%		1%
ZONE II	11.32	7.5%	8.25%		1%

DECISION NO. PA 81-3041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: HEAVY & HIGHWAY CONSTRUCTION					
CLASS I					
ZONE 1	$11.95	8.5%	9.5%		
ZONE 2	11.72	8.5%	9.5%		
CLASS 2					
ZONE 1	12.08	8.5%	9.5%		
ZONE 2	11.90	8.5%	9.5%		
CLASS 3					
ZONE 1	12.16	8.5%	9.5%		
ZONE 2	12.00	8.5%	9.5%		
CLASS 4					
ZONE 1	12.16	8.5%	9.5%		
ZONE 2	12.00	8.5%	9.5%		
CLASS 5					
ZONE 1	12.25	8.5%	9.5%		
ZONE 2	12.08	8.5%	9.5%		
CLASS 6					
ZONE 1	12.25	8.5%	9.5%		
ZONE 2	12.08	8.5%	9.5%		
CLASS 7					
ZONE 1	12.24	8.5%	9.5%		
ZONE 2	12.05	8.5%	9.5%		
CLASS 8					
ZONE 1	11.99	8.5%	9.5%		
ZONE 2	11.75	8.5%	9.5%		
CLASS 9					
ZONE 1	12.08	8.5%	9.5%		
ZONE 2	11.86	8.5%	9.5%		
CLASS 10					
ZONE 1	12.16	8.5%	9.5%		
ZONE 2	12.00	8.5%	9.5%		
CLASS 11					
ZONE 1	12.08	8.5%	9.5%		
ZONE 2	11.90	8.5%	9.5%		
CLASS 12					
ZONE 1	12.04	8.5%	9.5%		
ZONE 2	11.86	8.5%	9.5%		

DECISION NO. PA81-3044 MOD. NO. 6 (46 FR 40477- August 7, 1981) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, and Venango Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Elevator Constructors	$14.95	1.345	1.085	j+k	.035
Elevator Constructors Helpers	10.465	1.345	1.085	j+k	.035
Elevator Constructors Helpers (Prob.)	7.475				

FOOTNOTES:

j. Employer contributes 6% of basic hourly rate for 5 years or more of service or 8% hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

k. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX81-4044 - MOD. #4 (46 FR 33194 - June 26, 1981) Bowie County, Texas					
CHANGE:					
Plumbers & pipefitters:					
Within a 25 mile radius of Texarkana	$13.98	.80	.75		.05
Outside a 25 mile radius of Texarkana	14.38	.80	.75		.05
DECISION NO. TX81-4052 - MOD. #3 (46 FR 35903 - July 10, 1981) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
CHANGE:					
Asbestos workers	14.99	.70	1.00		.04
DECISION NO. TX81-4074 - MOD. #5 (46 FR 48861 - October 2, 1981) Travis County, Texas					
CHANGE:					
Glaziers	12.06		.50		.02
Painters - Group 1	11.50				
Group 2	12.00				
DECISION NO. TX81-4075 - MOD. #4 (46 FR 48863 - October 2, 1981) Galveston & Harris Cos., Texas					
CHANGE:					
Plasterers	15.20	.92	.75		.02
DECISION NO. TX81-4076 - MOD. #4 (46 FR 48857 - October 2, 1981) Brazos County, Texas					
CHANGE:					
Plasterers	15.20	.92	.75		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. TX81-4077 - MOD. #3 (46 FR 48859 - October 2, 1981) Jefferson & Orange Cos., Texas					
CHANGE:					
Carpenters:					
Carpenters - Residential construction of not more than 2 units & condominium townhouses of not more than 10 units excluding all apartment construction & multiple buildings for rental purposes	$13.59	.85	.60		.065
Plasterers	15.20	.92	.75		.02
DECISION NO. TX81-4078 - MOD. #2 (46 FR 48865 - October 2, 1981) Bexar County, Texas					
CHANGE:					
Electricians:					
Electricians	14.29	.60	5%		1%
Cable splicers	14.54	.60	5%		1%
Painters:					
Brush; paperhangers; taper & floater; hand roller	10.65		.60		.05
Brush on all structural steel; spray on any other surface other than steel	10.90		.60		.05
DECISION NO. TX81-4079 - MOD. #3 (46 FR 48867 - October 2, 1981) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
CHANGE:					
Building Construction:					
Bricklayers	13.45	.70	.55		.03

[FR Doc. 82-11-Filed 1-4-82; 8:45 am]

