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UNIROYAL, Inc.

Division Engineering - Winnsboro
(Location)

June 16, 1972



Mr. K. H. Becht
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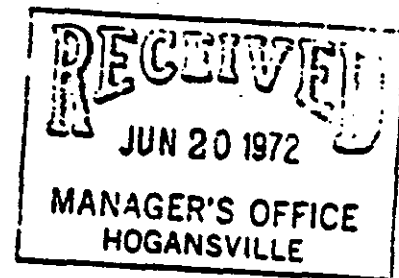
Subject: New Permanent OSHA Regulations for
Asbestos Fiber Air Contamination
1910.93a Federal Register Vol. 37, No. 110
Wednesday, June 7, 1972

A copy of the new Asbestos Dust Regulation is attached.
The following notes are to show our present situation,
with respect to these regulations.

B. D. Bittinger
B. D. Bittinger

ab

cc: Messrs. L. M. Boulware
J. L. Dorrier
R. C. Hunt
C. H. Sigler
E. A. Morris



1910.93a Asbestos

- (a) Definitions - All asbestos fibers are included in the regulations.
- (b) Exposure limits - The regulations become effective on 7/7/72. (supercedes temporary standards)
 - (1) Five fibers over 5 microns (same as temporary standard) are permitted until 7/7/76.
 - (2) New "two fibers over 5 microns" standard becomes effective on 7/7/76.
 - (3) A ceiling of "10 fibers over 5 microns" is permitted, but this excess must be included in calculating the total exposure for 8 hours. For example, an employee could have 2 hours at 10 fibers, 3 hours at 5 fibers, and 3 hours at 1.6 fibers - or any other combination that averages (time weighted) five fibers or less.

Information in above paragraph shows the importance of accurate day-long sampling (including rest periods). More about sampling in (f).

(c) Methods of Compliance

This section is fairly general. The new regulations do not, however, specifically prohibit dry sweeping as the temporary standard did. Dry sweeping, blowing off, dusting with rags or brushes, etc. are effectively prohibited by the dust limits. Wet processing is specified where practical. (wet weaving for example) Paragraphs (3)(b) and (2)(ii) may apply to raw asbestos fibers. We will probably enclose and vent the aprons to the feeders as a way to reduce dust caused by opening package.

(d) Protective equipment (clothes, respirators, etc.) -

Special protective equipment must be used in concentrations above 5 fibers (average), but these devices are to be used only until concentration can be reduced (similar to ear plug program) by engineering means or in areas where it is not feasible to reduce dust below prescribed limits. Personnel rotation is preferred if possible. This means that if one had an area with say 10 fibers on the average, and an area with say 0 fibers, then one would rotate employees, so that no employee would be in the 10 fiber area for more than 4 hours per shift. (4 hours x 10 fibers divided by 8 hours = 5 fibers weighted average)

Types of suitable respirators are covered in paragraphs (2)(i) through (2)(iv). Based on our current data respirators would be required in weaving (6.0 fibers), Foster winding (6.0), West flyers (5.3), flyers 17 - 20 (7.7), East carding (7.0), West carding (11.8), Opening/blending (7.7), and Abbot winder dust house.

Protective clothing, paragraph (3) would be required in the areas mentioned above also. Based on the laundering requirements (4)(iii), we would have to consider disposable uniforms.

While employees are exposed to over 5 fiber concentration, we will have to provide two separate lockers (4)(ii) for each employee (no lockers are presently provided).

- (f) Monitoring - Sampling must be completed the first time by 12/7/72 and these records must be kept. We must set up a more complete monitoring system. At least a typical employee at each work station must be continuously monitored for 8 hours and an environmental sample will have to be made for 8 hours in each area. Each 8 hour sample will probably require 8 one hour samples. At this rate we will have to take at least 224 individual samples to sample one employee in each area and get one environmental sample per area. If we have to sample also to determine maximum exposure, many more samples will be required. After initial sampling (due by 12/7/72), we will have to sample at least every 6 months.
- (g) Signs and labeling - We will be required to post caution signs in certain areas.

ASBESTOS

DUST HAZARD

Avoid Breathing Dust
Wear Assigned Protective
Equipment.
Do Not Remain in Area
Unless Your Work Re-
quires It.
Breathing Asbestos Dust
May Be Hazardous To
Your Health

(20" x 14" sign plate)

These signs will have to be posted on all dust rooms and in basement at the waste end room. At this time (6/15/72) all our work areas are under 10 fibers based on our limited sampling program. When more tests are run, we can determine further need for signs.

