

content, priorities and availability of travel funds.

May 21-23, 1990

Meeting of Experts on General Safety Provisions (GRSG), Fifty-Sixth Session—Geneva, Switzerland.

June 5-8, 1990

Meeting of Experts on Passive Safety (GRSP), Seventh Session—Geneva, Switzerland.

June 18, 1990

Administrative Committee for the Coordination of Work of WP29 (AC.2), Forty-Third Session—Geneva, Switzerland.

June 19-22, 1990

Working Party on the Construction of Vehicles (WP-29), Ninety-First Session—Geneva, Switzerland.

August 20-22, 1990

Meeting of Experts on Brakes and Running Gear (GRRF), Twenty-Sixth Session—Geneva, Switzerland.

August 23-24, 1990

Meeting of Experts on Noise (GRB), Seventeenth Session—Geneva, Switzerland.

August 28-31, 1990

Meeting of Experts on Lighting and Light-Signalling (GRE), Twenty-Fourth Session—Geneva, Switzerland.

September 10-14, 1990

Meeting of Experts on General Safety Provisions (GRSG), Fifty-Seventh Session—Geneva, Switzerland.

October 22, 1990

Administrative Committee for the Coordination of Work of WP29 (AC.2), Forty-Fourth Session—Geneva, Switzerland.

October 23-26, 1990

Working Party on the Construction of Vehicles (WP-29), Ninety-Second Session—Geneva, Switzerland.

November 19-22, 1990

These meeting days will be assigned to one of the following Meetings of Experts, namely, Lighting and Light-Signalling (GRE), Brakes and Running Gear (GRRF), or, Passive Safety (GRSP); depending on workload and projected availability of documents as determined at the June, 1990 session of the Working Party.

December 10-14, 1990

Meeting of Experts on Passive Safety (GRSP), Eighth Session—Geneva, Switzerland.

The following meetings took place earlier this year.

January 10-12, 1990

Meeting of Experts on Pollution and Energy (GRPE), Twenty-First Session—Geneva, Switzerland.

February 26-March 1, 1990

Meeting of Experts on Brakes and Running Gear (GRRF), Twenty-Fifth Session—Geneva, Switzerland.

March 12, 1990

Administrative Committee for the Coordination of Work of WP29 (AC.2), Forty-Second Session—Geneva, Switzerland.

March 13-16, 1990

Working Party on the Construction of Vehicles (WP-29), Ninetieth Session—Geneva, Switzerland.

April 9-13, 1990

Meeting of Experts on Lighting and Light-Signalling (GRE), Twenty-Third Session—Geneva, Switzerland.

Issued on April 5, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90-8324 Filed 4-10-90; 8:45 am]

BILLING CODE 4910-59-M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement for Mass Transit Improvements in the Mid-Coast Corridor of San Diego County, California

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Notice to prepare an environmental impact statement.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the San Diego Metropolitan Transit Development Board (MTDB) intend to prepare an Environmental Impact Statement (EIS) for mass transit improvements in the Mid-Coast Corridor of San Diego County, California. UMTA and MTDB will prepare the EIS in conformance with the National Environmental Policy Act of 1969 (NEPA: 42 U.S.C. 4321), the Regulations for Implementing the Procedural Requirements of NEPA, Council on Environmental Quality (40 CFR parts 1500-1508), Environmental Impact and Related Procedures, UMTA (49 CFR part 622), and related statutes and Executive Orders.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Hom, Urban Mass

Transportation Administration, 211 Main Street, Suite 1160, San Francisco, California 94105; telephone: (415) 744-3115.

SUPPLEMENTARY INFORMATION:

Scoping

UMTA and MTDB invite the public and affected Federal, State, and local agencies to participate in determining the alternatives to be evaluated in the EIS and identifying the significant issues related to the alternatives. Written materials describing the scoping process, the proposed alternatives, the expected impact areas, a citizen involvement program, and the preliminary work schedule are being mailed to affected Federal, State, and local agencies and to interested parties of record. Others may request these scoping materials by calling or writing to:

Mr. Dennis Wahl, San Diego Metropolitan Transit Development Board, 1255 Imperial Avenue, Suite 1000, San Diego, California 92101; telephone: (619) 231-1466.

MTDB will hold two public scoping meetings to describe the scope of the study and receive comments on it. The times, dates, and locations of these meetings are:

Thursday, April 26, 1990 at 2 p.m., MTDB Board of Directors Room, 1255 Imperial Avenue, 10th Floor, San Diego, California

Thursday, April 26, 1990 at 7:30 p.m., Regents Park Community Room at Regents Medical Center, 4150 Regents Park Row, La Jolla, California

At the scoping meetings, MTDB staff will present the alternatives to be considered for improving transit service in the Mid-Coast Corridor and identify the known social, economic, and environmental impacts to be evaluated during the study. Methods for citizen involvement and the work schedule for the study will also be discussed. Comments are invited regarding the alternatives, the impacts to be assessed, and the evaluation criteria to be used in making a decision on the preferred alternative. During scoping, comments should focus on these topics and not on an individual preference for a particular alternative. Comments may be made either orally at the meetings or in writing not later than May 25, 1990.

Corridor Description

The Mid-Coast Corridor extends north from Old Town to Del Mar Heights Road along the Santa Fe Railroad corridor and the Interstate 5 freeway corridor. The corridor's roadways experience peak

period congestion due to commuting associated with travel to downtown San Diego and other employment centers located in the corridor. Major travel into, within, and through the corridor includes: (1) Corridor residents commuting to employment locations within and outside the corridor, (2) trips to major corridor activity centers including Sorrento Valley, the Golden Triangle/University City, and the University of California, San Diego, and (3) area residents commuting through the corridor to reach employment, shopping, and recreational locations in downtown San Diego, Old Town, Mission Valley, Kerney Mesa, and the coastal communities of La Jolla, Pacific Beach, Mission Beach, Ocean Beach, and Point Loma.

Alternatives

The alternatives proposed for consideration in the UMTA EIS include: No Build, Transportation System Management (TSM), High Occupancy Vehicle (HOV), and various extensions of the North Light Rail Transit (LRT) Line beyond Old Town. The No-Build Alternative will maintain the current level of transit service in the corridor. The TSM and HOV alternatives include additional express bus service, transit centers, park-and-ride locations, and preferential bus treatments for buses ranging from queue jumpers to HOV lanes on I-5. The LRT alternatives include four possible terminal options: (1) North to Del Mar Heights Road, (2) north to Del Mar Heights Road with a spur to Miramar Naval Air Station (NAS), (3) north to the University of California, San Diego, and (4) north to the University of California, San Diego with a spur to Miramar NAS. In addition, three LRT alignment options will be considered in the vicinity of the University of California, San Diego. Under the LRT alternatives, bus service would be modified to feed into the station locations.

Probable Effects

In the EIS UMTA and MTDB propose to evaluate all significant social,

economic, and environmental impacts of the alternatives under consideration. The impacts analyzed will include the increased noise, vibration, electromagnetic interference, residential and business displacements, changes in development patterns and land use, community disruption resulting from the cumulative effect of the other impacts, traffic and parking changes, effects on historic sites, degradation of local air quality and water quality especially near stations, disruptions or parklands, recreational areas, wetlands, floodplains, ecologically sensitive areas, natural and man-made hazardous materials sites, and the aesthetic quality of the area. These impacts will be evaluated both for the construction period and for the long-term operation of each alternative. Measures to mitigate harm will be explored for any adverse impacts identified.

Construction of any alternatives other than the No-Build will require increased capital outlays for several years and are expected to increase transit service and patronage with associated increases in transit operating and maintenance costs. The alternatives are expected to have no significant impacts on energy use or regional air quality.

During scoping, comments on the probable effects should focus on the completeness of the proposed set of impacts to be evaluated. Other impacts or criteria judged relevant to decision-making should be identified.

Issued on: April 3, 1990.

Louis F. Mraz, Jr.,

Western Area Director.

[FR Doc. 90-8325 Filed 4-10-90; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: April 3, 1990.

The Department of the Treasury has submitted the following public information collection requirement(s) to

OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2409, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Departmental Offices

OMB Number: 1505-.

Form number: None.

Type of Review: New collection.

Title: Questions for The Annual Meeting of The Reserve City Bankers on Assistance for Eastern Europe.

Description: The Treasury Department has been considering various mechanisms which will best focus the U.S. private financial sector on revitalizing the financial health of Eastern Europe. This will be used as market research to help develop the most appropriate mechanism.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 25.

Estimated Burden Hours Per Response: 15 minutes.

Frequency of Response: One time only.

Estimated Total Reporting Burden: 6 hours.

Clearance Officer: Dale A. Morgan (202) 566-2693, Departmental Offices, Room 3142, Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503. Lois K. Holland,

Departmental Reports, Management Officer. [FR Doc. 90-8320 Filed 4-10-90; 8:45 am]

BILLING CODE 4810-25-M

Federal Register

**Wednesday
April 11, 1990**

Part II

Department of Labor

**Occupational Safety and Health
Administration**

29 CFR Part 1910

**Safety and Health Standards: Welding,
Cutting and Brazing; Final Rule**

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Safety and Health Standards: Welding, Cutting and Brazing

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final rule; Redesignation and other non-substantive revisions.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is reorganizing its existing part 1910 Standards pertaining to Welding, Cutting and Brazing as a first step in an effort to revise these standards comprehensively. The existing standard is long and not well organized, with paragraphs covering specific operations, such as arc welding, appearing ahead of more useful general provisions, such as for fire protection. This reorganization will facilitate the standard's use by employers and other users, and will also facilitate the substantive revision of the standards planned for the future. Also included in this reorganization action are some minor non-substantive changes, such as the addition of metric equivalent units.

EFFECTIVE DATE: This action will be effective on May 11, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3467, 200 Constitution Ave. NW., Washington, DC 20210, (202) 523-8151. This reorganization document was prepared by Wendell Glasier, Directorate of Safety Standards Programs.

SUPPLEMENTARY INFORMATION:**I. Background**

The existing OSHA standard covering safety in Welding, Cutting and Brazing (29 CFR 1910.252) was promulgated in 1971, under the authority of section 6(a) of the Occupational Safety and Health Act of 1970. Except for minor deletions, no changes have been made to the standard since that time. Changes in welding technology, welding practices and in the National Consensus Standards on which the rule was based have all occurred since 1971. The OSHA welding standard requires updating to reflect current technology and practices in the industry, and to provide consistency with current industry standards.

OSHA's attempts to prepare a proposed revision to the current welding standard have been hindered by the standard's great length and ineffective organization. Because of the standard's length and complexity, it is difficult to read and to locate specific requirements. Employers and other users have complained that the length and complexity make it difficult to understand, and comply with, the standard's provisions. The current standard's organization, with paragraphs dealing with specific processes, such as oxy-fuel and arc welding, located ahead of more general provisions, such as those for ventilation and fire protection, presents a problem that needs to be corrected. Instead of trying to solve the problems of length, complexity and poor organization concurrently with a substantive revision of the standard's provisions, OSHA has decided to proceed in two phases. This action will address the problems of organization and complexity, while future rulemaking will address the substantive revision of the standard's provisions.

II. Benefits of Reorganization

OSHA believes that the reorganization will be very beneficial. Most importantly, the creation of a more logical format and the renumbering of the standard will make it easier for both the public and OSHA to use. The provisions having a more general application will now be located at the beginning of the standard where they can be more easily located. Also, because the current § 1910.252 will be converted into four sections (1910.252-1910.255), all its provisions will become much more accessible. In addition, the standards will follow the Office of the Federal Register's guidelines for proper paragraph numbering and cross-referencing. OSHA also anticipates that this action will facilitate the Agency's planned substantive revision of the welding standard by eliminating the problems of reorganization and renumbering, which otherwise would have to be addressed in that rulemaking. The phase two proposed revision will be accomplished through rulemaking procedures which will provide appropriate public notice and opportunity for comment.

OSHA wishes to emphasize that this action does not alter the substance of the present welding, cutting and brazing standards in any way, nor does it affect their present scope and application. Because there are no substantive amendments to OSHA's standards in this action, providing the public prior

notice and an opportunity for comment is not required.

III. Other Changes

In addition to the reorganization and renumbering, certain other minor, non-substantive changes are included in this action. These are: (1) the addition of equivalent metric units where various measurements were formerly given only in non-metric units; (2) changes to reflect the transfer of functions among Federal agencies; (3) the deletion of six formerly "reserved" provisions; (4) the deletion of one non-substantive provision adopted in error; (5) the correction of one provision's erroneous internal reference; and (6) the updating of the mailing addresses of the organizations that published the source standards.

One error in the welding standards that was previously identified by OSHA will not be corrected in this document. On November 30, 1987, as part of the Electrical Safety-Related Work Practices notice of proposed rulemaking, existing § 1910.252(a)(6)(iv)(d)(2), was listed as one of several OSHA general industry standards that contain inaccurate references to OSHA's electrical standards (52 FR 45530, 45541). OSHA proposed at that time to correct the reference (*Id.* at 45545). Although this welding provision will be redesignated as § 1910.253(f)(4)(iv)(B), as a result of the reorganization announced in today's **Federal Register** publication, any amendments to the provision's reference to the electrical standards will be made as a result of the electrical safety rulemaking.

1. Addition of Metric Units

The existing welding, cutting and brazing standard contains many measurements, such as those for weight, length, volume, pressure and temperature. No metric equivalents were provided for any of these measurements. Since the policy of the Federal Government is now to provide metric units whenever feasible, equivalent metric units have been added to each of these measurements.

2. Change to Reflect Transfer of Authority Between Federal Agencies

The existing welding standard contains several references in § 1910.252(f) to the U.S. Bureau of Mines as the approving authority for respiratory protective equipment. The current authority for the approval of such devices lies with the Mine Safety and Health Administration (MSHA) of the U.S. Department of Labor, and with the National Institute for Occupational Safety and Health (NIOSH) (See 30 CFR

part II). Consequently, references pertaining to the approval of respiratory protection devices have been changed to reflect the transfer of authority.

3. Deletion of Reserved Sections

The existing OSHA welding standard contains six provisions which are presently "reserved." The regulatory text was removed by OSHA, either by the 1978 "Revocation of Selected General and Special Industry Safety and Health Standards" (43 FR 49726) or by the 1984 "Revocation of Advisory and Repetitive Standards" (49 FR 5318). Since these "reserved" provisions contain no regulatory text, they serve no useful purpose and are therefore deleted. Provisions following the formerly "reserved" provisions have been redesignated to maintain the correct numerical or alphabetical sequence. The "reserved" provisions which are being removed are listed below:

1910.252(a)(3)(v)(e)
1910.252(a)(5)(v)(b)
1910.252(a)(7)(iii)(d)
1910.252(c)(5)
1910.252(e)(2)(ii)(f)
1928.252(f)(1)(ii)

4. Deletion of Non-Substantive Provision

Paragraph (a)(3)(v)(b) of existing § 1910.252 contains no substantive requirements other than requiring compliance with "subdivision (i)" of § 1910.252(a)(3)(v). However, there is no subdivision (i). Since this provision neither contains nor references substantive requirements, it is being deleted. The provisions which follow the deleted provision have been redesignated to maintain the correct numerical sequence.

5. Correction of Internal Reference

Paragraph (a)(2)(vi)(a)(3) of existing § 1910.252 contains a reference to "paragraph (a)(8) of this section." There is no paragraph (a)(8). OSHA has concluded, through reference to ANSI Z49.1-1967, that the correct reference should be to paragraph (a)(6)(i)(H) of § 1910.253 (see conversion table). This action corrects the erroneous reference, which, after reorganization, appears as paragraph (f)(6)(i)(H) of § 1910.253 (see conversion table).

6. Updating of Addresses of Source Standards Organizations

The standards organizations listed in existing § 1910.254 contained, except for the American National Standards Institute, outdated addresses. The addresses have been updated in redesignated § 1910.257.

For convenience of reference, OSHA has prepared the following conversion table which lists all the "old" provisions in subpart Q and, alongside each, the equivalent "new" provision.