BILLING CODE 4510-27-C

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
DECISION NO. TX81-4083 - MOD. #3 (46 FR 55213 - November 6, 1981) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
CHANGE:					
Carpenters:					
Zone 2 - Millwrights	$14.51	.85	1.35		.08
Laborers:					
Zone 2 - Group 1	9.13	.30	.50		.05
Group 2	9.28	.30	.50		.05
Group 3	9.38	.30	.50		.05
Group 4	9.53	.30	.50		.05
DECISION NO. VA81-3092-Mod. #1 (46 FR 61819-December 18, 1981) AMELIA, BRUNSWICK, CHARLES CITY, CHESTERFIELD, DINWIDDIE, GOOCHLAND, HANOVER, HENRICO, LUNENBURG, MECKLENBURG, NEW KENT, NOTTOWAY, POWHATAN, PRINCE GEORGE COUNTIES, and the City of RICHMOND					
CHANGE:					
Supersedes Decision No. VA80-3092 dated September 5, 1980 in 45 FR 59108 to read: Supersedes Decision No. VA80-3051 dated September 5, 1980 in 45 FR 59108					
MOTOR GRADER OPERATOR(FINE GRADE)	6.21				
MOTOR GRADER OPERATOR(ROUGH GRADE)	6.21				

federal register

Tuesday
January 5, 1982

Part IV

Department of Health and Human Services

Food and Drug Administration

Insect Repellent Drug Products for Over-the-Counter Oral Human Use

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 81N-0040]

Insect Repellent Drug Products for Over-the-Counter Oral Human Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing an advance notice of proposed rulemaking that would classify insect repellent drug products for over-the-counter (OTC) oral human use as not generally recognized as safe and effective and as being misbranded. This notice is based on the recommendations of the Advisory Review Panel on OTC Miscellaneous Internal Drug Products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments by April 5, 1982, and reply comments by May 5, 1982.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's Office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In accordance with Part 330 (21 CFR Part 330), FDA received on June 7, 1980 a report on insect repellent drug products for oral use from the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. FDA regulations (21 CFR 330.10(a)(6)) provide that the agency issue in the **Federal Register** a proposed order containing: (1) The monograph recommended by the Panel, which establishes conditions under which OTC insect repellent drug products for oral use are generally recognized as safe and effective and not misbranded; (2) a statement of the conditions excluded from the monograph because the Panel determined that they would result in the drugs' not being generally recognized as safe and effective or would result in misbranding; (3) a statement of the conditions excluded from the monograph because the Panel determined that the available data are insufficient to classify such conditions under either (1) or (2) above; and (4) the conclusions and recommendations of the Panel.

The Panel's recommendations on OTC insect repellent drug products for oral use contain no Category I or Category III conditions, and FDA is issuing the Panel's recommendations proposing Category II classification of OTC insect repellent drug products for oral use.

The unaltered conclusions and recommendations of the Panel are issued to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The report has been prepared independently of FDA, and the agency has not yet fully evaluated the report. This document represents the best scientific judgment of the Panel members, but does not necessarily reflect the agency's position on any particular matter contained in it. The Panel's findings appear in this document to obtain public comment before the agency reaches any decision on the Panel's recommendations that the ingredients in insect repellent drug products for oral use be classified as Category II. If the agency proposes to adopt the Panel's recommendations, a regulation declaring these products to be new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)) will be proposed for inclusion in Part 310, Subpart E (21 CFR Part 310, Subpart E). The agency is including, in this advance notice of proposed rulemaking, a regulation based upon the Panel's recommendations in order to obtain full public comment at this time.

After reviewing all comments submitted in response to this document, FDA will publish in the **Federal Register** a notice of proposed rulemaking on OTC insect repellent drug products for oral use. The agency's position on OTC oral insect repellent drug products will be stated initially when that notice of proposed rulemaking is published in the **Federal Register.** In the notice of proposed rulemaking, the agency also will announce its intitial determination whether the proposed rule is a major rule under Executive Order 12291 and will consider the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612). The present notice is referred to as an advance notice of proposed rulemaking to reflect its actual status and to clarify that the requirements of the Executive Order and the Regulatory Flexibility Act will be considered when the notice of proposed rulemaking is published. At that time FDA also will consider whether the proposed rule has a significant impact on the human environment under 21 CFR Part 25 (proposed in the **Federal Register** of December 11, 1979, 44 FR 71742).