Labeling will be required on certain products shipped by Uniroyal (depending on next use) that may cause dust problems at customers plant. All incoming asbestos will be labeled by supplier, but we may have to label all raw material on hand -

CAUTION

Contains Asbestos Fibers

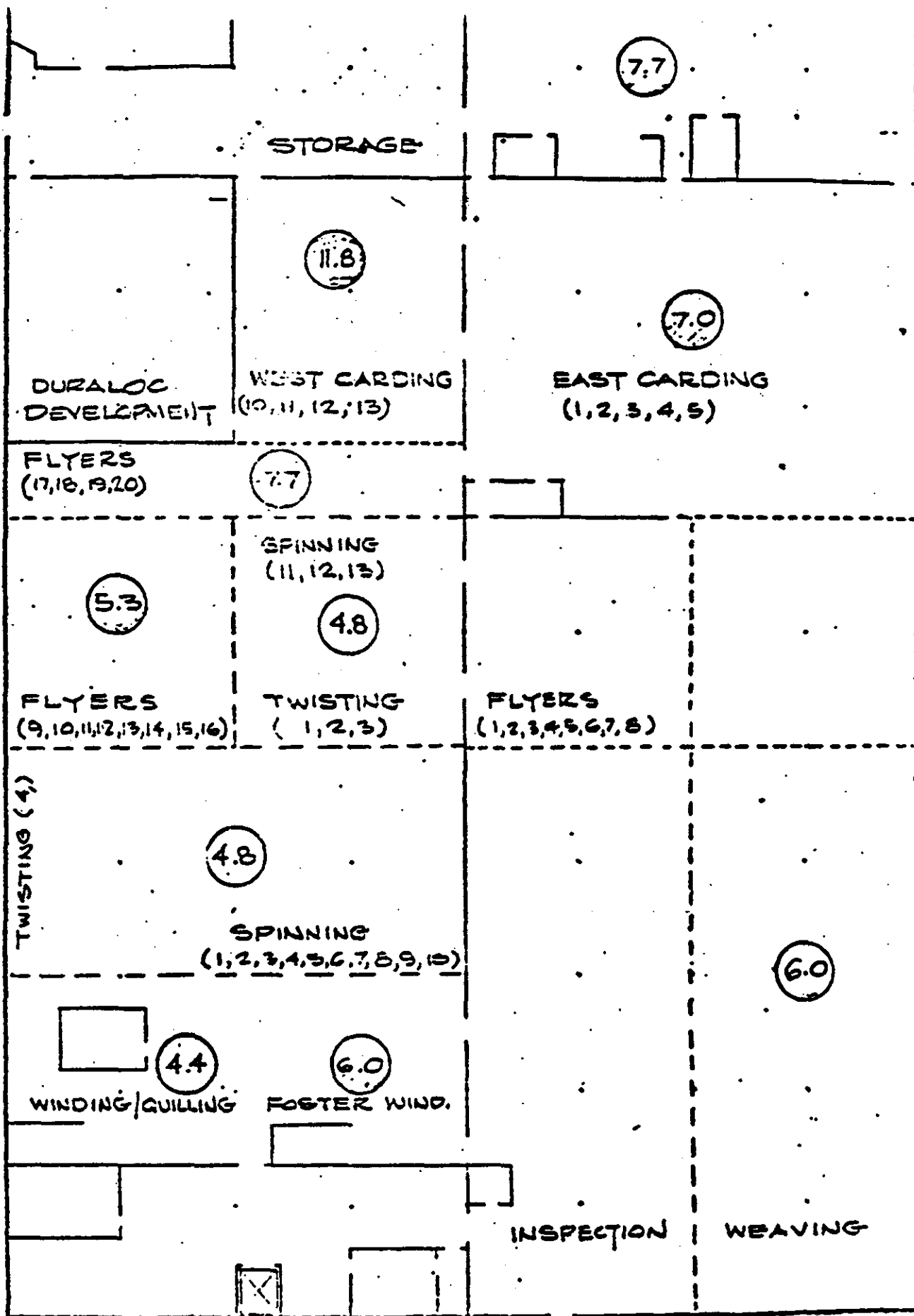
Avoid Creating Dust

Breathing Asbestos Dust May Cause

Serious Bodily Harm

- (h) Housekeeping - We must make a major effort to clean up overhead beams and pipes as well as operating and unused equipment. A continuing program of vacuum cleaning will be required to meet dust and housekeeping standards.
- (i) Recordkeeping - Employees are to have access to his dust monitoring records per subparagraph (3). We must also notify an employee when our sampling shows he was exposed to fiber count above standard. This notice will be in writing.

