

E/U
3/19

March 3, 1976

Mr. T. P. Steiner
Calumet Works

Subject: Occupational Health Standards
Ozone

Your memorandum of January 6 suggests you believe that there is conflict between the EPA and OSHA regulations in the State of Illinois. I do not believe that this is true. The EPA regulation concerns itself with the general level of Ozone in the atmosphere throughout the State. The proposed OSHA standard concerns itself only with occupational exposure of employees to Ozone.

Compliance with the OSHA standard will require monitoring working atmospheres to determine exposure on a time weighted average. Should this be above the action level, then all other conditions of the standard must be met.

I will appreciate a copy of any ozone analysis you receive from the local health authorities.

W. C. Koch
Manager
Occupational Health and
Product Safety

WCK:cp

cc: Dr. E. A. Regna
P. D. Gilhooley

ASI 00023083

COMPANY CORRESPONDENCE

2/23

TO DIV: Industrial Chemicals
LOCATION: Morristown, Mfg., DAB-2

FROM DIV: Industrial Chemicals
LOCATION: Calumet Works

ATTN OF: Mr. W. C. Koch, Manager -
SUBJECT: Occupational Health and Product Safety

DATE: January 6, 1976

OCCUPATIONAL HEALTH STANDARD-OZONE

This is to advise you of another of those wonderful inconsistencies brought about by having various regulatory agencies concerned with a common problem.

The Federal Register, Vol. 40, No. 196, of Wednesday, October 8, 1975, shows proposed occupational safety and health standards for various substances, including ozone. The permissible exposure level is 0.1 ppm of ozone, and the "action level" is 0.05 ppm.

Next comes the Environmental Register #115, December 16, 1975, of the Pollution Control Board of the State of Illinois. Here is published a letter from the Illinois Environmental Protection Agency to the PCB which recommends modifications to the proposed amendments to the Air Pollution Episode regulations. These regulations deal with required responses to various "alerts", based on ambient ozone concentration. The following will result if the present recommendations and modifications are finalized:

<u>ALERT DESIGNATION</u>	<u>PPM OZONE</u>	<u>ACTIONS</u>
Emergency	Unknown	Unknown
Red Alert	0.30	Mandatory reduction of operations leading to ozone generation and emission.
Yellow Alert	0.15	Public information program and voluntary emission reduction.
Ozone Watch	0.10	Public advisories.

ASI 00023084

Calumet Works will be required to submit a written plan for emission reduction during a Yellow Alert or higher episode.

A comparison of the ozone levels between the state and federal publications suggests that Calumet Works will have to equip all employees with respirators during Ozone Watches. Since the IEPA letter says, "...0.07 ppm (ozone) is exceeded on most days of the summer somewhere in Illinois ...", we could be donning respirators frequently.

There are three probable sources of ozone emission at Calumet Works: (1) in-plant vehicles, (2) electrostatic precipitators, and (3) high voltage motors. However, the sum of these emissions is likely insignificant compared to ambient. Since Calumet Works will exceed the action and exposure levels of the proposed OSHA rules because of ambient air quality, and such incidents will be well documented by State Air Pollution Episode incidents, please comment on the approaches we might take toward OSHA compliance.



T. P. Steiner
Supervisor of Technical

TPS:sw

cc: J. M. Quinn, DAB-2

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GI-64]

ESTABLISHMENT OF VOR FEDERAL AIRWAY

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish V-493 from Menominee, Mich., to Rhinelander, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before January 2, 1976 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would establish an airway from Menominee direct to Rhinelander. This route is presently being used by a scheduled air carrier and its designation as an airway appears to be justified.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 25, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.75-32334 Filed 12-1-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health
Administration

[29 CFR Part 1910]

[Docket No. H-004]

OCCUPATIONAL EXPOSURE TO LEAD

Extension of Time To File Comments on Proposed Rule; Corrections

1. *Extension of time.* On October 3, 1975, notice was published in the Federal Register (40 FR 45931) of a proposed occupational safety and health standard for exposure to lead pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 15593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were invited to submit data, views and arguments regarding the proposed standard and to file objections thereto, on or before December 2, 1975. In response to the notice, submissions have been received from several interested parties requesting additional time in which to file comments. Generally, the reasons given for the requests are that the issues raised by the proposed standard on lead are novel and complex and that affected parties are submitting comments on other recently published OSHA proposals as well. The requesting parties state that more time is essential in order to properly respond to the proposed standard on lead.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments and objections for approximately 45 additional days. Because of the need to prepare an inflationary impact statement and have it available for public comment in advance of any hearing, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views, and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed standard on lead, is extended from December 2, 1975 to January 16, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket H-004, U.S. Department of Labor, Room N-3620, 3rd and Constitution Avenue NW., Washington, D.C. 20210 (Telephone 202/523-8076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received

will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. *Corrections.* In the proposed standard on lead (FR Doc. 75-26462) appearing at page 45934 in the FEDERAL REGISTER of Friday, October 3, 1975, the following corrections should be made:

In the first column of page 45942, references seven and eight are corrected to read as follows:

"7. Blejer, H. P.: Inorganic Lead: Biological Indices of Absorption (Biological Threshold Limit Values). National Conference on Occupational Lead and Arsenic Exposure, Chicago, Ill., (Feb 24-25, 1975).

8. Culver, D.: Epidemiological Considerations of Occupational Lead Exposure. National Conference on Occupational Lead and Arsenic Exposure, Chicago, Ill., (February 24-25, 1975)."

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657) and 29 CFR Part 1911).

Signed in Washington, D.C., this 26th day of November, 1975.

JOHN T. DUNLOP,
Secretary of Labor

[FR Doc.75-32413 Filed 12-1-75;8:45 am]

[29 CFR Part 1910]

[Docket No. H-026]

OCCUPATIONAL EXPOSURE TO TOLUENE

Extension of Time To File Comments on Proposed Rule; Corrections

1. *Extension of time.* On October 3, 1975, notice was published in the Federal Register (40 FR 46206) of a proposed occupational safety and health standard for exposure to toluene, pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and 29 CFR Part 1911. Interested persons were given until December 5, 1975, to submit written data, views and arguments regarding the proposed standard and to file objections thereto. In response to the notice, interested parties have submitted requests for an extension of the period within which file comments. The basis for the request is that the issues raised by the proposed standard are complex, that additional time is needed to compile relevant data and information regarding the proposed standard, and that affected parties are also submitting comments on other recently

published OSHA proposals. The requesting parties state that additional time is necessary in order to submit appropriate comments on the proposed standard.

We find these requests and supporting rationale to have merit, and have decided to extend the period for the filing of comments and objections for approximately 45 additional days. Because of the need to prepare an inflationary impact statement, this extension of time will not unduly delay the standards-setting process. Therefore, notice is hereby given that the period for submitting written data, views and arguments, as well as for the filing of objections and requests for an informal hearing on the proposed standard on toluene, is extended from December 1, 1975 to January 20, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket II-220, U.S. Department of Labor, Room N-2620, 3rd and Constitution Avenue, NW., Washington, D.C. 20210 (Telephone 202-507-8076). The data, views, and arguments will be available for public inspection and copying at the same address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

2. Corrections: In FR Doc. 75-26463, appearing in the issue of October 6, 1975, it is necessary to make the following corrections:

1. On page 46206, in the first column, line 12 of the first paragraph, the proposed toluene standard is designated as 29 CFR § 1910.1043, instead of 29 CFR § 1910.1029.

2. On page 46209, in the third column, in the quoted material following paragraph 2, the first word is corrected from "Some" to "(s)ome," and the last word in the quotation should read "analysis" instead of "judgments."

3. On page 46210, in the first column, the first paragraph is corrected to read:

Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examinations or other tests. Where medical examinations and other tests are appropriate, they must be made available at no cost to the employee. [Section 6(b)(7)] Standards may also prescribe recordkeeping requirements where necessary for appropriate enforcement of the Act or for developing information regarding occupational accidents and illnesses [Section 8(c)].

4. On page 46210, in the third column, paragraph 2, the first sentence is corrected to read: "OSHA has statistically determined that at any measurement exposure level below the permissible limit, some possibility exists that on unmeasured days the employee may be exposed over the permissible limit."

5. On page 46214, in column 3, the introduction and heading for proposed amendment 2 is corrected to read "§ 1910.1943" instead of "§ 1910.1029".

6. On page 46215, in column 3, proposed paragraphs (f)(1)(iv), (f)(1)(v), and (f)(1)(vi) are corrected so that they are designated as paragraphs (f)(1)(iv)(A), (f)(1)(iv)(B), and (f)(1)(v), respectively.

7. On page 46217, in the third column, line 2 of paragraph (c)(1)(ii) is corrected to read "One year" instead of "two years".