The agency invites public comment regarding any impact that this rulemaking would have on OTC oral insect repellent drug products. Types of impact may include, but are not limited to, the following: Increased costs due to relabeling, repackaging, or reformulating; removal of unsafe or ineffective products from the OTC market; and testing, if any. Comments regarding the impact of this rulemaking on OTC oral insect repellent drug products should be accompanied by appropriate documentation.

If FDA proposes to adopt the Panel's recommendations, the agency will propose that insect repellent drug products for oral use be eliminated from the OTC market, effective 6 months after the date of publication of a final rule in the **Federal Register**, regardless of whether further testing is undertaken to justify their future use.

A proposed review of the safety, effectiveness, and labeling of all OTC drugs by independent advisory review panels was announced in the **Federal Register** of January 5, 1972 (37 FR 85). The final regulations providing for this OTC drug review under § 330.10 were published and made effective in the **Federal Register** of May 11, 1972 (37 FR 9464). In accordance with these regulations, a request for data and information on all active ingredients used in OTC miscellaneous internal drug products was issued in the **Federal Register** of November 16, 1973 (38 FR 31696). (In making their categorizations with respect to "active" and "inactive" ingredients, the advisory review panels relied on their expertise and understanding of these terms. FDA has defined "active ingredient" in its current good manufacturing practice regulations (§ 210.3(b)(7), (21 CFR 210.3(b)(7))), as "any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect." An "inactive ingredient" is defined in § 210.3(b)(8) as "any component other than an 'active ingredient.' ") In the **Federal Register** of August 27, 1975 (40 FR 38179) a notice supplemented the initial notice with a detailed, but not necessarily all-inclusive, list of active ingredients in miscellaneous internal

drug products to be considered in the OTC drug review. The list, which did not include oral insect repellent ingredients, was provided to give guidance on the kinds of active ingredients for which data should be submitted. The notices of November 16, 1973, and August 27, 1975, informed OTC drug product manufacturers of their opportunity to submit data to the review at that time and of the applicability of the monographs from the OTC review to all OTC drug products.

Under § 330.10(a) (1) and (5), the Commissioner of Food and Drugs appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of the active ingredients in these OTC miscellaneous internal drug products:

James L. Tullis, M.D., Chairman (appointed December 1979)
John W. Norcross, M.D., Chairman (resigned March 1979)
Diana F. Rodriguez-Calvert, Pharm. D. (appointed July 1976)
Ruth Eleanor Brown, R.Ph. (resigned May 1976)
Elizabeth C. Giblin, M.N., Ed. D.
Richard D. Harshfield, M.D.
Theodore L. Hyde, M.D.
Claus A. Rohweder, D.O. (deceased April 13, 1979)
Samuel O. Thier, M.D. (resigned November 1975)
William R. Arrowsmith, M.D. (appointed March 1976)

Representatives of consumer and industry interests served as nonvoting members of the Panel. Eileen Hoates, nominated by the Consumer Federation of America, served as the consumer liaison until September 1975, followed by Michael Schulman, J.D., Francis J. Hailey, M.D., served as the industry liaison, and in his absence John Parker, Pharm. D., served. Dr. Hailey served until June 1975, followed by James M. Holbert, Sr., Ph. D. All industry liaison members are nominated by the Proprietary Association.

The following FDA employees assisted the Panel: Armond M. Welch, R.Ph., served as the Panel Administrator until July 1979, followed by John R. Short, R.Ph., Enrique Fefer, Ph. D., served as the Executive Secretary until July 1976, followed by George W. James, Ph. D., until October 1976, followed by Natalia Morgenstern until May 1977, followed by Arthur Auer until October 1978. Roger Gregorio served as the liaison for the Office of New Drug Evaluation beginning November 1978. Joseph Hussion, R.Ph., served as the Drug Information Analyst until July 1976, followed by Anne Eggers, R.Ph., M.S., until October 1977, followed by John R. Short, R.Ph., until July 1979.

In order to expand its scientific base, the Panel called upon Ralph B. D'Agostino, Ph. D., for advice in statistics.

The Advisory Review Panel on OTC Miscellaneous Internal Drug Products was charged with the review of many categories of drugs, but due to the large number of ingredients and varied labeling claims, the Panel decided to review and publish its findings separately for several drug categories and individual drug products. The Panel presents its conclusions and recommendations for oral insect repellent drug products in this document. The review of all other categories of miscellaneous internal drug products is being continued by the Panel, and its findings are being published periodically in the **Federal Register.**

The Panel was first convened on January 13, 1975, in an organizational meeting. Working meetings which dealt with OTC insect repellent drug products for oral use were held on the following dates: February 23 and 24, April 18 and 19, and June 6 and 7, 1980.