Welding, Cutting and Brazing Conversion Table—Part 1910, Subpart Q

Old Provisions	New Provisions
§ 1910.251	§ 1910.251
Definitions	Definitions
	(No changes)

Old Provisions	New Provisions
§ 1910.252	§ 1910.253
Welding, cutting, and brazing	Oxygen-fuel gas welding and cutting
(a)(1)(i)-(iv)	(a)(1)-(4)
(a)(2)(i)(a)-(d)	(b)(1)(i)-(iv)
(a)(2)(ii)(a)-(d)	(b)(2)(i)-(iv)
(a)(2)(iii)	(b)(3)
(a)(2)(iii)(a)-(b)	(b)(3)(i)-(ii)
(a)(2)(iv)(a)-(d)	(b)(4)(i)-(iv)
(a)(2)(v)(a)	(b)(5)(i)
(a)(2)(v)(b)(1)-(17)	(b)(5)(ii)(A)-(Q)
(a)(2)(v)(b)(18)(1)-(ii)	(b)(5)(ii)(R)(1)-(2)
(a)(2)(v)(c)(1)-(12)	(b)(5)(iii)(A)-(L)
(a)(3)(i)(a)-(e)	(c)(1)(i)-(v)
(a)(3)(ii)(a)-(f)	(c)(2)(i)-(vi)
(a)(3)(iii)(a)-(e)	(c)(3)(i)-(v)
(a)(3)(iv)(a)-(h)	(c)(4)(i)-(viii)
(a)(3)(v)(a)-(h)	(c)(5)(i)-(vi)* **
(a)(4)(i)(a)(1)	(d)(1)(i)(A)
(a)(4)(i)(a)(1)(1)-(ii)	(d)(1)(i)(A)(1)-(2)
(a)(4)(i)(a)(2)	(d)(1)(i)(B)
(a)(4)(i)(b)(1)-(3)	(d)(1)(ii)(A)-(C)
(a)(4)(i)(c)(1)-(2)	(d)(1)(iii)(A)-(B)
(a)(4)(ii)(a)-(c)	(d)(2)(i)-(iii)
(a)(4)(iii)(a)-(f)	(d)(3)(i)-(x)
(a)(4)(iv)(a)-(c)	(d)(4)(i)-(iii)
(a)(4)(v)(a)-(b)	(d)(5)(i)-(ii)
(a)(5)(i)-(ii)	(e)(1)-(2)
(a)(5)(iii)(a)-(b)	(e)(3)(i)-(ii)
(a)(5)(iii)(b)(1)-(3)	(e)(3)(ii)(A)-(C)
(a)(5)(iii)(b)(3)(1)-(iv)	(e)(3)(ii)(C)(1)-(4)
(a)(5)(iii)(c)-(d)	(e)(3)(iii)-(iv)
(a)(5)(iv)(a)-(h)	(e)(4)(i)-(viii)
(a)(5)(v)(a)-(f)	(e)(5)(i)-(v)*
(a)(5)(vi)(a)-(d)	(e)(6)(i)-(iv)
(a)(6)(i)(a)-(b)	(f)(1)(i)-(ii)
(a)(6)(ii)(a)-(c)	(f)(2)(i)-(iii)
(a)(6)(iii)	(f)(3)
(a)(6)(iv)(a)(1)-(5)	(f)(4)(i)(A)-(E)
(a)(6)(iv)(b)(1)-(3)	(f)(4)(ii)(A)-(C)
(a)(6)(iv)(c)(1)-(6)	(f)(4)(iii)(A)-(F)
(a)(6)(iv)(d)(1)-(5)	(f)(4)(iv)(A)-(E)
(a)(6)(v)(a)(1)-(4)	(f)(5)(i)(A)-(D)
(a)(6)(v)(b)(1)-(5)	(f)(5)(ii)(A)-(E)
(a)(6)(vi)(a)(1)-(9)	(f)(6)(i)(A)-(I)
(a)(6)(vi)(b)-(c)	(f)(6)(ii)-(iii)
(a)(6)(vi)(d)(1)-(2)	(f)(6)(iv)(A)-(B)
(a)(6)(vi)(e)	(f)(6)(v)
(a)(6)(vii)(a)	(f)(7)(i)
(a)(6)(vii)(a)(1)-(4)	(f)(7)(i)(A)-(D)
(a)(6)(vii)(b)-(f)	(f)(7)(ii)-(vi)
(a)(7)(i)(a)-(d)	(g)(1)(i)-(iv)
(a)(7)(ii)(a)	(g)(2)(i)
(a)(7)(ii)(a)(1)-(2)	(g)(2)(i)(A)-(B)
(a)(7)(ii)(b)	(g)(2)(ii)
(a)(7)(ii)(b)(1)-(3)	(g)(2)(ii)(A)-(C)
(a)(7)(ii)(c)	(g)(2)(iii)
(a)(7)(iii)(a)-(e)	(g)(3)(i)-(iv)*

Old Provisions	New Provisions
§ 1910.252	§ 1910.254
Welding, cutting, and brazing	Arc welding and cutting
(b)(1)(i)-(iii)	(a)(1)-(3)

(b)(2)(i)	(b)(1)
(b)(2)(ii)(a)-(b)	(b)(2)(i)-(ii)
(b)(2)(ii)(b)(1)-(8)	(b)(2)(ii)(A)-(H)
(b)(2)(iii)	(b)(3)
(b)(2)(iii)(a)	(b)(3)(i)
(b)(2)(iii)(a)(1)-(2)	(b)(3)(i)(A)-(B)
(b)(2)(iii)(b)	(b)(3)(ii)
(b)(2)(iii)(b)(1)-(2)	(b)(3)(ii)(A)-(B)
(b)(2)(iii)(c)-(d)	(b)(3)(iii)-(iv)
(b)(2)(iv)(a)-(f)	(b)(4)(i)-(vi)
(b)(3)(i)	(c)(1)
(b)(3)(ii)(a)-(e)	(c)(2)(i)-(v)
(b)(3)(ii)(a)-(d)	(c)(3)(i)-(iv)
(b)(3)(ii)(d)(1)-(2)	(c)(3)(iv)(A)-(B)
(b)(4)(i)-(viii)	(d)(1)-(8)
(b)(4)(ix)(a)-(c)	(d)(9)(i)-(iii)

Old Provisions	New Provisions
§ 1910.252	§ 1910.255
Welding, cutting, and brazing	Resistance welding
(c)(1)(i)-(iv)	(a)(1)-(4)
(c)(2)(i)-(ix)	(b)(1)-(9)
(c)(3)(i)-(vi)	(c)(1)-(6)
(c)(4)(i)-(ii)	(d)(1)-(2)
(c)(5)-(6)	(e)*

Old Provisions	New Provisions
§ 1910.252	§ 1910.252
Welding, cutting, and brazing	General requirements
(d)(1)	(a)(1)
(d)(1)(i)-(iii)	(a)(1)(i)-(iii)
(d)(2)	(a)(2)
(d)(2)(i)-(ii)	(a)(2)(i)-(ii)
(d)(2)(iii)(a)	(a)(2)(iii)(A)
(d)(2)(iii)(a)(1)-(4)	(a)(2)(iii)(A)(1)-(4)
(d)(2)(iii)(b)	(a)(2)(iii)(B)
(d)(2)(iv)-(vi)	(a)(2)(iv)-(vi)
(d)(2)(vi)(a)-(d)	(a)(2)(vi)(A)-(D)
(d)(2)(vii)-(xiii)	(a)(2)(vii)-(xiii)
(d)(2)(xiii)(a)-(d)	(a)(2)(xiii)(A)-(D)
(d)(2)(xiv)	(a)(2)(xiv)
(d)(2)(xiv)(a)-(c)	(a)(2)(xiv)(A)-(C)
(d)(2)(xiv)(c)(1)-(3)	(a)(2)(xiv)(C)(1)-(3)
(d)(2)(xiv)(d)-(g)	(a)(2)(xiv)(D)-(G)
(d)(2)(xv)	(a)(2)(xv)
(d)(3)(i)-(ii)	(a)(3)(i)-(ii)
(d)(4)(i)-(ii)	(a)(4)(i)-(ii)
(e)(1)(i)-(ii)	(b)(1)(i)-(ii)
(e)(2)(i)(a)-(d)	(b)(2)(i)(A)-(D)
(e)(2)(ii)(a)-(f)	(b)(2)(ii)(A)-(F)*
(e)(2)(iii)	(b)(2)(iii)
(e)(3)(i)	(b)(3) [ii] deleted, because no [ii]
(e)(4)(i)-(vii)	(b)(4)(i)-(vii)
(f)(1)(i)	(c)(1)(i)
(f)(1)(i)(a)-(c)	(c)(1)(i)(A)-(C)
(f)(1)(ii)-(v)	(c)(1)(ii)-(iv)*
(f)(1)(v)(a)-(c)	(c)(1)(iv)(A)-(C)
(f)(2)(i)	(c)(2)(i)
(f)(2)(i)(a)-(c)	(c)(2)(i)(A)-(C)
(f)(2)(ii)	(c)(2)(ii)
(f)(3)	(c)(3)
(f)(3)(i)-(ii)	(c)(3)(i)-(ii)
(f)(4)(i)-(v)	(c)(4)(i)-(v)
(f)(5)(i)-(ii)	(c)(5)(i)-(ii)
(f)(6)(i)-(ii)	(c)(6)(i)-(ii)
(f)(7)(i)-(iii)	(c)(7)(i)-(iii)
(f)(8)	(c)(8)
(f)(9)(i)-(ii)	(c)(9)(i)-(ii)
(f)(10)	(c)(10)
(f)(11)(i)-(ii)	(c)(11)(i)-(ii)
(f)(12)-(13)	(c)(12)-(13)
(g)(1)(i)-(vii)	(d)(1)(i)-(vii)
(g)(2)(i)-(ii)	(d)(2)(i)-(ii)

Old Provisions	New Provisions
§ 1910.253	§ 1910.256
Sources of standards	Sources of standards
Old Provisions	New Provisions
§ 1910.254	§ 1910.257

Standards organizations Standards organizations

- (a)..... (a)
 (b)..... (b)
 (c)..... (c)
 (d)..... (d)
 (e)..... (e)
 (f)..... (f)

* Provisions currently listed as "Reserved" in 29 CFR part 1910, subpart Q, are being deleted.

** Existing paragraph (a)(3)(v)(b) is being deleted because it contains no substantive requirements and refers to a provision which does not exist.

IV. Regulatory Impact Assessment

OSHA finds that this action consists solely of the reorganization and renumbering of existing standards and other minor changes which do not alter or add to the requirements presently applicable to welding, cutting and brazing operations. As already noted, the action will make the welding standards easier to use by the public and OSHA, and will facilitate the planned revision of these standards by OSHA. There will be, however, no increase in cost or burden to employers, since the present substantive requirements are not being altered.

OSHA therefore finds that this is not a major rule which requires preparation of a regulatory impact analysis pursuant to Executive Order No. 12291. For the same reason, OSHA further certifies that this action will not have significant economic impact on a substantial number of small entities and, therefore, there is no need to prepare a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). OSHA will, of course, perform these analyses as appropriate in conjunction with any ensuing project to revise the welding standards.

V. Exemption From Notice and Comment Procedures

With regard to this action, OSHA has determined that it is not required to follow procedures for public notice and comment rulemaking under either section 4 of the Administrative Procedure Act (5 U.S.C. 553) or under section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655(b)). This action involves a reorganization of existing standards and other minor changes which do not affect the substantive requirements or coverage of the standards themselves. This action does not modify or revoke existing rights or obligations, nor does it establish new ones. OSHA, therefore, finds that notice and public procedure are impracticable and unnecessary within the meaning of 5 U.S.C. 553(b)(3)(B). For the same reasons,

OSHA also finds that in accordance with 29 CFR 1911.5, good cause exists for dispensing with the public notice and comment procedures prescribed in section 6(b) of the Occupational Safety and Health Act.

VI. List of Subjects

List of Subjects in 29 CFR Part 1910

Asbestos, Chemicals, Diving, Electric power, Electronic products, Fire prevention, Gases, Hazardous substances, Health records, Incorporation by reference, Labeling, Laboratories, Noise control, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

VII. Authority

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), 5 U.S.C. 553, Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR part 1911, subpart Q of part 1910 of 29 CFR is revised to read as set forth below.

Signed at Washington, DC, this 30th day of March, 1990.

Gerard F. Scannell,

Assistant Secretary of Labor.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

The authority citation for subpart Q of part 1910 is revised to read:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033), as applicable; 5 U.S.C. 553; 29 CFR part 1911.

2. Part 1910 is amended by revising subpart Q to read as follows:

Subpart Q—Welding, Cutting and Brazing

- Sec.
 1910.251 Definitions.
 1910.252 General requirements.
 1910.253 Oxygen-fuel gas welding and cutting.
 1910.254 Arc welding and cutting.
 1910.255 Resistance welding.
 1910.256 Sources of standards.
 1910.257 Standards organizations.

Subpart Q—Welding, Cutting and Brazing

§ 1910.251 Definitions. As used in this subpart:

(a) *Welder and welding operator* mean any operator of electric or gas welding and cutting equipment.

(b) *Approved* means listed or approved by a nationally recognized testing laboratory. Refer to § 1910.155(c)(3) for definitions of listed and approved, and § 1910.7 for nationally recognized testing laboratory.

(c) All other welding terms are used in accordance with American Welding Society—Terms and Definitions—A3.0—969.

§ 1910.252 General requirements.

(a) *Fire prevention and protection—*
 (1) *Basic precautions.* For elaboration of these basic precautions and of the special precautions of paragraph (a)(2) of this section as well as a delineation of the fire protection and prevention responsibilities of welders and cutters, their supervisors (including outside contractors) and those in management on whose property cutting and welding is to be performed, see Standard for Fire Prevention in Use of Cutting and Welding Processes, NFPA Standard 51B, 1962. The basic precautions for fire prevention in welding or cutting work are:

(i) *Fire hazards.* If the object to be welded or cut cannot readily be moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(ii) *Guards.* If the object to be welded or cut cannot be moved and if all the fire hazards cannot be removed, then guards shall be used to confine the heat, sparks, and slag, and to protect the immovable fire hazards.

(iii) *Restrictions.* If the requirements stated in paragraphs (a)(1)(i) and (a)(1)(ii) of this section cannot be followed then welding and cutting shall not be performed.

(2) *Special precautions.* When the nature of the work to be performed falls within the scope of paragraph (a)(1)(ii) of this section certain additional precautions may be necessary:

(i) *Combustible material.* Wherever there are floor openings or cracks in the flooring that cannot be closed, precautions shall be taken so that no readily combustible materials on the floor below will be exposed to sparks which might drop through the floor. The same precautions shall be observed with regard to cracks or holes in walls, open doorways and open or broken windows.

(ii) *Fire extinguishers.* Suitable fire extinguishing equipment shall be

maintained in a state of readiness for instant use. Such equipment may consist of pails of water, buckets of sand, hose or portable extinguishers depending upon the nature and quantity of the combustible material exposed.

(iii) *Fire watch.* (A) Fire watchers shall be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or any of the following conditions exist:

(1) Appreciable combustible material, in building construction or contents, closer than 35 feet (10.7 m) to the point of operation.

(2) Appreciable combustibles are more than 35 feet (10.7 m) away but are easily ignited by sparks.

(3) Wall or floor openings within a 35-foot (10.7 m) radius expose combustible material in adjacent areas including concealed spaces in walls or floors.

(4) Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roofs and are likely to be ignited by conduction or radiation.

(B) Fire watchers shall have fire extinguishing equipment readily available and be trained in its use. They shall be familiar with facilities for sounding an alarm in the event of a fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch shall be maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires.

(iv) *Authorization.* Before cutting or welding is permitted, the area shall be inspected by the individual responsible for authorizing cutting and welding operations. He shall designate precautions to be followed in granting authorization to proceed preferably in the form of a written permit.

(v) *Floors.* Where combustible materials such as paper clippings, wood shavings, or textile fibers are on the floor, the floor shall be swept clean for a radius of 35 feet (10.7 m). Combustible floors shall be kept wet, covered with damp sand, or protected by fire-resistant shields. Where floors have been wet down, personnel operating arc welding or cutting equipment shall be protected from possible shock.

(vi) *Prohibited areas.* Cutting or welding shall not be permitted in the following situations:

(A) In areas not authorized by management.

(B) In sprinklered buildings while such protection is impaired.

(C) In the presence of explosive atmospheres (mixtures of flammable

gases, vapors, liquids, or dusts with air), or explosive atmospheres that may develop inside uncleaned or improperly prepared tanks or equipment which have previously contained such materials, or that may develop in areas with an accumulation of combustible dusts.

(D) In areas near the storage of large quantities of exposed, readily ignitable materials such as bulk sulfur, baled paper, or cotton.

(vii) *Relocation of combustibles.* Where practicable, all combustibles shall be relocated at least 35 feet (10.7 m) from the work site. Where relocation is impracticable, combustibles shall be protected with flameproofed covers or otherwise shielded with metal or asbestos guards or curtains.

(viii) *Ducts.* Ducts and conveyor systems that might carry sparks to distant combustibles shall be suitably protected or shut down.

(ix) *Combustible walls.* Where cutting or welding is done near walls, partitions, ceiling or roof of combustible construction, fire-resistant shields or guards shall be provided to prevent ignition.

(x) *Noncombustible walls.* If welding is to be done on a metal wall, partition, ceiling or roof, precautions shall be taken to prevent ignition of combustibles on the other side, due to conduction or radiation, preferably by relocating combustibles. Where combustibles are not relocated, a fire watch on the opposite side from the work shall be provided.

(xi) *Combustible cover.* Welding shall not be attempted on a metal partition, wall, ceiling or roof having a combustible covering nor on walls or partitions of combustible sandwich-type panel construction.

(xii) *Pipes.* Cutting or welding on pipes or other metal in contact with combustible walls, partitions, ceilings or roofs shall not be undertaken if the work is close enough to cause ignition by conduction.

(xiii) *Management.* Management shall recognize its responsibility for the safe usage of cutting and welding equipment on its property and:

(A) Based on fire potentials of plant facilities, establish areas for cutting and welding, and establish procedures for cutting and welding, in other areas.

(B) Designate an individual responsible for authorizing cutting and welding operations in areas not specifically designed for such processes.

(C) Insist that cutters or welders and their supervisors are suitably trained in the safe operation of their equipment and the safe use of the process.

(D) Advise all contractors about flammable materials or hazardous conditions of which they may not be aware.

(xiv) *Supervisor.* The Supervisor:

(A) Shall be responsible for the safe handling of the cutting or welding equipment and the safe use of the cutting or welding process.

(B) Shall determine the combustible materials and hazardous areas present or likely to be present in the work location.

(C) Shall protect combustibles from ignition by the following:

(1) Have the work moved to a location free from dangerous combustibles.