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(T.D. 72-187)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.**Free Withdrawal of Supplies and Equipment for Aircraft**

In accordance with section 309(d), Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce has found and under date of April 25, 1972, has advised the Treasury Department that Poland allows privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those provided for in sections 309 and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317). The same privileges are therefore heretofore extended to aircraft registered in Poland and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (i) of § 10.59, customs regulations, is amended by the insertion of Poland in appropriate alphabetical order and the number of this Treasury decision in the opposite column headed "Treasury Decision(s)" in the list of nations in that paragraph. (Secs. 309, 317, 321, 40 Stat. 890, as amended, 894, as amended, 759; 19 U.S.C. 1309, 1317, 1324)

(SRL) **EDWIN P. RADZ,**
Acting Commissioner of Customs.

Approved: May 25, 1972.

ERNEST T. ROSKIN,
Assistant Secretary of the
Treasury.

(PR Doc. 72-8378 Filed 6-4-72; 8:50 am)

Title 29—LABOR**Chapter XVII—Occupational Safety and Health Administration, Department of Labor****PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS****Standard for Exposure to Asbestos Dust**

On December 7, 1971, an emergency temporary standard concerning exposure to asbestos fibers was published in the *Federal Register* (36 F.R. 23297). In accordance with section 6(e)(3) of the Walsh-Healey Occupational Safety and Health Act of 1970, a notice of proposed rulemaking regarding a permanent standard for exposure to asbestos fibers was published in the *Federal Register* on January 12, 1972 (37 F.R. 466). The notice invited interested persons to submit both orally and in writing, data, views, and arguments concerning the proposal.

On or about January 24, 1972, the Advisory Committee on Asbestos Dust was established and requested to make written recommendations with regard to the proposed standard on asbestos. On or about February 1, 1972, the Department of Health, Education, and Welfare transmitted to the Secretary of Labor a criteria document containing Recommendations

for an Occupational Exposure Standard for Asbestos by the National Institute for Occupational Safety and Health (NIOSH). Public notice was given of the receipt of the recommendations and their availability for inspection and copying. On or about January 24, 1972, the Advisory Committee on Asbestos Dust submitted its written recommendations to the Assistant Secretary of Labor for Occupational Safety and Health.

Pursuant to the notice of rule making, a hearing was held on March 14 through 17, 1972, for the purpose of receiving oral data, views, and arguments concerning the proposed standard. On or about March 31, 1972, the hearing examiner certified to the Assistant Secretary of Labor for Occupational Safety and Health the record of the proceedings. The record includes transcripts, written comments, a transcript of oral presentations made at the hearing, and numerous exhibits received during the course of the hearing or within the period allowed after the close of the hearing.

The proposed standard dealt with: (1) permissible concentrations of asbestos fibers; (2) methods of compliance; (3) warning signs; (4) monitoring; (5) medical examinations; and (6) recordkeeping. Each of these major proposals elicited comments, arguments, objections, and counterproposals. They all have been examined and considered.

1. **Acceptable concentrations of asbestos dust.** The proposed standard would limit occupational exposure to 8-hour time-weighted average (TWA) airborne concentrations of asbestos dust not exceeding five fibers longer than five micrometers per milliliter. Concentrations above five fibers but not to exceed 10 fibers (rolling concentration) would be permitted up to 15 minutes in an hour, but for not more than 5 hours in any one 8-hour day.

NIOSH in effect has recommended that the five-fiber TWA and 10-fiber peak concentrations be permitted only for 2 years; thereafter, TWA concentrations should be not more than 2 fibers per cubic centimeter (cc) of air, and peak concentrations should not exceed 10 fibers/cc, with no time restriction. Numerous objections and counterproposals have been made with regard to both the limits of asbestos fiber concentrations and the time periods to comply with them. Some, for example, have recommended return to a 10-fiber standard of an earlier date, i.e., a level adopted under the Walsh-Healey Public Contracts Act in 1960. Others have recommended a two-fiber standard to become effective in 6 months, then a one-fiber standard for 2 years, and finally a zero-fiber standard after 3 years. These recommendations give a fair indication of the wide spread of the counterproposals.