The minutes of the Panel meetings are on public display in the Dockets Management Branch (FHA–305), Food and Drug Administration (address above).

No person requested an opportunity to appear before the Panel to express his or her views on oral insect repellent drug products.

No submissions were made for oral insect repellent drug products; however, the Panel has thoroughly reviewed all available literature and has considered all pertinent data and information through June 7, 1980 in arriving at its conclusions and recommendations for these OTC drug products.

In accordance with the OTC drug review regulations (21 CFR 330.10), the Panel considered OTC oral insect repellent drug products with respect to the following three categories:

Category I. Conditions under which OTC oral insect repellent drug products are generally recognized as safe and effective and are not misbranded.

Category II. Conditions under which OTC oral insect repellent drug products are not generally recognized as safe and effective or are misbranded.

Category III. Conditions for which the available data are insufficient to permit final classification at this time.

The Panel reviewed one oral insect repellent drug product active ingredient and classified this ingredient in Category II.

A. Submission of Data and Information.

Although oral insect repellents were not listed in the notices published in the **Federal Register** of November 16, 1973 (38 FR 31696) and August 27, 1975 (40 FR 38179), these requests for submission of data and information were for all OTC miscellaneous internal drug products. No submissions for oral insect repellents were made pursuant to these notices, but the Panel was made aware (by FDA's Bureau of Drugs' Office of Compliance) of oral insect repellent drug products being marketed as follows:

Firms and Marketed Products

Thompson Enterprises, Middleport, NY 14105—E–Z Mosquito Repellent, tablets.
Cordova Laboratories, Sylmar, CA 91342—E–Z Oral Mosquito Bite Relief, tablets.

It appears from the labeling available to the Panel that thiamine hydrochloride is the active ingredient in these products; therefore, this is the only ingredient discussed in this document.

B. General Discussion.

Since antiquity, mosquitos, fleas, and other biting insects have been a source of great annoyance. Within the past century it has been shown that insects are also carriers of many diseases which affect humans and animals. Transmission of malaria and yellow fever by mosquitos are the best known instances of insect-borne disease, and control of the above diseases by mosquito abatement is common knowledge. Nevertheless, these and other insect-transmitted diseases continue to be a problem throughout much of the populated area of the world. In addition to transmission of disease, biting insects are a problem to many people in many areas of the world because of localized reaction and general annoyance. These problems have plagued troops in the field, and the military has been particularly interested in methods of protecting personnel against biting insects.

Numerous efforts have been made to identify the properties or substances which attract mosquitos to humans. Among those studied have been body heat and moisture and the various components of sweat. In a review of this problem, Maibach et al. (Ref. *1*) noted that odor appeared to be more important in attracting the mosquitos from a distance but that heat and moisture were probably more important in determining the site of the bite once the mosquito was in close proximity to the individual. These investigators studied the composition of sweat and separated various components. It appeared that lipid components of sweat had some

repellent effect on mosquitos and that sweat was more attractive to them when the lipids had been removed from it. Despite this and other studies, the precise explanation of what attracts mosquitos to humans and what might repeal them is still not clear.

Several substances for application to the skin to repeal insects are available and are claimed to be effective. This Panel did not review topical insect repellents, but is cognizant of the fact that these substances tend to be washed away rapidly by perspiration or other moisture. For several decades, studies have been performed directed at identifying substances which could be taken internally and would have prolonged effectiveness in repealing biting insects. In the United States, these studies have been limited almost entirely to mosquito repellents.

Ideally, an oral insect repellent should be nontoxic and should be inactivated or eliminated slowly from the body so that ingestion once or twice daily would be effective against specific insects (e.g., mosquitos, fleas, and tsetse flies), or, better yet, against a wide variety of biting insects. Of the substances studied, only thiamine hydrochloride (vitamin B–1) has shown enough promise to have been evaluated to any significant degree. During its review, the Panel found different terminology, i.e., thiamine hydrochloride, thiamine chloride, and thiamin chloride, used to describe this vitamin B–1 preparation. The Panel concludes that each of these terms refers to thiamine hydrochloride, which is the correct name of this ingredient (Ref. *2*).

