## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[ 50 CFR Part 219 ]

### ABANDONMENT PROVISIONS REGARDING ILLEGALLY IMPORTED MARINE MAMMALS

Establishment of Comment Period

On January 16, 1975, notice of proposed amendments were published in the FEDERAL REGISTER (40 FR 2618-2621) concerning abandonment to United States Customs Officials of alleged illegally imported marine mammals or marine mammal parts or products, and endangered species or endangered species parts or products by the owners thereof.

Comments concerning the proposed amendments may be submitted to the Director, National Marine Fisheries Service, NOAA, U.S. Department of Commerce, Washington, D.C. 20235. All materials received on or before April 7, 1975 will be considered.

Dated: January 28, 1975.

JOSEPH W. SLAVIN,
*Acting Director, National Marine Fisheries Service, NOAA.*

[FR Doc.75-3004 Filed 1-31-75;8:45 am]

## DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[ 29 CFR Part 1910 ]

### ALPHA-METHYL STYRENE, STYRENE, TERPHENYLS, VINYL TOLUENE, ACROLEIN, P-TERT-BUTYLTOLUENE, CUMENE (ISOPROPYL BENZENE), CYCLOHEXANE, DIPHENYL (DIPHENYL), ETHYL BENZENE, FURFURAL

Standards Completion Project

On March 12, 1974, the Assistant Secretary of Labor for Occupational Safety and Health announced the joint OSHA NIOSH Standards Completion Project. The purpose of the project is to issue completed standards for all of the toxic materials listed in Tables G-1, G-2 and G-3 of 29 CFR 1910.93, with the exception of some substances which are or will be the subjects of NIOSH Criteria Documents. These exceptions will be the subjects of separate rulemaking proceedings, outside of the Standards Completion Project.

Section 1910.93 lists exposure limits for certain hazardous or toxic substances. The new standards will establish requirements for monitoring employee exposure, medical surveillance, methods of compliance, handling and use of liquid forms of the substance, employee training, recordkeeping, and sanitation and housekeeping, among other things. In addition, the proposals are also designed to enable employers to better understand and comply with existing OSHA safety standards. The exposure limits listed in § 1910.93 are not at issue in the proposals, and no changes to these limits will be proposed or made in the standards issued as part of the Standards Completion Project.

The Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor invites public participation in the development of the proposed standards. Drafts of the technical content of proposed standards have been prepared for the following substances: Alpha-Methyl Styrene, Styrene, Terphenyls, Vinyl Toluene, Acrolein, P-Tert-Butyltoluene, Cumene (Isopropyl Benzene), Cyclohexane, Diphenyl (Biphenyl), Ethyl Benzene, Furfural.

These draft technical standards reflect only the technical intent of NIOSH and OSHA and do not necessarily contain the specific language which will appear in the proposed standards.

Interested persons are invited to submit written data, views and arguments concerning these drafts or the program in general. Comments are requested concerning requirements of each section of the draft technical standards and alternatives to the provisions of each section. Information submitted in response to the Notice of Intent to Prepare An Environmental Impact Statement, published in the FEDERAL REGISTER on September 20, 1974 (39 FR 33843) need not be resubmitted.

Communications should be submitted to the Docket Officer, Standards Completion Project, Occupational Safety and Health Administration, U.S. Department of Labor, Room 260, 1726 M Street, NW., Washington, D.C. 20210, postmarked no later than March 5, 1975. The communications will be available for public inspection and copying, at the above location.

Copies of the draft technical standards on the above listed substances are available for inspection and copying, upon request, at the above address and at any of the following OSHA regional and area offices:

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
Gateway Building—Suite 15220
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street, N.E.—Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
32nd Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street—Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80203

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue—Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1200 Smith Tower Building
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building—Room 703
State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 428
55 Pleasant Street
Concord, New Hampshire 03301

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 617B
450 Main Street
Hartford, Connecticut 06103

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse Building
436 Dwight Street—Room 501
Springfield, Massachusetts 01103

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street—Room 1405
New York, New York 10007

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street—Room 1423C
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
Room 203—Midtown Plaza
700 East Water Street
Syracuse, New York 13210

U.S. Department of Labor
Occupational Safety and Health Administration
370 Old Country Road
Garden City, Long Island, New York 11530

U.S. Department of Labor
Occupational Safety and Health Administration
Condominium San Alberto Building
605 Condado Avenue—Room 328
Santurce, Puerto Rico 00907

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Building
600 Arch Street—Room 4456
Philadelphia, Pennsylvania 19106

U S Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 1110–A
31 Hopkins Plaza—Charles Center
Baltimore, Maryland 21201

U S. Department of Labor
Occupational Safety and Health Administration
Charleston National Plaza—Suite 1726
700 Virginia Street
Charleston, West Virginia 25301

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802—Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 8015
400 N. 8th Street—P.O. Box 10126
Richmond, Virginia 23240

U.S. Department of Labor
Occupational Safety and Health Administration
Building 10—Suite 33
La Vista Perimeter Park
Tucker, Georgia 30084

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building—Room 406
310 New Bern Avenue
Raleigh, North Carolina 27601