No one has disputed that exposure to asbestos of high enough intensity and long enough duration is causally related to asbestososis and cancer. The dispute is as to the determination of a specific level below which exposure is safe. Various studies attempting to establish quantitative relations between specific levels of

exposure to asbestos fibers and the appearance of adverse biological manifestations, such as asbestosis, lung cancers, and mesotheliomas, have given rise to controversy as to the validity of the measuring techniques used and the reliability of the relations attempted to be established. Because of the long lapse of time between onset of exposure and biological manifestations, we have now evidence of the consequences of exposure, but we do not have, in general, accurate measures of the levels of exposure occurring 20 or 30 years ago, which have given rise to these consequences. There are also controversies concerning the relative toxicity of the various kinds of asbestos, and varying hazards in different workplaces.

It is fair to say that the controversy has centered in the area between a two-fiber TWA concentration and five-fiber TWA concentration, with variations on the time periods for compliance. Many employers support a five-fiber TWA. Most medical opinion is divided between a two-fiber standard and a five-fiber standard.

In view of the undisputed grave consequences from exposure to asbestos fibers, it is essential that the exposure be regulated now, on the basis of the best evidence available now, even though it may not be as good as scientifically desirable. An asbestos standard can be re-evaluated in the light of the results of ongoing studies, and future studies, but cannot wait for them. Lives of employees are at stake.

It is concluded that there should be one minimum standard of exposure to asbestos applicable to all workplaces exposed to any kind, or mixture of kinds, of asbestos. Reasons of practical administration require a variety of standards for different kinds of asbestos and of workplaces. Also, while the evidence tends to show that crocidolite, for instance, is more harmful than chrysotile, the evidence is not sufficient to establish separate standards for varieties of asbestos.

Because there must be one standard governing exposure to all varieties of asbestos, and in workplaces apparently more numerous than others; because some present employees with regular exposure to asbestos have probably already accumulated great doses of asbestos fibers, due to higher levels of exposure in the past; because it appears that levels of exposure which may be safe with regard to asbestosis are not safe with regard to mesothelioma; because the statute requires the protection of every employee, even of one who may have regular exposure to asbestos during a working life which may reach, or even exceed, 40 years; and because of several other considerations which have been urged and are reflected in the record of the proceeding, the conflict in the medical evidence is resolved in favor of the health of employees. As of July 1, 1976, TWA concentrations of asbestos fibers longer than 5 micrometers will not be allowed to exceed two fibers/cc, with a ceiling value of 10 fibers/cc. The current TWA concentrations of five fibers, and

concentrations of 10 fibers/cc. until July 1, 1978. During this transitional period, employers will be allowed to use the existing standard to allow employees to be exposed to asbestos for coming into contact with the more stringent

shows that the many work subjects to the single asbestos (textile, manufacturing, industrial, etc.) will vary degrees of difficulty in with the standard. In some extensive research and re-evaluation may be needed. It appears, however, the delay in the effective two-tier standard will provide employers a reasonable time to at the same time, so long as the limit is commensurate with, so harmfully expected to result from existing the transitional period. It has been noted by many persons, that protection against asbestos fibers is best by controlling the generation of dust, and secondly, by controlling the use of asbestos in the workplace. Therefore, standard requires feasible technological controls and appropriate work practices as the primary means of controlling the exposure of employees as a way of reducing the TWA concentration level is allowed only in stated exceptional circumstances, because, as a rule, it would be difficult to implement. Personal protective equipment, respirators, cannot be relied upon, among other reasons, they are uncomfortable as to be worn for short periods of time. It is expected that respirator use will be used in a period necessary to install engineering controls and to train employees in work practices, but, after full compliance has been achieved, their use must be limited to work situations and emergencies, both are practicable, and not required.

labeling. The proposed standard of requiring labeling of asbestos-containing products, proposed standard would have required warning signs at locations where asbestos hazards are present. However, labeling, rather than warning signs, has been proven to be a point of control. Both NIOSH and the Advisory Committee on Asbestos Dust recommended labeling for asbestos products and materials, and these recommendations are very controversial in the course of the standard. Many counterarguments have been made as to the labeling of the warning, as well as to the labeling of the products. Employers, in general, contend that (1) finished products which effectively entrap asbestos

fibers, so that these would not be released in the normal use of the products, should not be required to be labeled; and (2) words such as "danger" and "cancer" are unwarrantedly alarming.

Both contentions have merit, and the standard has been changed accordingly.