In 1943, Shannon (Ref. *3*) reported that thiamin chloride, administered by mouth or by injection, appeared to have a repellent effect on the mosquitos. This has led to further investigation of thiamine hydrochloride as an oral insect repellent, as well as its promotion for that purpose. This Panel has limited its review to drug products which are claimed to repeal mosquitos. However, some of these products had labeling and promotional material which also incorporated claims regarding the drug's ability to allevite symptoms due to the bite. Although the Panel knows of no conclusive data to substantiate "bite relief" claims, a review of these claims is beyond the scope of this document.

References

(*1*) Miabach, H. I., et al., "Human Skin in Relationship to Mosquito Attraction and Repulsion," *Connecticut Medicine*, 33:23–28, 1969.

(*2*) "The United States Pharmacopeia XIX," United States Pharmacopeial Convention, Inc., Rockville, MD, p. 502, 1975.

(*3*) Shannon, W. R., "Thiamin Chloride—An Aid in the Solution of the Mosquito Problem," *Minnesota Medicine*, 26:799–802, 1943.

C. Category II Active Ingredient.

The Panel has classified the following oral insect repellent active ingredient as not generally recognized as safe and effective or as being misbranded for OTC use:

Thiamine hydrochloride. The Panel concludes that thiamine hydrochloride, also known as vitamin B–1, is safe in the dose noted below, but is not an effective oral insect repellent, nor is it generally recognized as such.

1. *Safety.* Thiamine hydrochloride occurs naturally in many foods of plant and animal origin. Because thiamine hydrochloride is not made or stored in the body to any significant degree, daily ingestion is required to maintain good heatlh. This daily requirement is approximately 1 milligram (mg) in the average adult, but varies somewhat depending on age, weight, and type of diet consumed. It is easily met by persons consuming a well-balanced diet.

Absorption of thiamine hydrochloride from the gastrointestinal tract is limited to a maximum of about 15 mg per day, which can be satisfied by the oral administration of 40 mg in divided doeses with food. Any excess beyond bodily requirements is rapidly excreted in the urine either as pyrimidine or thiamine (Ref. *1*).

The Panel, therefore, concludes that thiamine hydrochloride is generally recongized as safe when taken orally in doses up to 40 mg daily. The Panel does not think that dose in excess of 40 mg are unsafe, but it is inappropriate to administer more than is necessary to provide for maximum absorption.

2. *Effectiveness.* In 1943, Shannon (Ref. *2*) reported that thiamin chloride decreased the number of mosquito bites in nine patients including adults, children, and infants. All showed severe reaction to mosquito bites. In another study in 1945 Eder (Ref. *3*) reported thiamin chloride to be effective for preventing flea bites in adults, children, and infants. The species of mosquitos or fleas involved were unidentified, and no control was used in either of the above studies. A later study by Ruiz-Maldonado and Tamayo (Ref. *4*), also uncontrolled, using 200 to 300 mg thiamine chloride daily for up to 6 months in children being treated for papular urticaria (palpable hives presumably caused by insect bites) "* * * suggests that thiamine chloride is a preventive agent for insect prurigo" (papular urticaria). The significance of these results is difficult to determine because one-third of the subjects did not return for evaluation.

Strauss, Maibach, and Khan (Ref. *5*) screened 114 drugs given systemically using an objective measure (probing activity of the *Aedes aegypti* mosquito) and found no significant effect for any of the drugs, including vitamin B–1, in reducing probing activity. Probing activity referes to a test devised by Khan et al. (Ref. *6*) in which a nylon net cage containing six mosquitos is held 1 centimeter above the skin, and the time it takes for three mosquitos to start probing toward the skin is measured. Vitamin B–1 and vitamin B–6 were also tested by Strauss, Maibach, and Khan (Ref. *5*) for their effectiveness in reducing the biting activity of these mosquitos, but no signficant effect was demonstrated.

In a double-blind, placebo-controlled study performed by Khan et al. (Ref. *7*), 200 mg thiamine chloride was given three times daily for 2 days to volunteers. On the third day, after receiving a 200-mg dose of thiamine chloride the subjects were enclosed in a room containing mosquitos (*Aedes aegypti*). No significant difference was found between the number of bites received by the placebo group and the number received by the thiamine chloride-treated group.

In another controlled study, Wilson et al. (Ref. *8*) administered 120 mg of thiamin chloride per day for three days (30 mg four times daily) to three individuals. Repellency tests, using *Aedes aegypti* mosquitos, were started on the second day of treatment. Neither the rate of biting nor the subjects' reactions to the bites differed materially from the three individuals who served as controls.