(2) If the work cannot be moved, have the combustibles moved to a safe distance from the work or have the combustibles properly shielded against ignition.

(3) See that cutting and welding are so scheduled that plant operations that might expose combustibles to ignition are not started during cutting or welding.

(D) Shall secure authorization for the cutting or welding operations from the designated management representative.

(E) Shall determine that the cutter or welder secures his approval that conditions are safe before going ahead.

(F) Shall determine that fire protection and extinguishing equipment are properly located at the site.

(G) Where fire watches are required, he shall see that they are available at the site.

(xv) *Fire prevention precautions.* Cutting or welding shall be permitted only in areas that are or have been made fire safe. When work cannot be moved practically, as in most construction work, the area shall be made safe by removing combustibles or protecting combustibles from ignition sources.

(3) *Welding or cutting containers—(i) Used containers.* No welding, cutting, or other hot work shall be performed on used drums, barrels, tanks or other containers until they have been cleaned so thoroughly as to make absolutely certain that there are no flammable materials present or any substances such as greases, tars, acids, or other materials which when subjected to heat, might produce flammable or toxic vapors. Any pipe lines or connections to the drum or vessel shall be disconnected or blanked.

(ii) *Venting and purging.* All hollow spaces, cavities or containers shall be vented to permit the escape of air or gases before preheating, cutting or welding. Purging with inert gas is recommended.

(4) *Confined spaces*—(i) *Accidental contact*. When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine be disconnected from the power source.

(ii) *Torch valve*. In order to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the gas supply to the torch positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practicable, the torch and hose shall also be removed from the confined space.

(b) *Protection of personnel*—(1) *General*—(i) *Railing*. A welder or helper working on platforms, scaffolds, or runways shall be protected against falling. This may be accomplished by the use of railings, safety belts, life lines, or some other equally effective safeguards.

(ii) *Welding cable*. Welders shall place welding cable and other equipment so that it is clear of passageways, ladders, and stairways.

(2) *Eye protection*—(i) *Selection*. (A) Helmets or hand shields shall be used during all arc welding or arc cutting operations, excluding submerged arc welding. Helpers or attendants shall be provided with proper eye protection.

(B) Goggles or other suitable eye protection shall be used during all gas welding or oxygen cutting operations. Spectacles without side shields, with suitable filter lenses are permitted for use during gas welding operations on light work, for torch brazing or for inspection.

(C) All operators and attendants of resistance welding or resistance brazing equipment shall use transparent face shields or goggles, depending on the particular job, to protect their faces or eyes, as required.

(D) Eye protection in the form of suitable goggles shall be provided where needed for brazing operations not covered in paragraphs (b)(2)(i)(A) through (b)(2)(i)(C) of this section.

(ii) *Specifications for protectors*. (A) Helmets and hand shields shall be made of a material which is an insulator for heat and electricity. Helmets, shields and goggles shall be not readily flammable and shall be capable of withstanding sterilization.

(B) Helmets and hand shields shall be arranged to protect the face, neck and ears from direct radiant energy from the arc.

(C) Helmets shall be provided with filter plates and cover plates designed for easy removal.

(D) All parts shall be constructed of a material which will not readily corrode or discolor the skin.

(E) Goggles shall be ventilated to prevent fogging of the lenses as much as practicable.

(F) All glass for lenses shall be tempered, substantially free from striae, air bubbles, waves and other flaws. Except when a lens is ground to provide proper optical correction for defective vision, the front and rear surfaces of lenses and windows shall be smooth and parallel.

(G) Lenses shall bear some permanent distinctive marking by which the source and shade may be readily identified.

(H) The following is a guide for the selection of the proper shade numbers. These recommendations may be varied to suit the individual's needs.

Welding operation	Shade No.
Shielded metal-arc welding— $\frac{1}{16}$ -, $\frac{3}{32}$ -, $\frac{1}{8}$ -, $\frac{5}{32}$ -inch electrodes.....	10
Gas-shielded arc welding (nonferrous)— $\frac{1}{16}$ -, $\frac{3}{32}$ -, $\frac{1}{8}$ -, $\frac{5}{32}$ -inch electrodes.....	11
Gas-shielded arc welding (ferrous)— $\frac{1}{16}$ -, $\frac{3}{32}$ -, $\frac{1}{8}$ -, $\frac{5}{32}$ -inch electrodes.....	12
Shielded metal-arc welding: $\frac{3}{32}$ -, $\frac{1}{8}$ -, $\frac{5}{32}$ -inch electrodes.....	12
$\frac{1}{4}$ -, $\frac{3}{8}$ -inch electrodes.....	14
Atomic hydrogen welding.....	10-14
Carbon arc welding.....	14
Soldering.....	2
Torch brazing.....	3 or 4
Light cutting, up to 1 inch.....	3 or 4
Medium cutting, 1 inch to 6 inches.....	4 or 5
Heavy cutting, 6 inches and over.....	5 or 6
Gas welding (light) up to $\frac{1}{8}$ inch.....	4 or 5
Gas welding (medium) $\frac{1}{8}$ inch to $\frac{1}{4}$ inch.....	5 or 6
Gas welding (heavy) $\frac{1}{4}$ inch and over.....	6 or 8

Note: In gas welding or oxygen cutting where the torch produces a high yellow light, it is desirable to use a filter or lens that absorbs the yellow or sodium line in the visible light of the operation.

(I) All filter lenses and plates shall meet the test for transmission of radiant energy prescribed in ANSI Z87.1—1968—American National Standard Practice for Occupational and Educational Eye and Face Protection.

(iii) *Protection from arc welding rays*.

Where the work permits, the welder should be enclosed in an individual booth painted with a finish of low reflectivity such as zinc oxide (an important factor for absorbing ultraviolet radiations) and lamp black, or shall be enclosed with noncombustible screens similarly painted. Booths and screens shall permit circulation of air at floor level. Workers or other persons adjacent to the welding areas shall be protected from the rays by noncombustible or flameproof

screens or shields or shall be required to wear appropriate goggles.

(3) *Protective clothing*—*General requirements*. Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of § 1910.132 of this part. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(4) *Work in confined spaces*—(i) *General*. As used herein confined space is intended to mean a relatively small or restricted space such as a tank, boiler, pressure vessel, or small compartment of a ship.

(ii) *Ventilation*. Ventilation is a prerequisite to work in confined spaces. For ventilation requirements see paragraph (c) of this section.

(iii) *Securing cylinders and machinery*. When welding or cutting is being performed in any confined spaces the gas cylinders and welding machines shall be left on the outside. Before operations are started, heavy portable equipment mounted on wheels shall be securely blocked to prevent accidental movement.

(iv) *Lifelines*. Where a welder must enter a confined space through a manhole or other small opening, means shall be provided for quickly removing him in case of emergency. When safety belts and lifelines are used for this purpose they shall be so attached to the welder's body that his body cannot be jammed in a small exit opening. An attendant with a preplanned rescue procedure shall be stationed outside to observe the welder at all times and be capable of putting rescue operations into effect.

(v) *Electrode removal*. When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine disconnected from the power source.

(vi) *Gas cylinder shutoff*. In order to eliminate the possibility of gas escaping through leaks of improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the fuel-gas and oxygen supply to the torch positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practicable the torch and hose shall also be removed from the confined space.

(vii) *Warning sign.* After welding operations are completed, the welder shall mark the hot metal or provide some other means of warning other workers.

(c) *Health protection and ventilation—(1) General—(i) Contamination.* The requirements in this paragraph have been established on the basis of the following three factors in arc and gas welding which govern the amount of contamination to which welders may be exposed:

(A) Dimensions of space in which welding is to be done (with special regard to height of ceiling).

(B) Number of welders.

(C) Possible evolution of hazardous fumes, gases, or dust according to the metals involved.

(ii) *Screens.* When welding must be performed in a space entirely screened on all sides, the screens shall be so arranged that no serious restriction of ventilation exists. It is desirable to have the screens so mounted that they are about 2 feet (0.61 m) above the floor unless the work is performed at so low a level that the screen must be extended nearer to the floor to protect nearby workers from the glare of welding.

(iii) *Maximum allowable concentration.* Local exhaust or general ventilating systems shall be provided and arranged to keep the amount of toxic fumes, gases, or dusts below the maximum allowable concentration as specified in § 1910.1000 of this part.

(iv) *Precautionary labels.* A number of potentially hazardous materials are employed in fluxes, coatings, coverings, and filler metals used in welding and cutting or are released to the atmosphere during welding and cutting. These include but are not limited to the materials itemized in paragraphs (c)(5) through (c)(12) of this section. The suppliers of welding materials shall determine the hazard, if any, associated with the use of their materials in welding, cutting, etc.

(A) All filler metals and fusible granular materials shall carry the following notice, as a minimum, on tags, boxes, or other containers:

CAUTION

Welding may produce fumes and gases hazardous to health. Avoid breathing these fumes and gases. Use adequate ventilation. See ANSI Z49.1 - 1987 Safety in Welding and Cutting published by the American Welding Society.

(B) Brazing (welding) filler metals containing cadmium in significant amounts shall carry the following notice on tags, boxes, or other containers:

WARNING

CONTAINS CADMIUM—POISONOUS FUMES MAY BE FORMED ON HEATING

Do not breathe fumes. Use only with adequate ventilation such as fume collectors, exhaust ventilators, or air-supplied respirators. See ANSI Z49.1 - 1987. If chest pain, cough, or fever develops after use call physician immediately.

(C) Brazing and gas welding fluxes containing fluorine compounds shall have a cautionary wording to indicate that they contain fluorine compounds. One such cautionary wording recommended by the American Welding Society for brazing and gas welding fluxes reads as follows:

CAUTION

CONTAINS FLUORIDES

This flux when heated gives off fumes that may irritate eyes, nose and throat.

1. Avoid fumes—use only in well-ventilated spaces.
2. Avoid contact of flux with eyes or skin.
3. Do not take internally.

(2) *Ventilation for general welding and cutting—(i) General.* Mechanical ventilation shall be provided when welding or cutting is done on metals not covered in paragraphs (c)(5) through (c)(12) of this section. (For specific materials, see the ventilation requirements of paragraphs (c)(5) through (c)(12) of this section.)

(A) In a space of less than 10,000 cubic feet (284 m³) per welder.

(B) In a room having a ceiling height of less than 16 feet (5 m).

(C) In confined spaces or where the welding space contains partitions, balconies, or other structural barriers to the extent that they significantly obstruct cross ventilation.

(ii) *Minimum rate.* Such ventilation shall be at the minimum rate of 2,000 cubic feet (57 m³) per minute per welder, except where local exhaust hoods and booths as per paragraph (c)(3) of this section, or airline respirators approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, pursuant to the provisions of 30 CFR part 11, are provided. Natural ventilation is considered sufficient for welding or cutting operations where the restrictions in paragraph (c)(2)(i) of this section are not present.

(3) *Local exhaust hoods and booths.* Mechanical local exhaust ventilation may be by means of either of the following:

(i) *Hoods.* Freely movable hoods intended to be placed by the welder as near as practicable to the work being welded and provided with a rate of air-flow sufficient to maintain a velocity in the direction of the hood of 100 linear

feet (30 m) per minute in the zone of welding when the hood is at its most remote distance from the point of welding. The rates of ventilation required to accomplish this control velocity using a 3-inch (7.6 cm) wide flanged suction opening are shown in the following table:

Welding zone	Minimum air flow ¹ cubic feet/minute	Duct diameter, inches ²
4 to 6 inches from arc or torch.....	150	3
6 to 8 inches from arc or torch.....	275	3½
8 to 10 inches from arc or torch.....	425	4½
10 to 12 inches from arc or torch.....	600	5½

¹ When brazing with cadmium bearing materials or when cutting on such materials increased rates of ventilation may be required.

² Nearest half-inch duct diameter based on 4,000 feet per minute velocity in pipe.

(ii) *Fixed enclosure.* A fixed enclosure with a top and not less than two sides which surround the welding or cutting operations and with a rate of airflow sufficient to maintain a velocity away from the welder of not less than 100 linear feet (30 m) per minute.

(4) *Ventilation in confined spaces—(i) Air replacement.* All welding and cutting operations carried on in confined spaces shall be adequately ventilated to prevent the accumulation of toxic materials or possible oxygen deficiency. This applies not only to the welder but also to helpers and other personnel in the immediate vicinity. All air replacing that withdrawn shall be clean and respirable.

(ii) *Airline respirators.* In such circumstances where it is impossible to provide such ventilation, airline respirators or hose masks approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, pursuant to the provisions of 30 CFR part 11, for this purpose, shall be used.

(iii) *Self-contained units.* In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health.

(iv) *Outside helper.* Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment approved by the Mine Safety and Health Administration

and the National Institute for Occupational Safety and Health, a worker shall be stationed on the outside of such confined spaces to insure the safety of those working within.

(v) *Oxygen for ventilation.* Oxygen shall never be used for ventilation.

(5) *Fluorine compounds—(i) General.* In confined spaces, welding or cutting involving fluxes, coverings, or other materials which contain fluorine compounds shall be done in accordance with paragraph (c)(4) of this section. A fluorine compound is one that contains fluorine, as an element in chemical combination, not as a free gas.

(ii) *Maximum allowable concentration.* The need for local exhaust ventilation or airline respirators for welding or cutting in other than confined spaces will depend upon the individual circumstances. However, experience has shown such protection to be desirable for fixed-location production welding and for all production welding on stainless steels. Where air samples taken at the welding location indicate that the fluorides liberated are below the maximum allowable concentration, such protection is not necessary.

(6) *Zinc—(i) Confined spaces.* In confined spaces welding or cutting involving zinc-bearing base or filler metals or metals coated with zinc-bearing materials shall be done in accordance with paragraph (c)(4) of this section.

(ii) *Indoors.* Indoors, welding or cutting involving zinc-bearing base or filler metals coated with zinc-bearing materials shall be done in accordance with paragraph (c)(3) of this section.

(7) *Lead—(i) Confined spaces.* In confined spaces, welding involving lead-base metals (erroneously called lead-burning) shall be done in accordance with paragraph (c)(4) of this section.

(ii) *Indoors.* Indoors, welding involving lead-base metals shall be done in accordance with paragraph (c)(3) of this section.

(iii) *Local ventilation.* In confined spaces or indoors, welding or cutting involving metals containing lead, other than as an impurity, or involving metals coated with lead-bearing materials, including paint shall be done using local exhaust ventilation or airline respirators. Outdoors such operations shall be done using respiratory protective equipment approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, pursuant to the provisions of 30 CFR part 11, for such purposes. In all cases, workers in the immediate vicinity of the cutting operation shall be protected as

necessary by local exhaust ventilation or airline respirators.

(8) *Beryllium.* Welding or cutting indoors, outdoors, or in confined spaces involving beryllium-containing base or filler metals shall be done using local exhaust ventilation and airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.1000 of this part. In all cases, workers in the immediate vicinity of the welding or cutting operations shall be protected as necessary by local exhaust ventilation or airline respirators.

(9) *Cadmium—(i) General.* Welding or cutting indoors or in confined spaces involving cadmium-bearing or cadmium-coated base metals shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.1000 of this part. Outdoors such operations shall be done using respiratory protective equipment such as fume respirators approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, pursuant to the provisions of 30 CFR part 11, for such purposes.

(ii) *Confined space.* Welding (brazing) involving cadmium-bearing filler metals shall be done using ventilation as prescribed in paragraph (c)(3) or (c)(4) of this section if the work is to be done in a confined space.

(10) *Mercury.* Welding or cutting indoors or in a confined space involving metals coated with mercury-bearing materials including paint, shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.1000 of this part. Outdoors such operations shall be done using respiratory protective equipment approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, pursuant to the provisions of 30 CFR part 11, for such purposes.

(11) *Cleaning compounds—(i) Manufacturer's instructions.* In the use of cleaning materials, because of their possible toxicity or flammability, appropriate precautions such as manufacturers instructions shall be followed.

(ii) *Degreasing.* Degreasing and other cleaning operations involving chlorinated hydrocarbons shall be so located that no vapors from these

operations will reach or be drawn into the atmosphere surrounding any welding operation. In addition, trichloroethylene and perchlorethylene should be kept out of atmospheres penetrated by the ultraviolet radiation of gas-shielded welding operations.

(12) *Cutting of stainless steels.* Oxygen cutting, using either a chemical flux or iron powder or gas-shielded arc cutting of stainless steel, shall be done using mechanical ventilation adequate to remove the fumes generated.

(13) *First-aid equipment.* First-aid equipment shall be available at all times. All injuries shall be reported as soon as possible for medical attention. First aid shall be rendered until medical attention can be provided.

(d) *Industrial applications—(1) Transmission pipeline—(i) General.* The requirements of paragraphs (b) and (c) of this section and § 1910.254 of this part shall be observed.

(ii) *Field shop operations.* Where field shop operations are involved for fabrication of fittings, river crossings, road crossings, and pumping and compressor stations the requirements of paragraphs (a), (b), and (c) of this section and §§ 1910.253 and 1910.254 of this part shall be observed.

(iii) *Electric shock.* When arc welding is performed in wet conditions, or under conditions of high humidity, special protection against electric shock shall be supplied.

(iv) *Pressure testing.* In pressure testing of pipelines, the workers and the public shall be protected against injury by the blowing out of closures or other pressure restraining devices. Also, protection shall be provided against expulsion of loose dirt that may have become trapped in the pipe.