8. On page 46219, in paragraph II of Appendix C, the second sentence is corrected to read as follows: Eye contact or prolonged skin contact with liquid toluene can cause eye and skin irritation.

9. On page 46219, in paragraph VI of Appendix C, the last paragraph should be designated as "B. Periodic examinations", instead of "C. Periodic examinations", and the second sentence of paragraph VI (B) should read as follows: These should include as a minimum a urinalysis, CBC, and a pulmonary function test.

(FR Doc. 75-26463, 10/6/75, 40 U.S.C. 655, 657) and (FR Doc. 75-26461).

Approved by the Administrator, U.S. Dept. of Labor, on October 10, 1975.

John T. Dunlop,
Secretary of Labor.

[FR Doc 75-32412 Filed 12-1-75; 8:45 am]

[29 CFR Part 1910]

[Docket No. SCP-2]

TOXIC SUBSTANCES

Extension of Time To File Comments; Period for Filing Objections and Corrections

In the matter of proposed standards for Alkyl Benzenes (p-tert-butyltoluene, cumene, ethyl benzene, alpha-methyl styrene, styrene, and vinyl toluene); cyclohexane; Ketones (camphor, mesityl oxide, and 5-methyl-3-heptanone); and Ozone.

On Wednesday, October 8, 1975 notice was published in the Federal Register (40 FR 47262) of proposed standards for eleven toxic substances (alkyl benzenes, cyclohexane, ketones, and ozone) pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), and 29 CFR Part 1911. The proposed standards were developed as part of the Joint OSHA/NIOSH Standards Completion Project.

A. Interested persons were invited to submit data, views and arguments regarding the proposed standards on or before December 1, 1975. In response to the notice, submissions have been received from several interested parties requesting additional time in which to file comments. Generally, the reasons given for the requests are that the issues raised by the proposed standards are novel and complex and that affected parties are submitting comments on other recently published OSHA proposals as well. The requesting parties state that more time is necessary to properly respond to the proposed standards on toxic substances.

We find these requests and supporting rationale to have merit, and have

decided to extend the period for the filing of comments for approximately 45 additional days. Because of the need to prepare inflationary impact statements and have them available for public comment in advance of any hearing, this extension of time will not unduly delay the standard-setting process. Therefore, notice is hereby given that the period for submitting written data, views, and arguments, is extended from December 1, 1975 to January 15, 1976. As originally directed, such material must be submitted in quadruplicate to the Docket Officer, Docket SCP-2, U.S. Department of Labor, Room N-3620, 200 Constitution Avenue, NW., Washington, D.C. 20210 (Telephone No. 202/423-8076). The data, views, and arguments will be available for public inspection and copying at the above address. All written submissions received will be made a part of the record. In all other respects, the terms of the original notice remain in effect.

B. Pursuant to 29 CFR 1911.11(b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to these proposals, requesting an informal hearing with respect thereto in accordance with the following conditions:

(1) the objections must include the name and address of the objector;

(2) The objections must be postmarked on or before January 15, 1976;

(3) The objections must specify with particularity the provision of the proposed rules to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

All objections should be submitted to the address given above for the submission of comments.

C. In the proposed standards on toxic substances (FR Doc. 75-26461) beginning at page 47262 in the FEDERAL REGISTER of October 8, 1975, the following corrections are made:

1. On page 47262, column 2, line 3 of the second paragraph from the bottom by correcting the CAS Registry Number for ethyl benzene from "100-42-5" to "100-41-4."

2. On page 47263, column 1, line 5 of the second full paragraph, is corrected by adding, after "CAS Registry Number 464-49-3," the following "(natural) 76-22-2 (synthetic)".

3. On page 47263, column 2, second line, the CAS Registry Number is corrected from "541-85-8" to "541-85-5".

4. On page 47263, column 2, first paragraph is corrected by changing "§ 1010.1000" to "§ 1910.1000".

5. On page 47265, column 1, line 2 of the third full paragraph, the term "NIOSH-MESA" is corrected to read "NIOSH or MESA".

6. On page 47266, column 2, line 7 of the second full paragraph from the bottom, the word "serve" is corrected to read "observe".

ASI 00023087

7. On page 47277, column 1, line 4 is corrected to add "(a)(4)," after "(a)(2)."

8. On page 47280, column 3, line 2 of the first full paragraph, is corrected by changing "alphamethyl" to "alpha-methyl".

