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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Occupational Exposure Standard

Benzene

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The Occupational Safety and Health Administration removed standards for the occupational exposure to benzene from the Code of Federal Regulations (Federal Register, June 19, 1981, pp.32021-2, attached).

The standards had been vacated by the Court of Appeals for the Fifth Circuit. The Supreme Court later affirmed the judgment of the Court of Appeals in validating the benzene standard.

Effective date: June 19, 1981.

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MCD 000013158

Federal Bureau of Investigation**28 CFR Part 16****Production or Disclosure of Material or Information**

AGENCY: Department of Justice, Federal Bureau of Investigation.

ACTION: Final rule.

SUMMARY: This directive changes the delegation of authority to deny requests under the Freedom of Information Act and the Privacy Act of 1974 from the occupant of the position of Chief, Freedom of Information-Privacy Acts Branch, Records Management Division, Federal Bureau of Investigation, to the occupant of the position of Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: James K. Hall, Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation, J. Edgar Hoover Building, Washington, D.C. 20535 (202-324-5520).

Part 16, Title 28 of the Code of Federal Regulations is amended by revising the Appendix to Subpart A to read as follows:

Appendix to Subpart A—Delegation of Authority

1. By virtue of the authority vested in me by Section 16.5(b) of Title 28 of the Code of Federal Regulations, the authority to deny requests under the Freedom of Information Act is delegated to the occupant of the position of Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation. This same authority is delegated to the occupant of the position of Special Agent in Charge of each of the field offices of the Federal Bureau of Investigation for records in their custody and control.

2. This directive is effective June 9, 1981.

Dated: June 8, 1981.

William H. Webster,

Director, Federal Bureau of Investigation.

(FR Doc. 81-18062 Filed 6-17-81; 8:48 am)

BILLING CODE 4410-02-01

DEPARTMENT OF LABOR**Occupational Safety and Health Administration****29 CFR Parts 1910 and 1928****Occupational Exposure to Benzene; Occupational Exposure to Cotton Dust in Cotton Gins**

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Deletion of rules vacated by court decision.

SUMMARY: The final standards for occupational exposure to benzene, § 1910.1028, and occupational exposure to cotton dust in cotton gins, § 1910.1046 and § 1928.113 were vacated by the Court of Appeals for the Fifth Circuit. In accordance with the Court's decisions, the standards are being removed from Title 29 of the Code of Federal Regulations.

EFFECTIVE DATE: The deletions are effective on June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:**I. Benzene**

The Occupational Safety and Health Administration (OSHA) published a final occupational health standard for exposure to benzene, 29 CFR 1910.1028, on February 10, 1976 at 43 FR 5063, as amended at 43 FR 27971 on June 27, 1978, and at 45 FR 35283 on May 23, 1980. The new regulation, if effective, would have replaced the existing permissible exposure level of 10 ppm as found in 29 CFR 1910.1000, Table Z-2. Within the 60-day period provided by section 6(f) of the Act, petitions for review were filed in the United States Court of Appeals for the Fifth Circuit challenging the validity of the new benzene standard. That Court, in *American Petroleum Institute v. OSHA*, 581 F. 2d 483 (5th Cir. 1978), held the regulation invalid.

The Secretary of Labor and the Industrial Union Department, AFL-CIO petitioned for, and the Supreme Court granted certiorari. On July 2, 1980, the

Supreme Court in *Industrial Union Department, AFL-CIO v. American Petroleum Institute, et al.*, 100 S. Ct. Rep. 2844 (1980), affirmed the judgment of the Court of Appeals for the Fifth Circuit invalidating the new benzene standard.

In accordance with the decisions of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit, the benzene standard codified at § 1910.1028 is deleted. In addition § 1910.19(d), and footnote 1 to § 1910.1000 Table Z-2, which were added to the Code of Federal Regulations as part of the promulgation of § 1910.1028, are also deleted. The purpose of § 1910.19(d) was to make clear that the new benzene standard, § 1910.1028, applied to the construction and maritime industries. The footnote that was added to Table Z-2 of § 1910.1000 provided that benzene exposures exempted from coverage under § 1910.1028 would still be covered by the exposure and other requirements of § 1910.1000.

It is noted that the permissible exposure limits for benzene contained in Table Z-2 of § 1910.1000 and the other relevant requirements of that section continue in effect. As discussed in the preamble to the final benzene standard, 29 CFR 1910.1000, Table Z-2 was intended to continue to apply until § 1910.1028 took effect. Since § 1910.1028 has been vacated, § 1910.1000 is the applicable occupational health standard for exposure to benzene.

II. Cotton Dust in Cotton Gins

OSHA published a final occupational health standard for exposure to cotton dust in cotton gins, codified both at 29 CFR 1910.1046 and 29 CFR 1928.113, on June 23 (43 FR 27434) and on June 30, 1978 (43 FR 28474). The standard was amended on May 23, 1980 at 45 FR 35283. Within the 60-day period provided by section 6(f) of the Act, a petition for review was filed in the United States Court of Appeals for the Fifth Circuit challenging the validity of the standard. That Court, in *Texas Independent Ginners Ass'n. v. Marshall*, 630 F. 2d 398 (5th Cir. 1980), vacated the standard.