An unpublished report (Ref. *9*) has indicated no protective effect of thiamine hydrochloride in doses up to 1 gram (g) per day against *Aedes aegypti* mosquitoes.

The Panel, therefore, concludes that thiamine hydrochloride is not an effective oral insect repellent, nor is it generally recognized as such.

3. *Evaluation.* The Panel concludes that thiamine hydrochloride is safe for OTC use, but the available evidence does not indicate that it is effective as an oral insect repellent, nor is it generally recognized as such. The Panel concludes that there are no ingredients that are safe and effective when used as an oral insect repellent.

References

(*1*) Greengard, P., "Water-Soluble Vitamins," *in* "The Pharmacological Basis of Therapeutics," 5th Ed., edited by L. S.

Goodman and A. Gilman, The MacMillan Co., New York, pp. 1549–1551, 1975.

(2) Shannon, W. R., "Thiamin Chloride—An Aid in the Solution of the Mosquito Problem," *Minnesota Medicine*, 26:799–802, 1943.

(3) Eder, H. L., "Flea Bites—Prevention and Treatment with Thiamin Chloride," *Archives of Pediatrics*, 62:300–301, 1945.

(4) Ruiz-Maldonado, R., and L. Tamayo, "Treatment of 100 Children with Papular Urticaria with Thiamine Chloride," *International Journal of Dermatology*, 12:258–260, 1973.

(5) Strauss, W. G., H. I. Maibach, and A. A. Khan, "Drugs ad Disease as Mosquito Repellents in Man," *The American Journal of Tropical Medicine and Hygiene*, 17:461–464, 1968.

(6) Khan, A. A., et al., "Screening Humans for Degrees of Attractiveness to Mosquitos," *Journal of Economic Entomology*, 58:694–697, 1965.

(7) Khan, A. A., et al., "Vitamin B_1 is not a Systemic Mosquito Repellent in Man," *Transactions of the St. John's Hospital Dermatological Society*, 55:99–102, 1969.

(8) Wilson, C. S., D. R. Mathieson, and L. A. Jachowski, "Ingested Thiamin Chloride as a Mosquito Repellent," *Science*, 100:147, 1944.

(9) OTC Volume 170174 (report of tests performed at the USDA Orlando Laboratory contained in a letter dated July 31, 1959 from Colonel Ralph W. Bunn to Captain John W. Goodner).

D. Category II Labeling.

The Panel concludes that since there are no Category I or Category III ingredients, any labeling which claims insect repellency for an orally administered drug product is considered to be Category II and may not be used.

PART 310—NEW DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 (see 46 FR 26052; May 11, 1981), the agency advises in this advance notice of proposed rulemaking that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations would be amended in Part 310 by adding to Subpart E new § 310.529, to read as follows:

§ 310.529 Drug products containing active ingredients offered over-the-counter (OTC) for oral use as insect repellents.

(a) Thiamine hydrochloride (vitamin B–1) has been marketed as an ingredient in over-the-counter (OTC) drug products for internal use as an insect repellent (an orally administered drug product intended to keep insects away). There is a lack of adequate data to establish the effectiveness of this, or any other, ingredient for OTC internal use as an insect repellent. Labeling claims for OTC orally administered insect repellent drug products are either false, misleading, or unsupported by scientific data. The following claims are examples of some that have been made for orally administered OTC insect repellent drug products: "Oral mosquito repellent," "Mosquitos avoid you," "bugs stay away," "keep mosquitos away for 12 to 24 hours," and "the newest way to fight mosquitos." Therefore, any drug product containing ingredients offered for internal use as an insect repellent cannot be generally recognized as safe and effective.

(b) Any OTC drug product that is labeled, represented, or promoted for internal use as an insect repellent is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act and is regarded as a new drug within the meaning of section 201(p) of the act for which an approved new drug application under section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571) as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that any drug product labeled, represented, or promoted OTC as an insect repellent for internal use is safe and effective for the purpose intended.

(d) After the effective date of the final regulation any such OTC drug product initially introduced or initially delivered for introduction into interstate commerce that is not in compliance with this section is subject to regulatory action.

Interested persons may, on or before April 5, 1982, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments on this advance notice of proposed rulemaking. Three 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. Comments replying to comments may also be submitted on or before May 5, 1982. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 23, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Dated: December 17, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-9 Filed 1-4-82; 8:45 am]

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