9. On page 47284, column 1, line 8 of the first full paragraph in § 1910.1036, is corrected to add "PVA" after "the weighted average".

10. On page 47285, column 1, line 2 of the third full paragraph in § 1910.178, is corrected by changing "1910.178" to read "§ 1910.178".

11. On page 47301, column 1, line 4 of the third full paragraph, is corrected by changing "as or above" to read "at or above".

12. On page 47310, column 2, line one of the second full paragraph from the bottom, is corrected by changing "the ensure" to read "to ensure."

(Secs. 6, 8, 84 Stat. 1593 1599 (29 U.S.C. 655, 657 (and 29 CFR Part 1911)).

Signed at Washington, D.C. this 26th day of November, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc. 75-32414 Filed 12-1-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 6]

[FRL 463-3]

NEW SOURCE NPDES PERMITS, PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Extension of Comment Period

This notice extends the closing date for comments on the proposed Regulations for the Preparation of Environmental Impact Statements for New Source NPDES Permit Issuance (40 FR 47714, October 9, 1975).

Requests for an extension of time were submitted by several persons having an interest in commenting. They argue that additional time is needed to review the notice in sufficient detail to submit meaningful comments.

In view of the requests, the Environmental Protection Agency has determined it is in the public interest that the period for comments on the proposed regulation be extended until December 19, 1975.

Dated: November 24, 1975.

STANLEY W. LEGRO,
Assistant Administrator for
Enforcement.

[FR Doc. 75-32331 Filed 12-1-75; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 2956]

CABLE TELEVISION SYSTEM

Order Regarding Extension of Time

In the matter of amendment of part 76 of the Commission's rules and regula-

tions with respect to the definition of a cable television system and the creation of classes of cable systems.

1. The Motion Picture Association of America, Inc., has requested an extension of time to file reply comments in the captioned proceeding from November 23, 1975 to January 15, 1976 on the grounds that the proceeding is particularly complex and has far-reaching consequences. It also requests the Commission to extend the time to file reply comments.

2. In view of the complexity of this proceeding and the quantity of comments filed it appears that good cause exists for a time extension of approximately three weeks. Although this is less than the full extension requested it should provide adequate time for the preparation of reply comments.

Accordingly, it is ordered, That the date for filing reply comments in the captioned proceeding is extended to December 19, 1975.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.223(a) of the Commission's Rules.

Adopted: November 20, 1975.

Released: November 24, 1975

FEDERAL COMMUNICATIONS
COMMISSION.

(SEAL) DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc. 75-32393 Filed 12-1-75; 8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Term "Number of Employees"

Many of the Small Business Administration's definitions of small business are limitations on the "number of employees" that a concern may have in order to qualify as a small business.

Paragraph 121.3-2(t) of the Small Business Size Standards Regulation, Part 121, Chapter I, Title 13 of the Code of Federal Regulations, defines the term "number of employees". It reads as follows:

"The number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month. If a concern has acquired an affiliate during the applicable accounting period it is necessary, in computing the applicant's number of employees, to include the affiliates number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former af-

affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

Pursuant to the above definition, a concern's "number of employees" is calculated by averaging the number of employees on only four of its payrolls in the most recently completed four calendar quarters. Recently, it came to our attention that under such circumstances a concern could defeat the intent of the regulation by temporarily dismissing employees so that they will not appear on one or more of the four payrolls utilized, and then rehiring them after the pertinent payroll periods have passed.

In order to prevent this unacceptable procedure, we propose to amend the regulation to provide that a concern's "number of employees" means the average employment of the concern based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months, provided, however, that, if the concern has been in business less than 12 months, the average shall be based on the number of persons employed in each of the pay periods of the period that such concern has been in business.

Accordingly, it is proposed to revise § 121.3-2(b) to read as follows:

§ 121.3-2 Definition of terms used in this part.

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during each of the pay periods of the preceding 12 months. Provided, however, if for the purpose of determining a concern's eligibility for financial assistance under a Small Business Administration program, it is determined that a concern's employment in its most recently completed calendar quarter is at least 25 percent lower than its employment in the corresponding quarter in the preceding calendar year and that such reduction in employment was primarily due to the shortage of energy or materials its "number of employees" for size determination purposes shall be determined by reducing its average employment for the preceding 12 months by the determined percentile. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period of such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business. If a concern has acquired an affiliate during the applicable accounting period, it is necessary, in computing the applicant's number of employees, to include the affiliate's number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an