4. *Monitoring.* The proposed standard would have required personal monitoring and environmental monitoring. Many issues have been raised concerning the availability and reliability of measuring instruments, frequency of monitoring, and conditions in which monitoring should be required. The adopted standard takes the objections into consideration. It requires periodic monitoring at intervals no longer than 6 months, thus allowing considerable time and discretion, and prescribes the use of the membrane filter method, which is an acceptable method for determination of asbestos fibers.

It has also been recommended that employees or their representatives should have an opportunity to observe the monitoring. The recommendation has been accepted.

5. *Medical examinations.* The proposed standard would only require an appropriate medical examination on a periodic basis. The generality of the proposal has attracted many objections and also many helpful comments. The recommendations of NIOSH and of the Advisory Committee on Asbestos Dust were much more specific with respect to both frequency and type of medical examinations to be required. The comments vary as to the class of employees to be examined and as to the frequency of the examinations.

The adopted standard requires medical examinations both at the beginning and the termination of employment exposed to concentrations of asbestos fibers, and also requires annual medical examinations of every employee exposed to airborne concentrations of asbestos. It has been pointed out that in certain industries, such as construction, an employee may work for several employers during the same year. Accordingly, the standard does not require either preemployment, or termination, or periodic examination of any employee who has been examined in accordance with the standard within the past year.

One question which has been raised goes to whether the employer or the employee should be allowed to choose the examining physician. The standard gives the option to the employer. Since some employers already have a medical examination program in operation, and also, have medical departments with some expertise in the diagnosis of asbestos-related diseases, it seems more reasonable to permit them to utilize the present programs and expertise, than to permit an employee to choose a private general practitioner.

6. *Records.* The standard, as proposed and as adopted, requires maintenance of records of monitoring and of medical examinations. Most of the controversy in this area has revolved around the question whether an employer should be allowed to have access to the results of the required medical examinations. The apprehension of those who have argued against employer access is based on the expectation that some employers will use the medical examinations as a means of screening employment applicants, and worse, as grounds for discharging current employees, who show signs of being affected by exposure to asbestos. Since the purpose of the medical examinations is to monitor the health of employees exposed to the hazards of asbestos, employees cannot in reason be granted the privilege of refusing to disclose to their employers results of occupational exposure. It does not make sense to require employers to provide medical examinations if they cannot know and use the results of the examinations. For these reasons the standard provides that employers may have a restricted access to some medical information.

On the other hand, there is no intention to allow employers to abuse medical information obtained pursuant to the Act, to the detriment of employees. Therefore, the administration of the medical records requirement will be closely watched, and, in cases of abuse, appropriate action will be considered.

The issues discussed above are believed to be the major ones. Numerous other issues have been raised in the rulemaking proceedings. Some have been referred to incidentally. Many recommendations, for instance, about work practices, are so obviously meritorious that their adoption needs no exposition here. Other recommendations and many objections have not been adopted for a variety of reasons which should be manifest. Several, for instance, have recommended the use of respirators only pursuant to a variance, or in cases of emergency and occasional short-term exposures. The recommendation with respect to variances undoubtedly has many merits, but is considered administratively impractical.

Accordingly, after consideration of the whole record of the proceeding, and pursuant to sections 6 (b) and (c) and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599; 29 U.S.C. 653, 657), 29 CFR 1910.4, and to Secretary of Labor's Order No. 12-71 (36 F.R. 8734), Part 1910 of Title 29 of the Code of Federal Regulations is amended as set forth below.

(1) Section 1910.53 is amended by revising Table G-3 to read as follows:

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Institute for Occupational Safety and Health, and to authorized representatives of either.

(2) *Employee access.* Every employee and former employee shall have reasonable access to any record required to be maintained by subparagraph (1) of this paragraph, which indicates the employee's own exposure to asbestos fibers.

(3) *Employee notification.* Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in paragraph (b) of this section shall be notified in writing of the exposure as soon as practicable but not later than 5 days of the finding. The employee shall also be timely notified of the corrective action being taken.

(j) *Medical examinations.*—(1) *General.* The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this paragraph.

(2) *Preplacement.* The employer shall provide or make available to each of his employees, within 30 calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV₁).

(3) *Annual examinations.* On or before January 31, 1973, and at least annually thereafter, every employer shall provide, or make available, comprehensive medical examinations to each of his employees engaged in occupations exposed to airborne concentrations of asbestos fibers. Such annual examination shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV₁).

