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Friday
July 24, 1981

Highlights

38284 **Food Additive-Aspartame** HHS/FDA issues Commissioner's final decision on and approves petition for safe use of aspartame. (Part IV of this issue)

38318 **Hazardous Waste** EPA announces effective dates of interim final permitting standards for hazardous waste tanks, container storage facilities, piles, storage surface impoundments and hazardous waste incinerators. (Part VI of this issue)

38280, 38282 **Health Care** HHS and HHS/HCFA proposes to revise and consolidate current rules on Federal financial participation in equipment cost under the Medicaid Program and HHS supported public assistance programs. (2 documents) (Part III of this issue)

38105 **Energy Conservation** FTC proposes energy labeling requirements for pulse combustion and condensing furnaces.

38065 **Peanuts** USDA/FCIC changes peanut insurance program coverage policy from one based on amount of insurance to one based on production guarantee.

38074 **Occupational Exposure to Lead** Labor/OSHA denies petitions for stays of new trigger levels for medical removal protection under lead standard and gives notice of variance applications and interim orders.

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§ 730.4 Information requested.

(a) * * *

(5) Total number of reportable experiences during this reporting period and number of these experiences requiring professional medical attention.

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(7)–(8) [Reserved]

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(b) [Reserved]

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§ 730.7 [Amended]

9. In § 730.7 *Confidentiality of reports*, by removing "2705."

In accordance with Executive Order 12291, FDA has determined that this final rule does not constitute a "major rule" as defined by that order. The effect of this final rule is to lessen the economic costs so that more members of the cosmetic industry will participate in the voluntary registration of cosmetic industry data.

Effective date. The modification in voluntary registration of cosmetic industry data becomes effective on August 24, 1981.

(Secs. 201(n), 301, 601, 602, 701(a), 52 Stat. 1041–1043 as amended, 1054 as amended, 1055 (21 U.S.C. 321(n), 331, 361, 362, 371(a)))

Dated: July 8, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-21699 Filed 7-23-81; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 115

Payment of Sioux Benefits; Eligibility Criteria and Application Procedures Governing Benefits

Correction

In FR Doc. 81-20511, appearing at page 36135 in the issue of Tuesday, July 14, 1981, the ninth line of § 115.5(c) on page 36137, column two, should have read, "administrative appeal procedures of 43 CFR"

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004M]

Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection; Denial of Petitions for Stays; Notice of Variance Applications; Interim Orders

Note.—This document originally appeared in the Federal Register for Thursday, July 23, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCY: Occupational Safety and Health Administration, Labor.

ACTIONS: Denial of petitions and notice of variance applications and interim orders.

SUMMARY: OSHA hereby denies petitions by the primary and secondary lead smelting industries for one-year, industry-wide stays of the new trigger levels for medical removal protection (MRP) under the lead standard (29 CFR 1910.1025(k)). The new triggers thus will take effect for lead smelters on July 21, 1981. OSHA also hereby denies the lead battery manufacturers' petition for reconsideration of OSHA's earlier denial of its request for an industry-wide stay. These actions are taken because data submitted by industry were insufficient to justify granting industry-wide stays.

The data did, however, show serious and potentially serious problems of compliance with the new triggers in certain smelting and battery manufacturing plants. As a result, conditioned upon OSHA receiving by August 3, 1981, for each such plant a variance application, certification of notice to affected employees, and written acceptance of the requirements of the Order, the Agency is granting interim orders under section 6(b)(6)(A) of the OSHA Act to those lead smelting and battery manufacturing plants that have supplied data sufficient to establish the need for relief. The interim orders relieve those facilities from having to comply with the 60/40 removal return triggers, but obligate them to comply with the 70/50 triggers, all other provisions of the lead standard, and certain other requirements set out in the Interim Order. OSHA also invites other eligible lead smelting and battery manufacturing plants, including those that have submitted data but have not been granted an Interim Order via this notice, if they choose, to apply individually for temporary variances. Finally, OSHA requests every applicant to submit particular data needed by the Agency to determine whether to issue a temporary variance, and invites public comment on the variance requests.

DATES: The effective date of the new trigger levels (29 CFR 1910.1025(k) originally published on November 14, 1978 at 43 FR 53007) for primary and secondary smelters is July 21, 1981.

For all companies conditionally granted interim orders, variance applications, written acceptances and certifications must be received by August 3, 1981. All data requested herein by OSHA in support of each application for a temporary variance must be received by September 1, 1981. The last date for interested persons to submit comments on the variance applications is September 30, 1981. The last date for affected employers and employees to request a hearing on the applications is September 30, 1981.

ADDRESSES: Send applications, submissions, comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3662, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: (202) 523-7144.

SUPPLEMENTARY INFORMATION:

A. Background

On March 3, 1981, OSHA published a notice in the Federal Register (46 FR 14897) delaying the effective date of the new removal and return trigger levels for medical removal protection (MRP) from March 1, 1981, as specified in the standard on occupational exposure to lead (29 CFR 1910.1025(k), November 14, 1978, 43 FR 53007) to April 1, 1981. That notice summarized the provisions of MRP and explained the need in the standard for progressively phased-in blood-lead levels triggering employee removal from, and subsequent return to, lead-exposed jobs. The notice also explained that the delay was granted as an interim measure in response to applications from certain employers and industry groups representing several lead industries for a one-year delay in the effective date of the new trigger levels. In the notice, interested persons were invited to submit information and views on all issues involved in the applications.

In support of their request for a stay of the 60 μg/100g removal and 40 μg/100g return triggers, the lead industries allege

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