(v) *Construction standards.* The welded construction of transmission pipelines shall be conducted in accordance with the Standard for Welding Pipe Lines and Related Facilities, API Std. 1104—1968.

(vi) *Flammable substance lines.* The connection, by welding, of branches to pipelines carrying flammable substances shall be performed in accordance with Welding or Hot Tapping on Equipment Containing Flammables, API Std. PSD No. 2201—1963.

(vii) *X-ray inspection.* The use of X-rays and radioactive isotopes for the inspection of welded pipeline joints shall be carried out in conformance with the American National Standard Safety Standard for Non-Medical X-ray and Sealed Gamma-Ray Sources, ANSI Z54.1—1963.

(2) *Mechanical piping systems—(i) General.* The requirements of

paragraphs (a), (b), and (c) of this section and §§ 1910.253 and 1910.254 of this part shall be observed.

(ii) *X-ray inspection.* The use of X-rays and radioactive isotopes for the inspection of welded piping joints shall be in conformance with the American National Standard Safety Standard for Non-Medical X-ray and Sealed Gamma-Ray Sources, ANSI Z54.1—1963.

§ 1910.253 Oxygen-fuel gas welding and cutting.

(a) *General requirements.*—(1) *Flammable mixture.* Mixtures of fuel gases and air or oxygen may be explosive and shall be guarded against. No device or attachment facilitating or permitting mixtures of air or oxygen with flammable gases prior to consumption, except at the burner or in a standard torch, shall be allowed unless approved for the purpose.

(2) *Maximum pressure.* Under no condition shall acetylene be generated, piped (except in approved cylinder manifolds) or utilized at a pressure in excess of 15 psig (103 kPa gauge pressure) or 30 psia (206 kPa absolute). (The 30 psia (206 kPa absolute) limit is intended to prevent unsafe use of acetylene in pressurized chambers such as caissons, underground excavations or tunnel construction.) This requirement is not intended to apply to storage of acetylene dissolved in a suitable solvent in cylinders manufactured and maintained according to U.S. Department of Transportation requirements, or to acetylene for chemical use. The use of liquid acetylene shall be prohibited.

(3) *Apparatus.* Only approved apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds shall be used.

(4) *Personnel.* Workmen in charge of the oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems shall be instructed and judged competent by their employers for this important work before being left in charge. Rules and instructions covering the operation and maintenance of oxygen or fuel-gas supply equipment including generators, and oxygen or fuel-gas distribution piping systems shall be readily available.

(b) *Cylinders and containers.*—(1) *Approval and marking.* (i) All portable cylinders used for the storage and shipment of compressed gases shall be constructed and maintained in accordance with the regulations of the U.S. Department of Transportation, 49 CFR parts 171–179.

(ii) Compressed gas cylinders shall be legibly marked, for the purpose of

identifying the gas content, with either the chemical or the trade name of the gas. Such marking shall be by means of stenciling, stamping, or labeling, and shall not be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder. This method conforms to the American National Standard Method for Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z48.1—1954.

(iii) Compressed gas cylinders shall be equipped with connections complying with the American National Standard Compressed Gas Cylinder Valve Outlet and Inlet Connections, ANSI B57.1—1965.

(iv) All cylinders with a water weight capacity of over 30 pounds (13.6 kg) shall be equipped with means of connecting a valve protection cap or with a collar or recess to protect the valve.

(2) *Storage of cylinders—general.* (i) Cylinders shall be kept away from radiators and other sources of heat.

(ii) Inside of buildings, cylinders shall be stored in a well-protected, well-ventilated, dry location, at least 20 feet (6.1 m) from highly combustible materials such as oil or excelsior. Cylinders should be stored in definitely assigned places away from elevators, stairs, or gangways. Assigned storage spaces shall be located where cylinders will not be knocked over or damaged by passing or falling objects, or subject to tampering by unauthorized persons. Cylinders shall not be kept in unventilated enclosures such as lockers and cupboards.

(iii) Empty cylinders shall have their valves closed.

(iv) Valve protection caps, where cylinder is designed to accept a cap, shall always be in place, hand-tight, except when cylinders are in use or connected for use.

(3) *Fuel-gas cylinder storage.* Inside a building, cylinders, except those in actual use or attached ready for use, shall be limited to a total gas capacity of 2,000 cubic feet (56 m³) or 300 pounds (135.9 kg) of liquefied petroleum gas.

(i) For storage in excess of 2,000 cubic feet (56 m³) total gas capacity of cylinders or 300 (135.9 kg) pounds of liquefied petroleum gas, a separate room or compartment conforming to the requirements specified in paragraphs (f)(6)(i)(H) and (f)(6)(i)(I) of this section shall be provided, or cylinders shall be kept outside or in a special building. Special buildings, rooms or compartments shall have no open flame for heating or lighting and shall be well ventilated. They may also be used for storage of calcium carbide in quantities not to exceed 600 (271.8 kg) pounds,

when contained in metal containers complying with paragraphs (g)(1)(i) and (g)(1)(ii) of this section.

(ii) Acetylene cylinders shall be stored valve end up.

(4) *Oxygen storage.* (i) Oxygen cylinders shall not be stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near any other substance likely to cause or accelerate fire; or in an acetylene generator compartment.

(ii) Oxygen cylinders stored in outside generator houses shall be separated from the generator or carbide storage rooms by a noncombustible partition having a fire-resistance rating of at least 1 hour. This partition shall be without openings and shall be gastight.

(iii) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour.

(iv) Where a liquid oxygen system is to be used to supply gaseous oxygen for welding or cutting and the system has a storage capacity of more than 13,000 cubic feet (364 m³) of oxygen (measured at 14.7 psia (101 kPa) and 70 °F (21.1 °C)), connected in service or ready for service, or more than 25,000 cubic feet (700 m³) of oxygen (measured at 14.7 psia (101 kPa) and 70 °F (21.1 °C)), including unconnected reserves on hand at the site, it shall comply with the provisions of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566—1965.

(5) *Operating procedures.* (i) Cylinders, cylinder valves, couplings, regulators, hose, and apparatus shall be kept free from oily or greasy substances. Oxygen cylinders or apparatus shall not be handled with oily hands or gloves. A jet of oxygen must never be permitted to strike an oily surface, greasy clothes, or enter a fuel oil or other storage tank.

(ii) (A) When transporting cylinders by a crane or derrick, a cradle, boat, or suitable platform shall be used. Slings or electric magnets shall not be used for this purpose. Valve-protection caps, where cylinder is designed to accept a cap, shall always be in place.

(B) Cylinders shall not be dropped or struck or permitted to strike each other violently.

(C) Valve-protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve-protection caps to pry cylinders loose when frozen to the ground or otherwise

fixed; the use of warm (not boiling) water is recommended. Valve-protection caps are designed to protect cylinder valves from damage.

(D) Unless cylinders are secured on a special truck, regulators shall be removed and valve-protection caps, when provided for, shall be put in place before cylinders are moved.

(E) Cylinders not having fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while these cylinders are in service. In multiple cylinder installations only one key or handle is required for each manifold.

(F) Cylinder valves shall be closed before moving cylinders.

(G) Cylinder valves shall be closed when work is finished.

(H) Valves of empty cylinders shall be closed.

(I) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them, or fire-resistant shields shall be provided.

(J) Cylinders shall not be placed where they might become part of an electric circuit. Contacts with third rails, trolley wires, etc., shall be avoided. Cylinders shall be kept away from radiators, piping systems, layout tables, etc., that may be used for grounding electric circuits such as for arc welding machines. Any practice such as the tapping of an electrode against a cylinder to strike an arc shall be prohibited.

(K) Cylinders shall never be used as rollers or supports, whether full or empty.

(L) The numbers and markings stamped into cylinders shall not be tampered with.

(M) No person, other than the gas supplier, shall attempt to mix gases in a cylinder. No one, except the owner of the cylinder or person authorized by him, shall refill a cylinder.

(N) No one shall tamper with safety devices in cylinders or valves.

(O) Cylinders shall not be dropped or otherwise roughly handled.

(P) Unless connected to a manifold, oxygen from a cylinder shall not be used without first attaching an oxygen regulator to the cylinder valve. Before connecting the regulator to the cylinder valve, the valve shall be opened slightly for an instant and then closed. Always stand to one side of the outlet when opening the cylinder valve.

(Q) A hammer or wrench shall not be used to open cylinder valves. If valves cannot be opened by hand, the supplier shall be notified.

(R)(1) Cylinder valves shall not be tampered with nor should any attempt

be made to repair them. If trouble is experienced, the supplier should be sent a report promptly indicating the character of the trouble and the cylinder's serial number. Supplier's instructions as to its disposition shall be followed.

(2) Complete removal of the stem from a diaphragm-type cylinder valve shall be avoided.

(iii)(A) Fuel-gas cylinders shall be placed with valve end up whenever they are in use. Liquefied gases shall be stored and shipped with the valve end up.

(B) Cylinders shall be handled carefully. Rough handling, knocks, or falls are liable to damage the cylinder, valve or safety devices and cause leakage.

(C) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. The valve shall be opened while standing to one side of the outlet; never in front of it. Never crack a fuel-gas cylinder valve near other welding work or near sparks, flame, or other possible sources of ignition.

(D) Before a regulator is removed from a cylinder valve, the cylinder valve shall be closed and the gas released from the regulator.

(E) Nothing shall be placed on top of an acetylene cylinder when in use which may damage the safety device or interfere with the quick closing of the valve.

(F) If cylinders are found to have leaky valves or fittings which cannot be stopped by closing of the valve, the cylinders shall be taken outdoors away from sources of ignition and slowly emptied.

(G) A warning should be placed near cylinders having leaking fuse plugs or other leaking safety devices not to approach them with a lighted cigarette or other source of ignition. Such cylinders should be plainly tagged; the supplier should be promptly notified and his instructions followed as to their return.

(H) Safety devices shall not be tampered with.

(I) Fuel-gas shall never be used from cylinders through torches or other devices equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(J) The cylinder valve shall always be opened slowly.

(K) An acetylene cylinder valve shall not be opened more than one and one-half turns of the spindle, and preferably no more than three-fourths of a turn.

(L) Where a special wrench is required it shall be left in position on the

stem of the valve while the cylinder is in use so that the fuel-gas flow can be quickly turned off in case of emergency. In the case of manifolded or coupled cylinders at least one such wrench shall always be available for immediate use.

(c) *Manifolding of cylinders*—(1) *Fuel-gas manifolds*. (i) Manifolds shall be approved either separately for each component part or as an assembled unit.

(ii) Except as provided in paragraph (c)(1)(iii) of this section fuel-gas cylinders connected to one manifold inside a building shall be limited to a total capacity not exceeding 300 pounds (135.9 kg) of liquefied petroleum gas or 3,000 cubic feet (84 m³) of other fuel-gas. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet (15 m) apart or separated by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour.

(iii) Fuel-gas cylinders connected to one manifold having an aggregate capacity exceeding 300 pounds (135.9 kg) of liquefied petroleum gas or 3,000 cubic feet (84 m³) of other fuel-gas shall be located outdoors, or in a separate building or room constructed in accordance with paragraphs (f)(6)(i)(H) and (f)(6)(i)(I) of this section.

(iv) Separate manifold buildings or rooms may also be used for the storage of drums of calcium carbide and cylinders containing fuel gases as provided in paragraph (b)(3) of this section. Such buildings or rooms shall have no open flames for heating or lighting and shall be well-ventilated.

(v) High-pressure fuel-gas manifolds shall be provided with approved pressure regulating devices.

(2) *High-pressure oxygen manifolds* (for use with cylinders having a Department of Transportation service pressure above 200 psig (1.36 MPa)). (i) Manifolds shall be approved either separately for each component part or as an assembled unit.

(ii) Oxygen manifolds shall not be located in an acetylene generator room. Oxygen manifolds shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet (6.1 m) or by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour.

(iii) Except as provided in paragraph (c)(2)(iv) of this section, oxygen cylinders connected to one manifold shall be limited to a total gas capacity of 6,000 cubic feet (168 m³). More than one such manifold with connected cylinders may be located in the same room

provided the manifolds are at least 50 feet (15 m) apart or separated by a noncombustible barrier at least 5 feet (1.5 m) high having a fire-resistance rating of at least one-half hour.

(iv) An oxygen manifold, to which cylinders having an aggregate capacity of more than 6,000 cubic feet (168 m³) of oxygen are connected, should be located outdoors or in a separate noncombustible building. Such a manifold, if located inside a building having other occupancy, shall be located in a separate room of noncombustible construction having a fire-resistance rating of at least one-half hour or in an area with no combustible material within 20 feet (6.1 m) of the manifold.

(v) An oxygen manifold or oxygen bulk supply system which has storage capacity of more than 13,000 cubic feet (364 m³) of oxygen (measured at 14.7 psia (101 kPa) and 70 °F (21.1 °C)), connected in service or ready for service, or more than 25,000 cubic feet (700 m³) of oxygen (measured at 14.7 psia (101 kPa) and 70 °F (21.1 °C)), including unconnected reserves on hand at the site, shall comply with the provisions of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566-1965.

(vi) High-pressure oxygen manifolds shall be provided with approved pressure-regulating devices.

(3) *Low-pressure oxygen manifolds (for use with cylinders having a Department of Transportation service pressure not exceeding 200 psig (1.36 MPa)).* (i) Manifolds shall be of substantial construction suitable for use with oxygen at a pressure of 250 psig (1.7 MPa). They shall have a minimum bursting pressure of 1,000 psig (6.8 MPa) and shall be protected by a safety relief device which will relieve at a maximum pressure of 500 psig (3.4 MPa). DOT-4L200 cylinders have safety devices which relieve at a maximum pressure of 250 psig (1.7 MPa) (or 235 psig (1.6 MPa) if vacuum insulation is used).

(ii) Hose and hose connections subject to cylinder pressure shall comply with paragraph (e)(5) of this section. Hose shall have a minimum bursting pressure of 1,000 psig (6.8 MPa).

(iii) The assembled manifold including leads shall be tested and proven gas-tight at a pressure of 300 psig (2.04 MPa). The fluid used for testing oxygen manifolds shall be oil-free and not combustible.

(iv) The location of manifolds shall comply with paragraphs (c)(2)(ii), (c)(2)(iii), (c)(2)(iv), and (c)(2)(v) of this section.

(v) The following sign shall be conspicuously posted at each manifold:

Low-Pressure Manifold
Do Not Connect High-Pressure Cylinders
Maximum Pressure—250 psig (1.7 MPa)

(4) *Portable outlet headers.* (i) Portable outlet headers shall not be used indoors except for temporary service where the conditions preclude a direct supply from outlets located on the service piping system.

(ii) Each outlet on the service piping from which oxygen or fuel-gas is withdrawn to supply a portable outlet header shall be equipped with a readily accessible shutoff valve.

(iii) Hose and hose connections used for connecting the portable outlet header to the service piping shall comply with paragraph (e)(5) of this section.

(iv) Master shutoff valves for both oxygen and fuel-gas shall be provided at the entry end of the portable outlet header.

(v) Portable outlet headers for fuel-gas service shall be provided with an approved hydraulic back-pressure valve installed at the inlet and preceding the service outlets, unless an approved pressure-reducing regulator, an approved back-flow check valve, or an approved hydraulic back-pressure valve is installed at each outlet. Outlets provided on headers for oxygen service may be fitted for use with pressure-reducing regulators or for direct hose connection.

(vi) Each service outlet on portable outlet headers shall be provided with a valve assembly that includes a detachable outlet seal cap, chained or otherwise attached to the body of the valve.

(vii) Materials and fabrication procedures for portable outlet headers shall comply with paragraphs (d)(1), (d)(2), and (d)(5) of this section.

(viii) Portable outlet headers shall be provided with frames which will support the equipment securely in the correct operating position and protect them from damage during handling and operation.

(5) *Manifold operation procedures.* (i) Cylinder manifolds shall be installed under the supervision of someone familiar with the proper practices with reference to their construction and use.

(ii) All manifolds and parts used in methods of manifolding shall be used only for the gas or gases for which they are approved.

(iii) When acetylene cylinders are coupled, approved flash arresters shall be installed between each cylinder and the coupler block. For outdoor use only, and when the number of cylinders coupled does not exceed three, one flash arrester installed between the coupler block and regulator is acceptable.

(iv) The aggregate capacity of fuel-gas cylinders connected to a portable manifold inside a building shall not exceed 3,000 cubic feet (84 m³) of gas.

(v) Acetylene and liquefied fuel-gas cylinders shall be manifolded in a vertical position.

(vi) The pressure in the gas cylinders connected to and discharged simultaneously through a common manifold shall be approximately equal.

(d) *Service piping systems—(1) Materials and design.* (i)(A) Piping and fittings shall comply with section 2, Industrial Gas and Air Piping Systems, of the American National Standard Code for Pressure Piping ANSI B31.1, 1967, insofar as it does not conflict with paragraphs (d)(1)(i)(A)(1) and (d)(1)(i)(A)(2) of this section:

(1) Pipe shall be at least Schedule 40 and fittings shall be at least standard weight in sizes up to and including 6-inch nominal.

(2) Copper tubing shall be Types K or L in accordance with the Standard Specification for Seamless Copper Water Tube, ASTM B88-66a.

(B) Piping shall be steel, wrought iron, brass or copper pipe, or seamless copper, brass or stainless steel tubing, except as provided in paragraphs (d)(1)(ii) and (d)(1)(iii) of this section.

(ii) (A) Oxygen piping and fittings at pressures in excess of 700 psi (4.8 MPa), shall be stainless steel or copper alloys.