(4) *Termination of employment.* The employer shall provide, or make available, within 30 calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior 14 x 17 inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV₁).

(5) *Recent examinations.* No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this paragraph within the past 1-year period.

(6) *Medical records.*—(i) *Maintenance.* Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examina-

tions. Records shall be retained by employers for at least 20 years.

(ii) *Access.* The contents of the records of the medical examinations required by this paragraph shall be made available, for inspection and copying, to the Assistant Secretary of Labor for Occupational Safety and Health, the Director of NIOSH, to authorized physicians and medical consultants of either of them, and, upon the request of an employee or former employee, to his physician. Any physician who conducts a medical examination required by this paragraph shall furnish to the employer of the examined employee all the information specifically required by this paragraph, and any other medical information related to occupational exposure to asbestos fibers.

3. A new § 1910.19 is added to Subpart B of Part 1910, reading as follows:

§ 1910.19 Asbestos dust.

Section 1910.93a shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by § 1910.12, § 1910.13, § 1910.14, § 1910.15, or § 1910.16, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

Effective date. Paragraph (b)(2) of § 1910.93a shall become effective July 1, 1973. All other provisions of § 1910.93a, 1910.93, and 1910.19 shall become effective July 7, 1972. The current emergency temporary standard remains in effect until July 7, 1972.

(Sec. 6, 8, 24 Stat. 1583, 1599; 29 U.S.C. 653, 657; 29 CFR 1910.4; Secretary of Labor's Order No. 12-71, 36 F.R. 8794)

Signed at Washington, D.C., this 2d day of June 1972.

G. C. GUZZETTA,
Assistant Secretary of Labor.

[FR Doc. 72-3274 Filed 6-2-72; 4:43 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.1—Procurement Regulations

MISCELLANEOUS AMENDMENTS

The changes made in AECPR Subpart 9-1.1, Procurement Regulations, have been made in order to establish the AECPR Temporary Regulations, which are a part of the AEC Procurement Regulations and the Federal Procurement Regulations System. The AECPR Temporary Regulations implement and supplement the FPR Temporary Regulations. They also contain policies and procedures initiated by the AEC which are to be effective for a period of 6 months or less. The AEC Procurement

Instruction section has been revised accordingly. Minor editorial changes have also been made.

1. Section 9-1.101 Scope of subpart, revised to read as follows:

§ 9-1.101 Scope of subpart.

This subpart describes the Atomic Energy Commission Procurement Regulations and the AECPR Temporary Regulations. It also describes exclusion from the AECPR as contained in the AEC Procurement Instructions.

2. Section 9-1.102 Establishment of AEC Procurement Regulations, is revised to read as follows:

§ 9-1.102 Establishment of the AEC Procurement Regulations and the AECPR Temporary Regulations.

§ 9-1.102-1 AEC Procurement Regulations.

(a) The AEC Procurement Regulations (AECPR) are hereby established.

(b) These regulations implement and supplement the Federal Procurement Regulations (FPR) and are a part of the Federal Procurement Regulations System.

(c) The effective date of FPR issuances throughout AEC will be the date indicated in the respective issuances unless otherwise provided in the AEC Procurement Regulations.

(d) The effective date of AECPR issuances throughout AEC will be the date indicated in the respective issuances.

§ 9-1.102-2 AECPR Temporary Regulations.

(a) The AECPR Temporary Regulations are hereby established.

(b) These regulations implement and supplement the Federal Procurement Regulations Temporary Regulations. They also contain policies and procedures initiated by the AEC which are expected to be effective for a period of 6 months or less.

(c) The effective date of the FPR Temporary Regulations issuances throughout AEC will be the date indicated in the respective issuances unless otherwise provided in the AECPR Temporary Regulations.

(d) The effective date of the AECPR Temporary Regulations issuances throughout AEC will be the date indicated in the respective issuances.

(e) The AECPR Temporary Regulations are a part of the AEC Procurement Regulations and the Federal Procurement Regulations System. All references to the AEC Procurement Regulations or AECPR in § 9-1.103 through 9-1.109 of this subpart shall be deemed to include the AECPR temporary regulations.

3. Section 9-1.103 Authority, is revised to read as follows:

§ 9-1.103 Authority.

The AEC Procurement Regulations are prescribed by the General Manager, Assistant General Manager for Administration, or the Director, Division of Contracts of the AEC, pursuant to the authority of the Atomic Energy Act of 1954, and the Federal Property and Administrative Services Act of 1949.