In accordance with the decision of the U.S. Court of Appeals for the Fifth Circuit, § 1910.1046 and § 1928.113 are deleted in their entirety.

MCD 000013159

Accordingly, pursuant to sections 6 and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1800, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, Parts 1910 and 1928 of Title 29, Code of Federal Regulations are amended as follows:

§ 1910.19 [Amended]

1. Paragraph (d) of § 1910.19 is removed.

§ 1910.1000 [Amended]

2. Footnote 1 to Table Z-2, § 1910.1000 is removed.

§ 1910.1028 [Removed]

3. Section 1910.1028 is removed.

§ 1910.1046 [Removed]

4. Section 1910.1046 is removed.

§ 1928.113 [Removed]

5. Section 1928.113 is removed.

Signed at Washington, D.C. this 11th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

(FR Doc. 81-18236 Filed 6-18-81; 8:45 am)

BILLING CODE 4510-26-M

29 CFR Part 1952

Approval of Supplements to Arizona State Plan; Correction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; correction.

SUMMARY: This document corrects a technical error which appeared in FR Doc. 80-36464 published at 45 FR 77000 on Friday, November 21, 1980. That document incorrectly codified two supplements under the wrong section. This document deletes paragraphs (i) and (j) of § 1952.350, "Description of plan" of Part 1952 of this chapter and adds them to § 1952.354, "Completed developmental steps."

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Marjorie N. Sauber, Telephone 202 523-6021.

Part 1952 of Title 29, Code of Federal Regulations is amended as follows:

§ 1952.350 [Amended]

1. Paragraphs (i) and (j) of § 1952.350 are removed.

2. Section 1952.354 is amended by adding paragraphs (i) and (j) as follows:

§ 1952.354 Completed developmental steps.

(i) Regulations concerning variances

were promulgated on November 16, 1977, and were approved by the Assistant Secretary on November 13, 1980.

(j) Regulations concerning discrimination complaints were promulgated on September 22, 1977, and were approved by the Assistant Secretary on November 13, 1980.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 15th day of June 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

(FR Doc. 81-18213 Filed 6-18-81; 8:45 am)

BILLING CODE 4510-26-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits in Non-Multiemployer Plans; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule on the valuation of benefits in non-multiemployer pension plans which appeared on page 9492 of the Federal Register of January 28, 1981 (40 FR 9492). This action is necessary to correct the actuarial formula for an annuity certain and joint and survivor (contingent basis) thereafter, set forth in § 2610.44(i), the actuarial equation for a death benefit in the form of term insurance decreasing annually set forth in § 2610.47(d), and the actuarial expression for a death benefit in the form of term insurance decreasing periodically set forth in § 2610.47(e).

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Nina R. Hawes, Staff Attorney, Office of the General Counsel, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254-3010.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

The following corrections are made in FR Doc. 81-2983 appearing at 9492 in the issue of January 28, 1981:

1. On page 9502, column two, § 2610.44(i) is corrected to read as follows:

§ 2610.44 Immediate Annuities.

(i) Annuity certain and joint and survivor (contingent basis) thereafter. An annuity certain and joint and survivor (contingent basis) thereafter is

an annuity that is payable in a certain amount until the later of (1) the death of the participant, or (2) the passage of a specified period of time, and payments continue in an equal or reduced amount for the life of the beneficiary. The plan administrator shall compute the value of this annuity using the following actuarial expression:

$$\ddot{a}_{\overline{n}|}^{(m)} + \frac{N_{x+n}^{(m)}}{D_x} + p \left(\frac{N_{x+n}^{(m)}}{D_y} - \frac{N_{x+n:y+n}^{(m)}}{D_{x+y}} \right)$$

2. On page 9503, column three, §§ 2610.47(d) and 2610.47(e) are corrected to read as follows:

§ 2610.47 Death benefits.

(d) *Death benefit in the form of term insurance decreasing annually.* A death benefit in the form of term insurance decreasing annually is a benefit which is payable at death, if death occurs within a stated period of time. It is based upon an initial amount, n , if death occurs at the beginning of the covered period. The amount, n , decreases each year during the covered period. The plan administrator shall compute the value of this benefit using the following actuarial equation:

$$(DA)_{x:\overline{n}|} = \frac{n\overline{M}_x - \overline{R}_{x+1} + \overline{R}_{x+n+1}}{D_x}$$

(e) *Death benefit in the form of term insurance decreasing periodically.* A death benefit in the form of term insurance decreasing periodically is a benefit in an initial amount of $n - 1/m$, which is payable at death, if death occurs within a stated period of time. This amount decreases by $1/m$, m times each year during the covered period. The plan administrator shall compute the value of this benefit by using the following actuarial expression:

$$\frac{n\overline{M}_x - \overline{R}_{x+1} + \overline{R}_{x+n+1} - \frac{n-1}{2m} (\overline{M}_x - \overline{M}_{x+n})}{D_x}$$

(Secs. 4002(b)(3), 4041, 4044, and 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1023-27, 1029, (1974), as amended by Secs. 403(i), 403(d), and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299 (1980) (29 U.S.C. 1302, 1311, 1344, and 1362))

(FR Doc. 81-18274 Filed 6-18-81; 8:45 am)

BILLING CODE 7708-01-M