(B) Hose connections and hose complying with paragraph (e)(5) of this section may be used to connect the outlet of a manifold pressure regulator to piping providing the working pressure of the piping is 250 psi (1.7 MPa) or less and the length of the hose does not exceed 5 feet (1.5 m). Hose shall have a minimum bursting pressure of 1,000 psig (6.8 MPa).

(C) When oxygen is supplied to a service piping system from a low-pressure oxygen manifold without an intervening pressure regulating device, the piping system shall have a minimum design pressure of 250 psig (1.7 MPa). A pressure regulating device shall be used at each station outlet when the connected equipment is for use at pressures less than 250 psig (1.7 MPa).

(iii) (A) Piping for acetylene or acetylenic compounds shall be steel or wrought iron.

(B) Unalloyed copper shall not be used for acetylene or acetylenic compounds except in listed equipment.

(2) *Piping joints.* (i) Joints in steel or wrought iron piping shall be welded, threaded or flanged. Fittings, such as elbows, tees, couplings, and unions, may be rolled, forged or cast steel, malleable

iron or nodular iron. Gray or white cast iron fittings are prohibited.

(ii) Joints in brass or copper pipe shall be welded, brazed, threaded, or flanged. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point (not less than 800°F (427°C)) filler metal.

(iii) Joints in seamless copper, brass, or stainless steel tubing shall be approved gas tubing fittings or the joints shall be brazed. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point (not less than 800°F (427°C)) filler metal.

(3) *Installation.* (i) Distribution lines shall be installed and maintained in a safe operating condition.

(ii) All piping shall be run as directly as practicable, protected against physical damage, proper allowance being made for expansion and contraction, jarring and vibration. Pipe laid underground in earth shall be located below the frost line and protected against corrosion. After assembly, piping shall be thoroughly blown out with air, nitrogen, or carbon dioxide to remove foreign materials. For oxygen piping, only oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used.

(iii) Only piping which has been welded or brazed shall be installed in tunnels, trenches or ducts. Shutoff valves shall be located outside such conduits. Oxygen piping may be placed in the same tunnel, trench or duct with fuel-gas pipelines, provided there is good natural or forced ventilation.

(iv) Low points in piping carrying moist gas shall be drained into drip pots constructed so as to permit pumping or draining out the condensate at necessary intervals. Drain valves shall be installed for this purpose having outlets normally closed with screw caps or plugs. No open end valves or

petcocks shall be used, except that in drips located out of doors, underground, and not readily accessible, valves may be used at such points if they are equipped with means to secure them in the closed position. Pipes leading to the surface of the ground shall be cased or jacketed where necessary to prevent loosening or breaking.

(v) Gas cocks or valves shall be provided for all buildings at points where they will be readily accessible for shutting off the gas supply to these buildings in any emergency. There shall also be provided a shutoff valve in the discharge line from the generator, gas holder, manifold or other source of supply.

(vi) Shutoff valves shall not be installed in safety relief lines in such a manner that the safety relief device can be rendered ineffective.

(vii) Fittings and lengths of pipe shall be examined internally before assembly and, if necessary freed from scale or dirt. Oxygen piping and fittings shall be washed out with a suitable solution which will effectively remove grease and dirt but will not react with oxygen. Hot water solutions of caustic soda or trisodium phosphate are effective cleaning agents for this purpose.

(viii) Piping shall be thoroughly blown out after assembly to remove foreign materials. For oxygen piping, oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used. For other piping, air or inert gas may be used.

(ix) When flammable gas lines or other parts of equipment are being purged of air or gas, open lights or other sources of ignition shall not be permitted near uncapped openings.

(x) No welding or cutting shall be performed on an acetylene or oxygen pipeline, including the attachment of hangers or supports, until the line has been purged. Only oil-free air, oil-free

nitrogen, or oil-free carbon dioxide shall be used to purge oxygen lines.

(4) *Painting and signs.* (i) Underground pipe and tubing and outdoor ferrous pipe and tubing shall be covered or painted with a suitable material for protection against corrosion.

(ii) Aboveground piping systems shall be marked in accordance with the American National Standard Scheme for the Identification of Piping Systems, ANSI A13.1—1956.

(iii) Station outlets shall be marked to indicate the name of the gas.

(5) *Testing.* (i) Piping systems shall be tested and proved gastight at 1½ times the maximum operating pressure, and shall be thoroughly purged of air before being placed in service. The material used for testing oxygen lines shall be oil free and noncombustible. Flames shall not be used to detect leaks.

(ii) When flammable gas lines or other parts of equipment are being purged of air or gas, sources of ignition shall not be permitted near uncapped openings.

(e) *Protective equipment, hose, and regulators.*—(1) *General.* Equipment shall be installed and used only in the service for which it is approved and as recommended by the manufacturer.

(2) *Pressure relief devices.* Service piping systems shall be protected by pressure relief devices set to function at not more than the design pressure of the systems and discharging upwards to a safe location.

(3) *Piping protective equipment.* (i) The fuel-gas and oxygen piping systems, including portable outlet headers shall incorporate the protective equipment shown in Figures Q-1, Q-2, and Q-3. When only a portion of a fuel-gas system is to be used with oxygen, only that portion need comply with this paragraph (e)(3)(i).

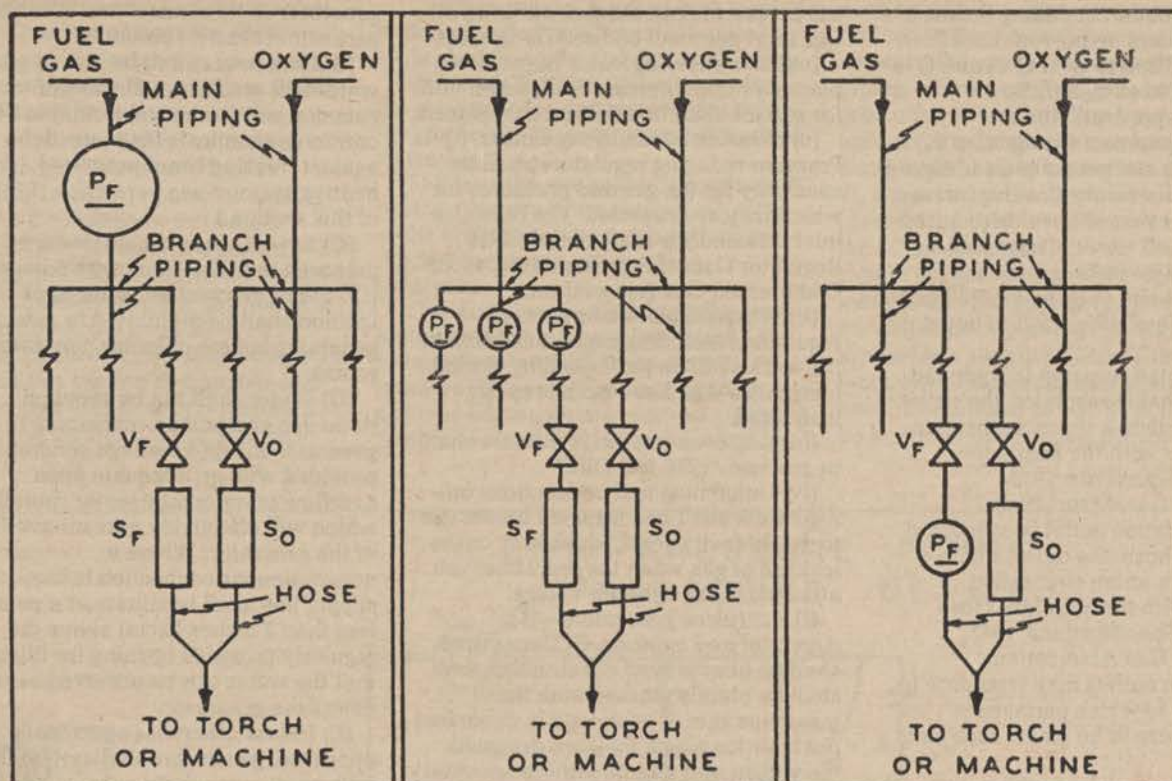


Fig. Q-1

Fig. Q-2

Fig. Q-3

LEGEND

P_F--Protective equipment in fuel gas piping
 V_F--Fuel gas station outlet valve
 V_O--Oxygen station outlet valve
 S_F--Backflow prevention device(s) at fuel gas station outlet
 S_O--Backflow prevention device(s) at oxygen station outlet

(ii) Approved protective equipment (designated P_F in Figures Q-1, Q-2, and Q-3) shall be installed in fuel-gas piping to prevent:

(A) Backflow of oxygen into the fuel-gas supply system;

(B) Passage of a flash back into the fuel-gas supply system; and

(C) Excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

(1) The protective equipment shall be located in the main supply line, as in Figure Q-1 or at the head of each branch line, as in Figure Q-2 or at each location where fuel-gas is withdrawn, as in Figure Q-3. Where branch lines are of 2-inch pipe size or larger or of substantial length, protective equipment (designated

as P_F) shall be located as shown in either Q-2 and Q-3.

(2) Backflow protection shall be provided by an approved device that will prevent oxygen from flowing into the fuel-gas system or fuel from flowing into the oxygen system (see S_F, Figures Q-1 and Q-2).

(3) Flash-back protection shall be provided by an approved device that will prevent flame from passing into the fuel-gas system.

(4) Back-pressure protection shall be provided by an approved pressure-relief device set at a pressure not greater than the pressure rating of the backflow or the flashback protection device, whichever is lower. The pressure-relief device shall be located on the downstream side of the backflow and flashback protection devices. The vent from the pressure-relief device shall be at least as large as the relief device inlet

and shall be installed without low points that may collect moisture. If low points are unavoidable, drip pots with drains closed with screw plugs or caps shall be installed at the low points. The vent terminus shall not endanger personnel or property through gas discharge; shall be located away from ignition sources; and shall terminate in a hood or bend.

(iii) If pipeline protective equipment incorporates a liquid, the liquid level shall be maintained, and a suitable antifreeze may be used to prevent freezing.

(iv) Fuel gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

(4) Station outlet protective equipment. (i) A check valve, pressure regulator, hydraulic seal, or combination of these devices shall be provided at

each station outlet, including those on portable headers, to prevent backflow, as shown in Figures Q-1, Q-2, and Q-3 and designated as S_F and S_O .

(ii) When approved pipeline protective equipment (designated P_F) is located at the station outlet as in Figure Q-3, no additional check valve, pressure regulator, or hydraulic seal is required.

(iii) A shutoff valve (designated V_F and V_O) shall be installed at each station outlet and shall be located on the upstream side of other station outlet equipment.

(iv) If the station outlet is equipped with a detachable regulator, the outlet shall terminate in a union connection that complies with the Regulator Connection Standards, 1958, Compressed Gas Association.

(v) If the station outlet is connected directly to a hose, the outlet shall terminate in a union connection complying with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(vi) Station outlets may terminate in pipe threads to which permanent connections are to be made, such as to a machine.

(vii) Station outlets shall be equipped with a detachable outlet seal cap secured in place. This cap shall be used to seal the outlet except when a hose, a regulator, or piping is attached.

(viii) Where station outlets are equipped with approved backflow and flashback protective devices, as many as four torches may be supplied from one station outlet through rigid piping, provided each outlet from such piping is equipped with a shutoff valve and provided the fuel-gas capacity of any one torch does not exceed 15 cubic feet (0.42 m^3) per hour. This paragraph (e)(4)(viii) does not apply to machines.

(5) *Hose and hose connections.* (i) Hose for oxy-fuel gas service shall comply with the Specification for Rubber Welding Hose, 1958, Compressed Gas Association and Rubber Manufacturers Association.

(ii) When parallel lengths of oxygen and acetylene hose are taped together for convenience and to prevent tangling, not more than 4 inches (10.2 cm) out of 12 inches (30.5 cm) shall be covered by tape.

(iii) Hose connections shall comply with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(iv) Hose connections shall be clamped or otherwise securely fastened in a manner that will withstand, without leakage, twice the pressure to which they are normally subjected in service, but in no case less than a pressure of

300 psi (2.04 MPa). Oil-free air or an oil-free inert gas shall be used for the test.

(v) Hose showing leaks, burns, worn places, or other defects rendering it unfit for service shall be repaired or replaced.

(6) *Pressure-reducing regulators.* (i) Pressure-reducing regulators shall be used only for the gas and pressures for which they are intended. The regulator inlet connections shall comply with Regulator Connection Standards, 1958, Compressed Gas Association.

(ii) When regulators or parts of regulators, including gages, need repair, the work shall be performed by skilled mechanics who have been properly instructed.

(iii) Gages on oxygen regulators shall be marked "USE NO OIL."

(iv) Union nuts and connections on regulators shall be inspected before use to detect faulty seats which may cause leakage of gas when the regulators are attached to the cylinder valves.

(f) *Acetylene generators.* (1) *Approval and marking.* (i) Generators shall be of approved construction and shall be plainly marked with the maximum rate of acetylene in cubic feet per hour for which they are designed; the weight and size of carbide necessary for a single charge; the manufacturer's name and address; and the name or number of the type of generator.

(ii) Carbide shall be of the size marked on the generator nameplate. (2) *Rating and pressure limitations.* (i) The total hourly output of a generator shall not exceed the rate for which it is approved and marked. Unless specifically approved for higher ratings, carbide-feed generators shall be rated at 1 cubic foot (0.028 m^3) per hour per pound of carbide required for a single complete charge.

(ii) Relief valves shall be regularly operated to insure proper functioning. Relief valves for generating chambers shall be set to open at a pressure not in excess of 15 psig (103 kPa gauge pressure). Relief valves for hydraulic back pressure valves shall be set to open at a pressure not in excess of 20 psig (137 kPa gauge pressure).

(iii) Nonautomatic generators shall not be used for generating acetylene at pressures exceeding 1 psig (7 kPa gauge pressure), and all water overflows shall be visible.

(3) *Location.* The space around the generator shall be ample for free, unobstructed operation and maintenance and shall permit ready adjustment and charging.

(4) *Stationary acetylene generators (automatic and nonautomatic).* (i)(A) The foundation shall be so arranged that the generator will be level and so that no excessive strain will be placed on the

generator or its connections. Acetylene generators shall be grounded.

(B) Generators shall be placed where water will not freeze. The use of common salt (sodium chloride) or other corrosive chemicals for protection against freezing is not permitted. (For heating systems see paragraph (f)(6)(iii) of this section.)

(C) Except when generators are prepared in accordance with paragraph (f)(7)(v) of this section, sources of ignition shall be prohibited in outside generator houses or inside generator rooms.

(D) Water shall not be supplied through a continuous connection to the generator except when the generator is provided with an adequate open overflow or automatic water shutoff which will effectively prevent overfilling of the generator. Where a noncontinuous connection is used, the supply line shall terminate at a point not less than 2 inches (5 cm) above the regularly provided opening for filling so that the water can be observed as it enters the generator.

(E) Unless otherwise specifically approved, generators shall not be fitted with continuous drain connections leading to sewers, but shall discharge through an open connection into a suitably vented outdoor receptacle or residue pit which may have such connections. An open connection for the sludge drawoff is desirable to enable the generator operator to observe leakage of generating water from the drain valve or sludge cock.

(ii)(A) Each generator shall be provided with a vent pipe.

(B) The escape or relief pipe shall be rigidly installed without traps and so that any condensation will drain back to the generator.

(C) The escape or relief pipe shall be carried full size to a suitable point outside the building. It shall terminate in a hood or bend located at least 12 feet (3.7 m) above the ground, preferably above the roof, and as far away as practicable from windows or other openings into buildings and as far away as practicable from sources of ignition such as flues or chimneys and tracks used by locomotives. Generating chamber relief pipes shall not be interconnected but shall be separately led to the outside air. The hood or bend shall be so constructed that it will not be obstructed by rain, snow, ice, insects, or birds. The outlet shall be at least 3 feet (0.9 m) from combustible construction.

(iii)(A) Gas holders shall be constructed on the gasometer principle, the bell being suitably guided. The gas bell shall move freely without tendency

to bind and shall have a clearance of at least 2 inches (5 cm) from the shell.

(B) The gas holder may be located in the generator room, in a separate room or out of doors. In order to prevent collapse of the gas bell or infiltration of air due to a vacuum caused by the compressor or booster pump or cooling of the gas, a compressor or booster cutoff shall be provided at a point 12 inches (0.3 m) or more above the landing point of the bell. When the gas holder is located indoors, the room shall be ventilated in accordance with paragraph (f)(6)(ii) of this section and heated and lighted in accordance with paragraphs (f)(6)(iii) and (f)(6)(iv) of this section.

(C) When the gas holder is not located within a heated building, gas holder seals shall be protected against freezing.

(D) Means shall be provided to stop the generator-feeding mechanism before the gas holder reaches the upper limit of its travel.

(E) When the gas holder is connected to only one generator, the gas capacity of the holder shall be not less than one-third of the hourly rating of the generator.

(F) If acetylene is used from the gas holder without increase in pressure at some points but with increase in pressure by a compressor or booster pump at other points, approved piping protective devices shall be installed in

each supply line. The low-pressure protective device shall be located between the gas holder and the shop piping, and the medium-pressure protective device shall be located between the compressor or booster pump and the shop piping (see Figure Q-4). Approved protective equipment (designated P_F) is used to prevent: Backflow of oxygen into the fuel-gas supply system; passage of a flashback into the fuel-gas supply system; and excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

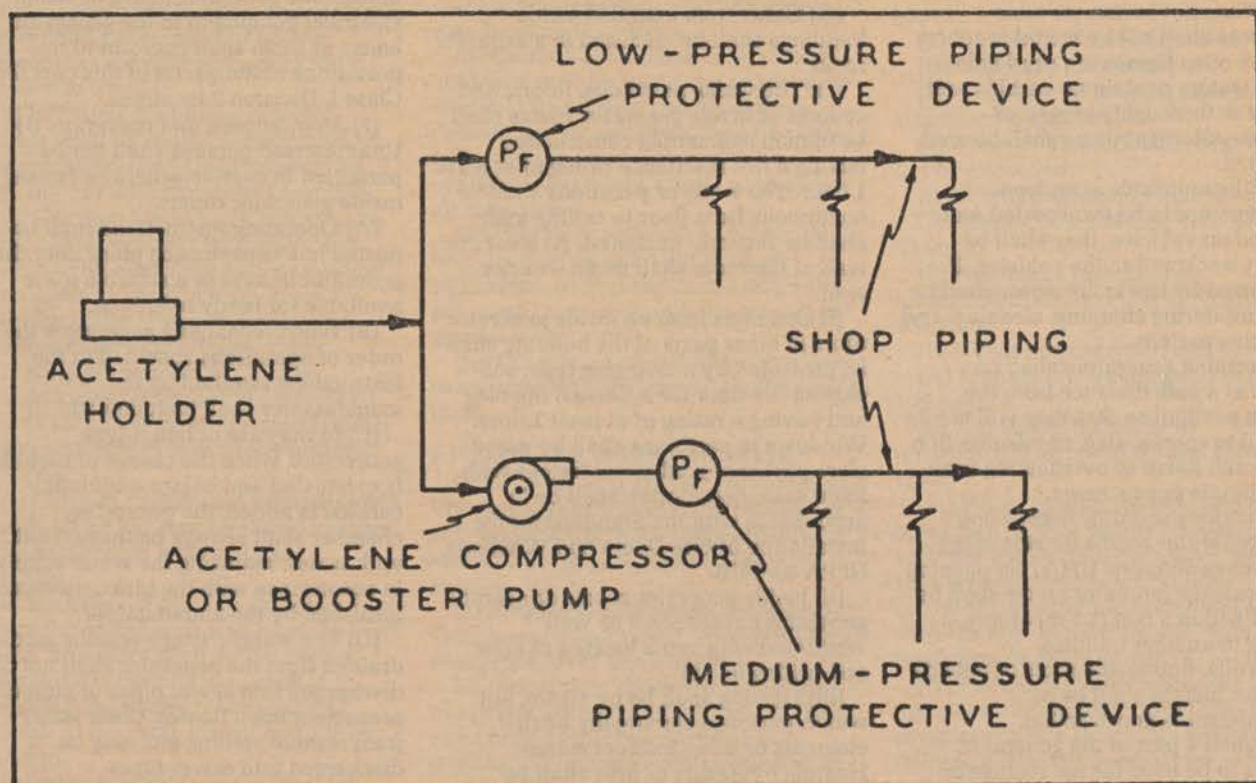


Figure Q-4

(iv) (A) The compressor or booster system shall be of an approved type.

(B) Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of § 1910.324 of this part for Class I, Division 2 locations.

(C) Compressors and booster pump equipment shall be located in well-ventilated areas away from open flames,

electrical or mechanical sparks, or other ignition sources.

(D) Compressor or booster pumps shall be provided with pressure relief valves which will relieve pressure exceeding 15 psig (103 kPa gauge pressure) to a safe outdoor location as provided in paragraph (f)(4)(ii) of this section, or by returning the gas to the inlet side or to the gas supply source.

(E) Compressor or booster pump discharge outlets shall be provided with approved protective equipment. (See paragraph (e) of this section.)

(5) *Portable acetylene generators.* (i) (A) All portable generators shall be of a type approved for portable use.

(B) Portable generators shall not be used within 10 feet (3 m) of combustible material other than the floor.

(C) Portable generators shall not be used in rooms of total volume less than 35 times the total gas-generating capacity per charge of all generators in the room. Generators shall not be used in rooms having a ceiling height of less than 10 feet (3 m). (To obtain the gas-generating capacity in cubic feet per charge, multiply the pounds of carbide per charge by 4.5.)

(D) Portable generators shall be protected against freezing. The use of salt or other corrosive chemical to prevent freezing is prohibited.

(ii) (A) Portable generators shall be cleaned and recharged and the air mixture blown off outside buildings.

(B) When charged with carbide, portable generators shall not be moved by crane or derrick.

(C) When not in use, portable generators shall not be stored in rooms in which open flames are used unless the generators contain no carbide and have been thoroughly purged of acetylene. Storage rooms shall be well ventilated.

(D) When portable acetylene generators are to be transported and operated on vehicles, they shall be securely anchored to the vehicles. If transported by truck, the motor shall be turned off during charging, cleaning, and generating periods.

(E) Portable generators shall be located at a safe distance from the welding position so that they will not be exposed to sparks, slag, or misdirection of the torch flame or overheating from hot materials or processes.

(6) *Outside generator houses and inside generator rooms for stationary acetylene generators.* (i) (A) No opening in any outside generator house shall be located within 5 feet (1.5 m) of any opening in another building.

(B) Walls, floors, and roofs of outside generator houses shall be of noncombustible construction.

(C) When a part of the generator house is to be used for the storage or manifolding of oxygen cylinders, the space to be so occupied shall be separated from the generator or carbide storage section by partition walls continuous from floor to roof or ceiling, of the type of construction stated in paragraph (f)(6)(i)(H) of this section. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas-tight joint.

(D) Exit doors shall be located so as to be readily accessible in case of emergency.

(E) Explosion venting for outside generator houses and inside generator rooms shall be provided in exterior

walls or roofs. The venting areas shall be equal to not less than 1 square foot (0.09 m²) per 50 cubic feet (1.4 m³) of room volume and may consist of any one or any combination of the following: Walls of light, noncombustible material preferably single-thickness, single-strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot (0.001 MPa).

(F) The installation of acetylene generators within buildings shall be restricted to buildings not exceeding one story in height; *provided, however*, that this will not be construed as prohibiting such installations on the roof or top floor of a building exceeding such height.

(G) Generators installed inside buildings shall be enclosed in a separate room.

(H) The walls, partitions, floors, and ceilings of inside generator rooms shall be of noncombustible construction having a fire-resistance rating of at least 1 hour. The walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall of the room shall be an exterior wall.

(I) Openings from an inside generator room to other parts of the building shall be protected by a swinging type, self-closing fire door for a Class B opening and having a rating of at least 1 hour. Windows in partitions shall be wired glass and approved metal frames with fixed sash. Installation shall be in accordance with the Standard for the Installation of Fire Doors and Windows, NFPA 80-1970.

(ii) Inside generator rooms or outside generator houses shall be well ventilated with vents located at floor and ceiling levels.

(iii) Heating shall be by steam, hot water, enclosed electrically heated elements or other indirect means. Heating by flames or fires shall be prohibited in outside generator houses or inside generator rooms, or in any enclosure communicating with them.

(iv)(A) Generator houses or rooms shall have natural light during daylight hours. Where artificial lighting is necessary it shall be restricted to electric lamps installed in a fixed position. Unless specifically approved for use in atmospheres containing acetylene, such lamps shall be provided with enclosures of glass or other noncombustible material so designed and constructed as to prevent gas vapors from reaching the lamp or socket and to resist breakage. Rigid conduit with threaded connections shall be used.

(B) Lamps installed outside of wired-glass panels set in gas-tight frames in the exterior walls or roof of the generator house or room are acceptable.

(v) Electric switches, telephones, and all other electrical apparatus which may cause a spark, unless specifically approved for use inside acetylene generator rooms, shall be located outside the generator house or in a room or space separated from the generator room by a gas-tight partition, except that where the generator system is designed so that no carbide fill opening or other part of the generator is open to the generator house or room during the operation of the generator, and so that residue is carried in closed piping from the residue discharge valve to a point outside the generator house or room, electrical equipment in the generator house or room shall conform to the provisions of Subpart S of this part for Class I, Division 2 locations.

(7) *Maintenance and operation.* (i) Unauthorized persons shall not be permitted in outside generator houses or inside generator rooms.

(A) Operating instructions shall be posted in a conspicuous place near the generator or kept in a suitable place available for ready reference.

(B) When recharging generators the order of operations specified in the instructions supplied by the manufacturer shall be followed.

(C) In the case of batch-type generators, when the charge of carbide is exhausted and before additional carbide is added, the generating chamber shall always be flushed out with water, renewing the water supply in accordance with the instruction card furnished by the manufacturer.

(D) The water-carbide residue mixture drained from the generator shall not be discharged into sewer pipes or stored in areas near open flames. Clear water from residue settling pits may be discharged into sewer pipes.

(ii) The carbide added each time the generator is recharged shall be sufficient to refill the space provided for carbide without ramming the charge. Steel or other ferrous tools shall not be used in distributing the charge.

(iii) Generator water chambers shall be kept filled to proper level at all times except while draining during the recharging operation.

(iv) Whenever repairs are to be made or the generator is to be charged or carbide is to be removed, the water chamber shall be filled to the proper level.

(v) Previous to making repairs involving welding, soldering, or other hot work or other operations which

produce a source of ignition, the carbide charge and feed mechanism shall be completely removed. All acetylene shall be expelled by completely flooding the generator shell with water and the generator shall be disconnected from the piping system. The generator shall be kept filled with water, if possible, or positioned to hold as much water as possible.

(vi) Hot repairs shall not be made in a room where there are other generators unless all the generators and piping have been purged of acetylene.

(g) *Calcium carbide storage*—(1) *Packaging*. (i) Calcium carbide shall be contained in metal packages of sufficient strength to prevent rupture. The packages shall be provided with a screw top or equivalent. These packages shall be constructed water- and air-tight. Solder shall not be used in such a manner that the package would fail if exposed to fire.

(ii) Packages containing calcium carbide shall be conspicuously marked "Calcium Carbide—Dangerous If Not Kept Dry" or with equivalent warning.

(iii) Caution: Metal tools, even the so-called spark resistant type may cause ignition of an acetylene and air mixture when opening carbide containers.

(iv) Sprinkler systems shall not be installed in carbide storage rooms.

(2) *Storage indoors*. (i) Calcium carbide in quantities not to exceed 600 pounds (272.2 kg) may be stored indoors in dry, waterproof, and well-ventilated locations.

(A) Calcium carbide not exceeding 600 pounds (272.2 kg) may be stored indoors in the same room with fuel-gas cylinders.

(B) Packages of calcium carbide, except for one of each size, shall be kept sealed. The seals shall not be broken when there is carbide in excess of 1 pound (0.5 kg) in any other unsealed package of the same size of carbide in the room.

(ii) Calcium carbide exceeding 600 pounds (272.2 kg) but not exceeding 5,000 pounds (2,268 kg) shall be stored:

(A) In accordance with paragraph (g)(2)(iii) of this section;

(B) In an inside generator room or outside generator house; or

(C) In a separate room in a one-story building which may contain other occupancies, but without cellar or basement beneath the carbide storage section. Such rooms shall be constructed in accordance with paragraphs (f)(6)(i)(H) and (f)(6)(i)(I) of this section and ventilated in accordance with paragraph (f)(6)(ii) of this section. These rooms shall be used for no other purpose.

(iii) Calcium carbide in excess of 5,000 pounds (2,268 kg) shall be stored in one-story buildings without cellar or basement and used for no other purpose, or in outside generator houses. If the storage building is of noncombustible construction, it may adjoin other one-story buildings if separated therefrom by unpierced firewalls; if it is detached less than 10 feet (3 m) from such building or buildings, there shall be no opening in any of the mutually exposing sides of such buildings within 10 feet (3 m). If the storage building is of combustible construction, it shall be at least 20 feet (6.1 m) from any other one- or two-story building, and at least 30 feet (9.1 m) from any other building exceeding two stories.

(3) *Storage outdoors*. (i) Calcium carbide in unopened metal containers may be stored outdoors.

(ii) Carbide containers to be stored outdoors shall be examined to make sure that they are in good condition. Periodic reexaminations shall be made for rusting or other damage to a container that might affect its water or air tightness.

(iii) The bottom tier of each row shall be placed on wooden planking or equivalent, so that the containers will not come in contact with the ground or ground water.

(iv) Containers of carbide which have been in storage the longest shall be used first.

§ 1910.254 Arc welding and cutting.

(a) *General*—(1) *Equipment selection*. Welding equipment shall be chosen for safe application to the work to be done as specified in paragraph (b) of this section.

(2) *Installation*. Welding equipment shall be installed safely as specified by paragraph (c) of this section.

(3) *Instruction*. Workmen designated to operate arc welding equipment shall have been properly instructed and qualified to operate such equipment as specified in paragraph (d) of this section.

(b) *Application of arc welding equipment*—(1) *General*. Assurance of consideration of safety in design is obtainable by choosing apparatus complying with the Requirements for Electric Arc-Welding Apparatus, NEMA EW-1-1962, National Electrical Manufacturers Association or the Safety Standard for Transformer-Type Arc-Welding Machines, ANSI C33.2-1956, Underwriters' Laboratories.

(2) *Environmental conditions*. (i) Standard machines for arc welding service shall be designed and constructed to carry their rated load with rated temperature rises where the

temperature of the cooling air does not exceed 40 °C (104 °F) and where the altitude does not exceed 3,300 feet (1,005.8 m), and shall be suitable for operation in atmospheres containing gases, dust, and light rays produced by the welding arc.

(ii) Unusual service conditions may exist, and in such circumstances machines shall be especially designed to safely meet the requirements of the service. Chief among these conditions are:

(A) Exposure to unusually corrosive fumes.

(B) Exposure to steam or excessive humidity.

(C) Exposure to excessive oil vapor.

(D) Exposure to flammable gases.

(E) Exposure to abnormal vibration or shock.

(F) Exposure to excessive dust.

(G) Exposure to weather.

(H) Exposure to unusual seacoast or shipboard conditions.

(3) *Voltage*. The following limits shall not be exceeded:

(i) Alternating-current machines

(A) Manual arc welding and cutting—80 volts.

(B) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(ii) Direct-current machines

(A) Manual arc welding and cutting—100 volts.

(B) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(iii) When special welding and cutting processes require values of open circuit voltages higher than the above, means shall be provided to prevent the operator from making accidental contact with the high voltage by adequate insulation or other means.

(iv) For a.c. welding under wet conditions or warm surroundings where perspiration is a factor, the use of reliable automatic controls for reducing no load voltage is recommended to reduce the shock hazard.

(4) *Design*. (i) A controller integrally mounted in an electric motor driven welder shall have capacity for carrying rated motor current, shall be capable of making and interrupting stalled rotor current of the motor, and may serve as the running overcurrent device if provided with the number of overcurrent units as specified by Subpart S of this part.

(ii) On all types of arc welding machines, control apparatus shall be enclosed except for the operating wheels, levers, or handles.

(iii) Input power terminals, tap change devices and live metal parts connected

to input circuits shall be completely enclosed and accessible only by means of tools.

(iv) Terminals for welding leads should be protected from accidental electrical contact by personnel or by metal objects, i.e., vehicles, crane hooks, etc. Protection may be obtained by use of: Dead-front receptacles for plug connections; recessed openings with nonremovable hinged covers; heavy insulating sleeving or taping or other equivalent electrical and mechanical protection. If a welding lead terminal which is intended to be used exclusively for connection to the work is connected to the grounded enclosure, it must be done by a conductor at least two AWG sizes smaller than the grounding conductor and the terminal shall be marked to indicate that it is grounded.

(v) No connections for portable control devices such as push buttons to be carried by the operator shall be connected to an a.c. circuit of higher than 120 volts. Exposed metal parts of portable control devices operating on circuits above 50 volts shall be grounded by a grounding conductor in the control cable.

(vi) Auto transformers or a.c. reactors shall not be used to draw welding current directly from any a.c. power source having a voltage exceeding 80 volts.

(c) *Installation of arc welding equipment*—(1) *General*. Installation including power supply shall be in accordance with the requirements of Subpart S of this part.

(2) *Grounding*. (i) The frame or case of the welding machine (except engine-driven machines) shall be grounded under the conditions and according to the methods prescribed in Subpart S of this part.

(ii) Conduits containing electrical conductors shall not be used for completing a work-lead circuit. Pipelines shall not be used as a permanent part of a work-lead circuit, but may be used during construction, extension or repair providing current is not carried through threaded joints, flanged bolted joints, or caulked joints and that special precautions are used to avoid sparking at connection of the work-lead cable.

(iii) Chains, wire ropes, cranes, hoists, and elevators shall not be used to carry welding current.

(iv) Where a structure, conveyor, or fixture is regularly employed as a welding current return circuit, joints shall be bonded or provided with adequate current collecting devices.

(v) All ground connections shall be checked to determine that they are mechanically strong and electrically adequate for the required current.

(3) *Supply connections and conductors*. (i) A disconnecting switch or controller shall be provided at or near each welding machine which is not equipped with such a switch or controller mounted as an integral part of the machine. The switch shall be in accordance with subpart S of this part. Overcurrent protection shall be provided as specified in subpart S of this part. A disconnect switch with overload protection or equivalent disconnect and protection means, permitted by subpart S of this part, shall be provided for each outlet intended for connection to a portable welding machine.

(ii) For individual welding machines, the rated current-carrying capacity of the supply conductors shall be not less than the rated primary current of the welding machines.

(iii) For groups of welding machines, the rated current-carrying capacity of conductors may be less than the sum of the rated primary currents of the welding machines supplied. The conductor rating shall be determined in each case according to the machine loading based on the use to be made of each welding machine and the allowance permissible in the event that all the welding machines supplied by the conductors will not be in use at the same time.

(iv) In operations involving several welders on one structure, d.c. welding process requirements may require the use of both polarities; or supply circuit limitations for a.c. welding may require distribution of machines among the phases of the supply circuit. In such cases no load voltages between electrode holders will be 2 times normal in d.c. or 1, 1.41, 1.73, or 2 times normal on a.c. machines. Similar voltage differences will exist if both a.c. and d.c. welding are done on the same structure.

(A) All d.c. machines shall be connected with the same polarity.

(B) All a.c. machines shall be connected to the same phase of the supply circuit and with the same instantaneous polarity.

(d) *Operation and maintenance*—(1) *General*. Workmen assigned to operate or maintain arc welding equipment shall be acquainted with the requirements of this section and with § 1910.252 (a), (b) and (c) of this part; if doing gas-shielded arc welding, also Recommended Safe Practices for Gas-Shielded Arc Welding, A6.1-1966, American Welding Society.

(2) *Machine hook up*. Before starting operations all connections to the machine shall be checked to make certain they are properly made. The work lead shall be firmly attached to the work; magnetic work clamps shall be

freed from adherent metal particles of spatter on contact surfaces. Coiled welding cable shall be spread out before use to avoid serious overheating and damage to insulation.

(3) *Grounding*. Grounding of the welding machine frame shall be checked. Special attention shall be given to safety ground connections of portable machines.

(4) *Leaks*. There shall be no leaks of cooling water, shielding gas or engine fuel.

(5) *Switches*. It shall be determined that proper switching equipment for shutting down the machine is provided.

(6) *Manufacturers' instructions*. Printed rules and instructions covering operation of equipment supplied by the manufacturers shall be strictly followed.

(7) *Electrode holders*. Electrode holders when not in use shall be so placed that they cannot make electrical contact with persons, conducting objects, fuel or compressed gas tanks.

(8) *Electric shock*. Cables with splices within 10 feet (3 m) of the holder shall not be used. The welder should not coil or loop welding electrode cable around parts of his body.

(9) *Maintenance*. (i) The operator should report any equipment defect or safety hazard to his supervisor and the use of the equipment shall be discontinued until its safety has been assured. Repairs shall be made only by qualified personnel.

(ii) Machines which have become wet shall be thoroughly dried and tested before being used.

(iii) Cables with damaged insulation or exposed bare conductors shall be replaced. Joining lengths of work and electrode cables shall be done by the use of connecting means specifically intended for the purpose. The connecting means shall have insulation adequate for the service conditions.

§ 1910.255 Resistance welding.

(a) *General*—(1) *Installation*. All equipment shall be installed by a qualified electrician in conformance with subpart S of this part. There shall be a safety-type disconnecting switch or a circuit breaker or circuit interrupter to open each power circuit to the machine, conveniently located at or near the machine, so that the power can be shut off when the machine or its controls are to be serviced.

(2) *Thermal protection*. Ignitron tubes used in resistance welding equipment shall be equipped with a thermal protection switch.

(3) *Personnel*. Workmen designated to operate resistance welding equipment shall have been properly instructed and

judged competent to operate such equipment.

(4) *Guarding.* Controls of all automatic or air and hydraulic clamps shall be arranged or guarded to prevent the operator from accidentally activating them.

(b) *Spot and seam welding machines (nonportable)*—(1) *Voltage.* All external weld initiating control circuits shall operate on low voltage, not over 120 volts, for the safety of the operators.

(2) *Capacitor welding.* Stored energy or capacitor discharge type of resistance welding equipment and control panels involving high voltage (over 550 volts) shall be suitably insulated and protected by complete enclosures, all doors of which shall be provided with suitable interlocks and contacts wired into the control circuit (similar to elevator interlocks). Such interlocks or contacts shall be so designed as to effectively interrupt power and short circuit all capacitors when the door or panel is open. A manually operated switch or suitable positive device shall be installed, in addition to the mechanical interlocks or contacts, as an added safety measure assuring absolute discharge of all capacitors.

(3) *Interlocks.* All doors and access panels of all resistance welding machines and control panels shall be kept locked and interlocked to prevent access, by unauthorized persons, to live portions of the equipment.

(4) *Guarding.* All press welding machine operations, where there is a possibility of the operator's fingers being under the point of operation, shall be effectively guarded by the use of a device such as an electronic eye safety circuit, two hand controls or protection similar to that prescribed for punch press operation, § 1910.217 of this part. All chains, gears, operating bus linkage, and belts shall be protected by adequate guards, in accordance with § 1910.219 of this part.

(5) *Shields.* The hazard of flying sparks shall be, wherever practical, eliminated by installing a shield guard of safety glass or suitable fire-resistant plastic at the point of operation. Additional shields or curtains shall be installed as necessary to protect passing persons from flying sparks. (See § 1910.252(b)(2)(i)(C) of this part.)

(6) *Foot switches.* All foot switches shall be guarded to prevent accidental operation of the machine.

(7) *Stop buttons.* Two or more safety emergency stop buttons shall be provided on all special multispot welding machines, including 2-post and 4-post weld presses.

(8) *Safety pins.* On large machines, four safety pins with plugs and

receptacles (one in each corner) shall be provided so that when safety pins are removed and inserted in the ram or platen, the press becomes inoperative.

(9) *Grounding.* Where technically practical, the secondary of all welding transformers used in multispot, projection and seam welding machines shall be grounded. This may be done by permanently grounding one side of the welding secondary current circuit. Where not technically practical, a center tapped grounding reactor connected across the secondary or the use of a safety disconnect switch in conjunction with the welding control are acceptable alternates. Safety disconnect shall be arranged to open both sides of the line when welding current is not present.

(c) *Portable welding machines*—(1) *Counterbalance.* All portable welding guns shall have suitable counterbalanced devices for supporting the guns, including cables, unless the design of the gun or fixture makes counterbalancing impractical or unnecessary.

(2) *Safety chains.* All portable welding guns, transformers and related equipment that is suspended from overhead structures, eye beams, trolleys, etc., shall be equipped with safety chains or cables. Safety chains or cables shall be capable of supporting the total shock load in the event of failure of any component of the supporting system.

(3) *Clevis.* Each clevis shall be capable of supporting the total shock load of the suspended equipment in the event of trolley failure.

(4) *Switch guards.* All initiating switches, including retraction and dual schedule switches, located on the portable welding gun shall be equipped with suitable guards capable of preventing accidental initiation through contact with fixturing, operator's clothing, etc. Initiating switch voltage shall not exceed 24 volts.

(5) *Moving holder.* The movable holder, where it enters the gun frame, shall have sufficient clearance to prevent the shearing of fingers carelessly placed on the operating movable holder.

(6) *Grounding.* The secondary and case of all portable welding transformers shall be grounded. Secondary grounding may be by center tapped secondary or by a center tapped grounding reactor connected across the secondary.

(d) *Flash welding equipment*—(1) *Ventilation and flash guard.* Flash welding machines shall be equipped with a hood to control flying flash. In cases of high production, where materials may contain a film of oil and

where toxic elements and metal fumes are given off, ventilation shall be provided in accordance with § 1910.252(c) of this part.

(2) *Fire curtains.* For the protection of the operators of nearby equipment, fire-resistant curtains or suitable shields shall be set up around the machine and in such a manner that the operators' movements are not hampered.

(e) *Maintenance.* Periodic inspection shall be made by qualified maintenance personnel, and a certification record maintained. The certification record shall include the date of inspection, the signature of the person who performed the inspection and the serial number, or other identifier, for the equipment inspected. The operator shall be instructed to report any equipment defects to his supervisor and the use of the equipment shall be discontinued until safety repairs have been completed.

§ 1910.256 Sources of standards.

Sec.	Source
1910.251.....	ANSI Z49.1—1967, Safety in Welding and Cutting.
1910.252–255.....	(a) NFPA—51—1969, Welding and Cutting Oxygen Fuel Gas System.
	(b) ANSI Z—49.1—1967, Safety in Welding and Cutting.
	(c) NFPA—51B—1962, Cutting and Welding Processes.
	(d) 41 CFR 50–204.7.

§ 1910.257 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and addresses of the issuing organizations are as follows:

(a) American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.

(b) National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

(c) Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Arlington, VA 22207.

(d) American Petroleum Institute, 1220 L Street NW., Washington, DC 20005.

(e) American Welding Society, 550 NW. LeJeune Road, P.O. Box 351040, Miami, FL 33135.

(f) Rubber Manufacturers Association, 1400 K Street NW., Washington, DC 20005.

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Best Interest Federal

Wednesday
April 11, 1990

Part III

Department of Education

School, College, and University
Partnerships Program; Notice Inviting
Applications for New Awards for Fiscal
Year 1990

DEPARTMENT OF EDUCATION

(CFDA No. 84.204)

School, College, and University Partnerships Program; Notice Inviting Applications for New Awards for Fiscal Year 1990

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: To encourage partnership between institutions of higher education and secondary schools serving low income students, and to support programs that improve the academic skills of public and private nonprofit secondary school students, increase their opportunity to continue a program of education after secondary school, and improve their prospects for employment after secondary school.

Deadline for Transmittal of Applications: May 25, 1990.

Deadline for Intergovernmental Review: July 24, 1990

Available Funds: \$1,000,000.

Estimated Range of Awards: \$250,000-\$400,000 per year.

Note: The Department will not make grants for less than \$250,000 per year.

Estimated Average Size of Awards: \$250,000-\$333,000.

Estimated Number of Awards: 3-4.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 12 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 79 (Intergovernmental Review of Department of Education Programs and Activities), Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), and Part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)).

Eligibility: To be eligible to apply for a grant under this program, an institution of higher education and a local educational agency must enter into a written partnership agreement. The

partnership may also include business, labor organizations, professional associations, community-based organizations, or other private or public agencies or associations. All partners must sign the agreement which shall include—

(1) A listing of all participants in the partnership;

(2) A description of the responsibilities of each participant in the partnership; and

(3) A listing of the resources to be contributed by each participant in the partnership.

In addition, the partnership must establish a governing body that includes one representative of each participant in the partnership.

The legal applicant may be one member of the partnership designated by the group to apply for the grant. However, the legal applicant must be a local educational agency, an institution of higher education, or, provided that the partnership has been established as a separate legal entity, the partnership.

Activities: Grant funds may be used by the partnership to support programs that—

(a) Use college students to tutor secondary school students and improve their basic academic skills;

(b) Are designed to improve the basic academic skills of secondary school students;

(c) Are designed to increase the understanding of specific subjects of secondary school students;

(d) Are designed to improve the opportunity to continue a program of education after graduation for secondary school students; and

(e) Are designed to increase the prospects for employment after graduation of secondary school students.

Funding Requirements: (a) The Secretary will reserve 65 percent of program funds for programs operating during the regular school year and 35 percent to carry out programs during the summer. An applicant may request funds to operate programs during the regular school year, the summer, or both. The budget must clearly separate the amount requested for the regular school year programs and the summer programs.

(b) The partnership must provide at least 30 percent of the cost of project in the first year, 40 percent in the second year and 50 percent in the third and any subsequent years. (Regulations governing the Federal matching requirements can be found in 34 CFR part 74, subpart G and 34 CFR 80.24.)

(c) A local educational agency receiving funds under this program shall

use these funds so as to supplement and not supplant non-Federal funds, and, to the extent practical, increase the resources that would, in the absence of Federal funds received under this program, be made available from non-Federal sources for the education of students participating in a project under this program. A local educational agency receiving funds under this program shall not reduce its combined fiscal effort per student or its aggregate expenditure on education.

Priorities: In accordance with the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.105(c)(3), the Secretary has established the following absolute priorities. Applications submitted under the School, College, and University Partnerships program for fiscal year 1990 must meet two or more of the following priorities in order to be considered under this competition:

(1) Programs which will serve predominantly low-income communities;

(2) Partnerships which will run programs during the regular school year and the summer; and

(3) Programs which will serve educationally disadvantaged students; potential dropouts; pregnant adolescents and teen parents; or children of migratory agricultural workers or of migratory fishermen.

Based on the recommendation of the Congress in the Conference Report (H. Rep. 101-274, p. 42 (Oct. 6, 1989)) and the Senate Report (S. Rep. 101-127, p. 282 (Sept. 13, 1989)) that accompanied the Department of Education Appropriations Act for 1990 (Pub. L. 101-166), the Secretary is also interested in applications that meet the following invitational priority:

Projects that will link a community college, secondary schools, and a university and emphasize advancement to higher education and degree completion, leading to employment. Projects may identify low-income students in their junior year of high school, prepare them to continue their technical education at the community college, and provide them with the opportunity to complete a degree program at a university.

However, under 34 CFR 75.105(c)(1), an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of School, College, and University Partnerships program including consideration of—

(i) The objectives of the project; and
(ii) How the objectives of the project further the purposes of the School, College, and University Partnerships program.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the School, College, and University Partnerships program, including consideration of—

(i) The needs addressed by the project;
(ii) How the applicant identified those needs;
(iii) How those needs will be met by the project; and
(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;
(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;
(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools, the quality of the applicant's plan to provide that opportunity.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraph (b)(4)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i) (A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The Budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (15 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State

under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the *Federal Register* on November 18, 1987, pages 44338-44340.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA # 84.204, U.S. Department of Education, room 4161, 400 Maryland Avenue, SW., Washington, DC 20202-0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that this address is not the same address as the one to which the applicant submits its completed application. Do not send application to the above address.

Instructions for Transmittal of Applications

No grant may be awarded unless a complete form has been received.

(a) If an applicant wants a new grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to:

U.S. Department of Education,
Application Control Center, Attention:
(CFDA # 84.204) room 3633,
Washington, DC 20202-4725

or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to:

U.S. Department of Education,
Application Control Center, Attention:
(CFDA # 84.204) room 3633, 7th & D
Streets, SW., ROB-3, Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

- (1) A private metered postmark.
- (2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 732-2495.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of this application form for Federal assistance (Standard Form 424) the CFDA number—and letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into six parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)) and instructions.

Part II: Budget information—Non-Construction Programs (Standard Form 424-A) and instructions.

Part III: Application Narrative.

Part IV: Partnership Agreement.

Part V: Listing of the secondary school or schools to be involved in the project.

Part IV: SCUP Program Assurances.

Additional Materials:

Estimated Public Reporting Burden. Assurances—Non-Construction Programs (Standard Form 424-B).

Certification regarding Debarment, Suspension, and other Responsibility Matters: Primary Covered Transaction (ED Form GCS-008) and instructions.

Certification regarding Debarment, Suspension, and Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form GCS-009) and instructions.

(Note: ED Form GCS-009 is intended for the use of grantees and should not be transmitted to the Department.)

Certification regarding Drug-Free Workplace Requirements: Grantees Other than Individuals (ED 80-0004).

Certification Regarding Lobbying for Grants and Cooperative Agreements (ED 80-0008).

(Note: This form is required if requesting, making, or entering into a grant or cooperative agreement for more than \$100,000.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT:

Mrs. May J. Weaver, Chief, Special Services Branch, Division of Student Services, Office of Postsecondary Education, Department of Education, Room 3066, ROB-3, 400 Maryland Avenue SW., Washington, DC 20202-5249. Telephone (202) 732-4804.

Program authority: 20 U.S.C. 1105a-1105c.

Dated: April 2, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

BILLING CODE 4000-01-M

OMB Approval No. 0348-0043

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | Item: | Entry: | Item: | Entry: |
|-------|--|-------|--|
| 1. | Self-explanatory. | 12. | List only the largest political entities affected (e.g., State, counties, cities). |
| 2. | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable). | 13. | Self-explanatory. |
| 3. | State use only (if applicable). | 14. | List the applicant's Congressional District and any District(s) affected by the program or project. |
| 4. | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank. | 15. | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5. | Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application. | 16. | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. |
| 6. | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service. | 17. | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. |
| 7. | Enter the appropriate letter in the space provided. | 18. | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.) |
| 8. | Check appropriate box and enter appropriate letter(s) in the space(s) provided:
— "New" means a new assistance award.
— "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
— "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. | | |
| 9. | Name of Federal agency from which assistance is being requested with this application. | | |
| 10. | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested. | | |
| 11. | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project. | | |

SUPPLEMENTAL INSTRUCTIONS FOR STANDARD FORM 424

Item # 2: If the applicant organization has been assigned an ED entity number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full ED entity number in the space entitled "Applicant Identifier."

Item #16: Applicants are required to contact the State Single Point of Contact for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Applicants must complete either Item 16a or 16b to indicate whether or not the application is subject to State review.

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A — BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. SCHOOL YEAR	84.204	\$	\$	\$	\$	\$
2. SUMMER	84.204					
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B — BUDGET CATEGORIES					
Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1) School Year	(2) Summer	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$

Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	
9.					
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$	
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	\$	\$	\$	\$	\$
13. Federal					
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				(e) Fourth
	(b) First	(c) Second	(d) Third		
16.	\$	\$	\$	\$	\$
17.					
18.					
19.					
20. TOTALS (sum of lines 16-19)	\$	\$	\$	\$	\$
SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)					
21. Direct Charges:	22. Indirect Charges:				
23. Remarks					

INSTRUCTIONS FOR THE SF-424A

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary
Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued)

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 — Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i — Show the totals of Lines 6a to 6h in each column.

Line 6j — Show the amount of indirect cost.

Line 6k — Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

INSTRUCTIONS FOR THE SF-424A (continued)

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 - Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16 - 19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

Supplemental Budget Instructions

Clearly separate the amounts requested for the regular school year activities and the summer activities in sections A and B of Standard Form 424A, Budget Information—Non-Construction Programs.

In addition, attach a descriptive budget narrative for both the regular school year activities and the summer activities. The budget narrative should explain the amounts for each individual object class category for both the Federal dollars and for the non-Federal commitments. For the in-kind contributions, the budget narrative should provide the following information: (1) source(s) of the contribution, (2) the dollar value of the donated services, supplies, equipment, etc., and (3) an explanation as to how the value of these contributions was determined. (Refer to EDGAR, 34 CFR part 74, subpart G and 34 CFR 80.24.)

The following details should also be provided.

Personnel: Provide a breakdown of project personnel that includes position, percent of time committed to the project, total salary to be charged to the grant, and the dollar value of any in-kind contributions under personnel.

Fringe Benefits: Include an explanation and appropriate justification if the fringe benefit contribution exceeds 20 percent.

Travel: Indicate the amounts requested for out-of-state travel of project staff only. All travel expenditures should be detailed as to purpose and must be justified in relation to the project objectives. For each trip the following information should be provided: number of travelers, mode of transportation and estimated cost, mileage allowances for privately owned vehicles, and per diem costs.

Equipment: List items of equipment in the following format: Item, Number of Units, Cost per Unit, Total Cost, and Estimated Use Time. Equipment requests must be fully justified and necessary to carry out the project objectives and activities.

Supplies: Provide a breakdown of costs for office supplies and instructional supplies.

Other: Provide a breakdown of all direct costs not clearly covered by other budget categories. Examples are computer use charges, equipment rental, communication costs, printing, student stipends, student transportation, in-state travel, and consultant services. Identify the consultants that will work on the project and the scope of work to be performed by each consultant. Provide a detailed breakdown of the costs, i.e., daily fees to be paid, estimated number of days of service, and all travel expenses, including per diem. Cost allowances for consultant fees, honorarium, per diem and travel should

not exceed amounts permitted by comparable institutional policies.

Indirect Charges: Indirect costs to be charged to the program may not exceed 8 percent of the Total Direct Charges. (Refer to EDGAR, part 75.562)

Instructions for Part III—Application Narrative

Before preparing the Application Narrative, an applicant should read carefully all the information included in this application package, especially the program purpose, the information regarding priorities, and the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;
2. Describe the programs to be developed and operated by the partnership and provide information on how the purposes of the program are to be met;
3. Describe the proposed project in light of each of the selection criteria in the order the criteria are listed in this application package; and
4. Include any other pertinent information that might assist the Secretary in reviewing the application.

Please limit the Application Narrative to no more than 50 double-spaced, typed pages (on one side only).

BILLING CODE 4000-01-M

PART IV -- PARTNERSHIP AGREEMENT

INSTRUCTIONS: Applicants are required to submit a written partnership agreement with the application for funding under the School, College, and University Partnerships program. The partnership agreement must be signed by all partners and must detail the responsibilities of each participant in the partnership and the resources to be contributed by each participant. Applicants may develop their own partnership agreement form or may use the form provided below and attach to it a description of the responsibilities of each partner and the resources to be contributed by each partner.

PARTNERSHIP AGREEMENT

As authorized representatives of our institutions and organizations, we agree to the following terms with respect to our application submitted by _____.

As a condition of receiving a grant under the School, College, and University Partnerships program, we:

- will perform the activities outlined in the application;
- will provide the resources as indicated in the application narrative and budget;
- will provide a representative to the project's governing body; and
- will be bound by all other statements and commitments contained in the application.

Signature and Title

Date

Organization

Signature and Title

Date

Organization

Signature and Title

Date

Organization

(Note: Add or delete signature spaces as necessary)

PART V -- LISTING OF SECONDARY SCHOOLS

INSTRUCTIONS: Applicants are required to submit with the application for funding a listing of the public and private nonprofit secondary school or schools to be involved in the project.

PART VI -- SCUP PROGRAM ASSURANCES

INSTRUCTIONS: Applicants are required to provide the following assurances. This assurance form must be signed by an authorized representative of the legal applicant.

ASSURANCES

The applicant hereby assures and certifies that:

- The partnership will establish a governing body that includes one representative of each participant in the partnership.
- Federal funds will provide no more than 70 percent of the cost of the project in the first year, 60 percent of such costs in the second year, and 50 percent of such costs in the third and any subsequent year.
- A local educational agency receiving funds under this program will not reduce its combined fiscal effort per student or its aggregate expenditure on education.
- A local educational agency receiving funds under this program will use the Federal funds so as to supplement and, to the extent practical, increase the resources that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in the project, and in no case will the Federal funds be used to supplant such non-Federal funds.

Date

Name & Title of Authorized Official

Name of Applicant/Recipient

City, State, Zip Code

Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 20

hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S.

Department of Education, Information Management and Compliance Division, Washington, DC 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project 1840-0602, Washington, DC 20503.

(Information collection approved under OMB control number 1840-0602. Expiration date: March 31, 1992)

BILLING CODE 4000-01-M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

**Certification Regarding
Debarment, Suspension, and Other Responsibility Matters
Primary Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211). Copies of the regulations may be obtained by contacting the U.S. Department of Education, Grants and Contracts Service, 400 Maryland Avenue, S.W. (Room 3633 GSA Regional Office Building No. 3), Washington, D.C. 20202-4725, telephone (202) 732-2505.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature

Date

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
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18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

**Certification Regarding
Debarment, Suspension, and Other Responsibility Matters
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(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature

Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature

Date

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. The regulations, published in the January 31, 1989 *Federal Register*, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment (see 34 CFR Part 85, Sections 85.615 and 85.620).

The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Organization Name

PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature

Date

Certification Regarding Lobbying For Grants and Cooperative Agreements

Submission of this certification is required by Section 1352, Title 31 of the U.S. Code and is a prerequisite for making or entering into a grant or cooperative agreement over \$100,000.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact on which the Department of Education relied when it made or entered into this grant or cooperative agreement. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization Name

PR/Award (or Application) Number
or Project Name

Name and Title of Authorized Representative

Signature

Date

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

Approved by OMB
0346-0046

1. Type of Federal Action: ☐ a. contract ☐ b. grant ☐ c. cooperative agreement ☐ d. loan ☐ e. loan guarantee ☐ f. loan insurance	2. Status of Federal Action: ☐ a. bid/offer/application ☐ b. initial award ☐ c. post-award	3. Report Type: ☐ a. initial filing ☐ b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, if known: Congressional District, if known: _____	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
(attach Continuation Sheet(s) SF-LLL-A, if necessary)		
11. Amount of Payment (check all that apply): \$ _____ ☐ actual ☐ planned	13. Type of Payment (check all that apply): ☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____	
12. Form of Payment (check all that apply): ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: 		
(attach Continuation Sheet(s) SF-LLL-A, if necessary)		
15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

**DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET**

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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Test Report

Wednesday
April 11, 1990

Part IV

Department of Defense

**Test Program for Negotiation of
Comprehensive Small Business
Subcontracting Plans; Notice
48 CFR Parts 219 and 252**

**Department of Defense Federal
Acquisition Regulation Supplement; Small
Business Subcontracting Plans; Proposed
Rule**

DEPARTMENT OF DEFENSE

Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

AGENCY: Department of Defense (DoD).

ACTION: Notice of test program.

SUMMARY: The Department of Defense (DoD) is inviting public comments on its proposed "Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans." The test program will permit selected contractors to negotiate corporate, division, or plant-wide comprehensive subcontracting plans in lieu of individual subcontracting plans.

DATES: Comments concerning the test plan must be received on or before May 11, 1990, to be considered in finalizing the program. Please cite DAR 89-314 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Tim Foreman, ODASD(P)/DARS, c/o OASD (P&L) (M&RS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Foreman, telephone (202) 697-1688.

SUPPLEMENTARY INFORMATION:

Background

Section 834 of Pub. L. 101-189 provides for the establishment of a Test Program designed to determine whether the negotiation and administration of comprehensive small business subcontracting plans, rather than individual contract subcontracting plans, will increase opportunities for small business concerns under DoD contracts. The proposed test program is described in a document entitled, "Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans."

Contractor participation in the test program will be voluntary. Contractors are invited to express their interest in responding to this Federal Register Notice. Participants will be selected in accordance with criteria stated in the test program document. Upon negotiation and approval of comprehensive subcontracting plans, participating contractors' active DoD contracts which include individual subcontracting plans will be modified to substitute comprehensive subcontracting plans and to delete any small business subcontracting incentive provisions.

Contractors selected for participation in the program will:

- Establish annual goals, which cover all of their DoD business, for subcontract awards to small businesses and to small disadvantaged businesses.

- Establish goals for small business and small disadvantaged business subcontract awards in two industry categories which historically have experienced low small business participation.

- Be relieved of SF 294 individual contract reporting on DoD contracts.

The proposed test program is as follows:

Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

I. Purpose

This document implements section 834 of Public Law 101-189, the National Defense Authorization Act for Fiscal Years 1990 and 1991. The primary purpose of the Test Program (the Program) is to determine whether the negotiation and administration of comprehensive small business subcontracting plans will result in increased opportunities for small business concerns performing under Department of Defense (DoD) contracts.

II. Authority

The Program is established pursuant to section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991.

III. Program Requirements

A. The Program shall be conducted over a period of three (3) years, from October 1, 1990, through September 30, 1993.

B. The selection of contractors for participation in the Program shall be in accordance with section 834(b)(3). That is, large business concerns that, during the fiscal year ending on September 30, 1989:

1. Pursuant to at least five Department of Defense (DoD) contracts, furnished supplies or services (including professional services) to the DoD, engaged in research and development for the Department, or performed construction for Department; and
2. Were paid \$25,000,000 or more for such contract activities.

C. For the purposes of the Program, contractors selected to participate shall establish their comprehensive subcontracting plans on the same corporate, division or plant-wide basis under which they submitted the Standard Form (SF) 295 during fiscal year 1989.

D. Where possible, prime contractors selected for participation in the Program will be those that have a DoD contract administration activity presence at the contractor's site.

E. Contractors selected for participation shall:

1. Be eligible in accordance with III(B), (C), (D) and (E).
2. Have reported to the DoD on the SF 295 for the last three fiscal years.
3. Offer a broad range of subcontracting opportunities.
4. Voluntarily agree to participate, and
5. Have at least 5 active contracts that contain subcontracting plans.

IV. Elements of the Comprehensive Small Business Subcontracting Plan

A. The comprehensive small business subcontracting plan shall address each of the eleven elements set forth in paragraph (d) of the clause at FAR 52.219-9, "Small Business and Small Disadvantaged Business Subcontracting Plan."

1. The subcontracting plan, percentage and corresponding dollar goals for awards to small business and small disadvantaged business concerns shall be developed by the contractor for its entire business operation in support of all DoD contracts regardless of dollar value.

2. Participating contractors shall include separate specific goals and timetables for the awarding of subcontracts in two industry categories which have not historically been made available to small business and small disadvantaged business. These industry categories will be recommended by the contractor and approved by the contracting officer. Subcontract awards made in support of the specific industry categories shall also count towards attainment of the overall small business and small disadvantaged business goals.

3. The subcontracting plan shall set forth the prime contractor's actions to publicize prospective subcontract opportunities for small business and small disadvantaged business concerns.

B. Subcontracting plans to be established under the Program shall be submitted by participating contractors to the designated contracting officer 45 days prior to the end of the Government's fiscal year (September 30).

V. Procedures

A. The Service Acquisition Executive within each Military Department and Defense Agency having contractors that meet the requirements of III(B) shall designate one contracting activity to participate in the Program.

B. The designated contracting activity will accomplish the following:

1. With the coordination of the Director, Office of Small and Disadvantaged Business Utilization for their military Department or Defense Agency, select at least two (2) but not more than five (5) eligible prime contractors for participation under the Program.

2. Establish a "Comprehensive Small Business Subcontracting Plan" negotiating team(s) composed as follows:

a. A contracting officer(s) who will be responsible for negotiation and approval of the comprehensive subcontracting plan(s) as well as the responsibilities at FAR 19.705.

b. The contracting activity's Small and Disadvantaged Business Utilization Specialist.

c. The Small and Disadvantaged Business Utilization Specialist of the cognizant contract administration activity that administers the preponderance of the selected prime contractor's contracts and/or the appropriate individual who will administer contractor performance under the test in accordance with FAR 19.706 and the provisions herein.

d. Production specialist, price analyst and other functional specialists as appropriate.

C. The designated contracting officer shall:

1. Solicit proposed comprehensive subcontracting plans from selected contractor(s) by July 1, 1990, and annually thereafter.

2. By October 1, 1990, and annually thereafter, review, negotiate and approve on behalf of the DoD a comprehensive subcontracting plan for each selected contractor.

3. Distribute copies of approved subcontracting plan in accordance with VI(A) below.

4. Upon negotiation and acceptance of the comprehensive subcontracting plan, the contracting officer shall obtain from the contractor:

a. A listing of all active DoD contracts that contain individual subcontracting plans required by section 211 of Public Law 95-507.

b. The listing shall include the following:

- i. Contract number.
- ii. Name and address of the contracting activity.
- iii. Contracting officer's name and phone number.

5. Upon receipt of the information provided by the participating contractor under 4 above, the contracting officer shall notify the designated administrative contracting officer to

issue a comprehensive change order, which modifies all of the contractor's active DoD contracts that include subcontracting plans. The modification will substitute the contractor's approved comprehensive subcontracting plan for the individual plans, will substitute the clauses at DFARS 252.219-7015 and 252.219-7016 for the clauses at FAR 52.219-9 and 52.219-16, respectively, and will delete the clauses at FAR 52.219-10 and DFARS 252.219-7000 and 252.219-7009, as appropriate.

6. Review quarterly, with the contract administration activity, contractors' performance under the plan. Document the review findings and distribute, in accordance with VI(A), within 45 days of the end of the quarter.

7. By November 15, 1991, and annually thereafter, determine whether the contractor has met its comprehensive subcontracting goals. If the goals have not been met, determine whether there is any indication that the contractor failed to make a good faith effort and if appropriate assess liquidated damages, in accordance with FAR subpart 19.7.

8. By December 15, 1993, prepare and submit a report on each participating contractor's performance which details the results of the Program. The report must compare the contractor's performance under the Program with its performance for fiscal years 1988, 1989, and 1990. The report distribution will be in accordance with VI(A) below.

D. Participating contractors:

1. Shall establish their comprehensive subcontracting plans on the same corporate, division or plant-wide basis under which they submitted the Standard Form (SF) 295 during fiscal year 1989.

2. Upon negotiation of an acceptable comprehensive subcontracting plan shall be exempt from individual contract by contract reporting requirements for DoD contracts.

3. Shall continue individual contract reporting on non-DoD contracts.

4. Shall comply with the flow down provisions of section 211 of Public Law 95-507. Large business concerns receiving a DoD subcontract in excess of \$500,000 (\$1,000,000 for construction) are required to adopt a plan similar to that mandated by the clause at 52.219-9. Participating contractors are prohibited from flowing down the "Comprehensive" subcontracting deviations provisions of 252.219-7015. Accordingly, large business subcontractors to the participating contractors shall be required to establish individual subcontracting plans with specific goals for awards to small business and small disadvantaged business.

5. Upon expulsion from the Program or Program termination on September 30, 1993, shall negotiate and establish individual subcontracting plans on each active DoD contract that otherwise meets the requirements of section 211 of Public Law 95-507. Failure to negotiate a subsequent acceptable plan will result in the expulsion of the contractor from the Program.

VI. Monitoring and Reporting of Comprehensive Subcontracting Plans and Goals

A. Upon negotiation and acceptance of comprehensive subcontracting plans and goals the designated activity shall immediately forward one copy of the plan to each of the following:

1. Director, Small and Disadvantaged Business Utilization, Office of the Under Secretary of Defense (Acquisition), Room 2A340, The Pentagon, Washington, DC 20301-3061.

2. Director, Small and Disadvantaged Business Utilization, for the Military Department or Defense Agency of the activity that negotiated and accepted the comprehensive subcontracting plan.

3. The cognizant contract administration office.

B. Each participating contractor shall complete the Standard Form (SF) 295 "Summary Subcontract Report" in accordance with the instructions on the back of the form on a quarterly basis, except as noted below:

1. Participating contractors shall be exempt from completing items 12 and 13 under "Subcontract Goal Achievement."

2. Participating contractors shall enter in item 14 the annual corporate, division or plant-wide small business and small disadvantaged business percentage and corresponding dollar goals.

3. Participating contractors shall also enter separately in item 14 the percentage and corresponding dollar goals for each of the two selected industry categories (see section IV(A) (2)).

4. Participating contractors shall also enter separately in item 14 on a quarterly cumulative basis the percentage and corresponding dollar amount of subcontract awards made in each of the two selected industry categories.

5. Participating contractors shall be exempt from the completion of SF 294 "Subcontract Report For Individual Contracts" for DoD contracts during their participation in the Program.

Tim Foreman,

Office of Small and Disadvantaged Business Utilization.

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