U.S. Department of Labor
Occupational Safety and Health Administration
Room 204—Bridge Building
3200 E. Oakland Park Boulevard
Fort Lauderdale, Florida 33308

U.S. Department of Labor
Occupational Safety and Health Administration
1600 Hayes Street—Suite 302
Nashville, Tennessee 37203

U.S. Department of Labor
Occupational Safety and Health Administration
2809 Art Museum Drive
Art Museum Plaza—Suite 4
Jacksonville, Florida 32207

U.S. Department of Labor
Occupational Safety and Health Administration
Todd Mall—2047 Canyon Road
Birmingham, Alabama 35216

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 554–E—600 Federal Place
Louisville, Kentucky 40202

U.S. Department of Labor
Occupational Safety and Health Administration
Enterprise Building—Suite 204
5605 Abercorn Street
Savannah, Georgia 31405

U.S. Department of Labor
Occupational Safety and Health Administration
Commerce Building—Room 600
118 North Royal Street
Mobile, Alabama 36602

U.S. Department of Labor
Occupational Safety and Health Administration
Riverside Plaza Shopping Center
2720 Riverside Drive
Macon, Georgia 31204

U.S. Department of Labor
Occupational Safety and Health Administration
1710 Gervais Street—Room 205
Columbia, South Carolina 29201

U.S. Department of Labor
Occupational Safety and Health Administration
650 Cleveland Street
Room 44
Clearwater, Florida 33515

U.S. Department of Labor
Occupational Safety and Health Administration
57601–55 North Frontage Road East
Jackson, Mississippi 39211

U.S. Department of Labor
Occupational Safety and Health Administration
230 South Dearborn Street
10th Floor
Chicago, Illinois 60604

U.S. Department of Labor
Occupational Safety and Health Administration
847 Federal Office Building
1240 East Ninth Street
Cleveland, Ohio 44199

U.S. Department of Labor
Occupational Safety and Health Administration
360 S. Third Street—Room 109
Columbus, Ohio 43215

U.S. Department of Labor
Occupational Safety and Health Administration
Michigan Theatre Building—Room 626
200 Bagley Avenue
Detroit, Michigan 48226

U S. Department of Labor
Occupational Safety and Health Administration
110 South Fourth Street—Room 437
Minneapolis, Minnesota 55401

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office and Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 4028—Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 734—Federal Office Building –
234 N. Summit Street
Toledo, Ohio 43604

U.S. Department of Labor
Occupational Safety and Health Administration
Room 2118
2320 La Branch Street
Houston, Texas 77004

U.S. Department of Labor
Occupational Safety and Health Administration
Adolphus Tower—Suite 1820
1412 Main Street
Dallas, Texas 75202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 421—Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

U S Department of Labor
Occupational Safety and Health Administration
546 Carondelet Street—Room 202
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration
Room 512—Petroleum Building
420 South Boulder
Tulsa, Oklahoma 74103

U.S. Department of Labor
Occupational Safety and Health Administration
Room 526—Donaghey Building
103 East 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
1015 Jackson Keller Road—Room 122
San Antonio, Texas 78213

U.S. Department of Labor
Occupational Safety and Health Administration
Room 302—Federal Building
421 Gold Avenue, S W.
P.O. Box 1428
Albuquerque, New Mexico 87103

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
210 North 12th Boulevard—Room 554
St. Louis, Missouri 63101

U.S. Department of Labor
Occupational Safety and Health Administration
Petroleum Building
221 South Broadway Street—Suite 312
Wichita, Kansas 67202

U.S. Department of Labor
Occupational Safety and Health Administration
Room 643—210 Walnut Street
Des Moines, Iowa 50309

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Harney and 16th Street—Room 603
Omaha, Nebraska 68102

U.S. Department of Labor
Occupational Safety and Health Administration
113 West 6th Street
North Platte, Nebraska 69101

U.S. Department of Labor
Occupational Safety and Health Administration
8527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525—Petroleum Building
2812 1st Avenue—North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
Court House Plaza Building—Room 408
300 North Dakota Avenue
Sioux Falls, South Dakota 57102

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office Building—Room 452
350 South Main Street
Salt Lake City, Utah 84111



OCC 6860

U.S Department of Labor
Occupational Safety and Health Administration
100 McAllister Street—Room 1706
San Francisco, California 94102

U.S Department of Labor
Occupational Safety and Health Administration
Suite 31b—Amerco Towers
2721 North Central Avenue
Phoenix Arizona 85004

U.S Department of Labor
Occupational Safety and Health Administration
503 Queen Street—Suite 505
Honolulu, Hawaii 96813

U.S Department of Labor
Occupational Safety and Health Administration
1100 E William Street
Suite 202
Carson City, Nevada 89701

U.S Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
10 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
121-107th Street, N.E.
Bellevue, Washington 98004

U.S Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 227
605 West 4th Avenue
Anchorage, Alaska 99501

U.S Department of Labor
Occupational Safety and Health Administration
Room 525—Pittock Block
921 S.W. Washington Street
Portland, Oregon 97205

U.S Department of Labor
Occupational Safety and Health Administration
223 Idaho Building
216 North 8th Street
Boise, Idaho 83702

The draft technical standards will also be available for inspection and copying at the national and regional offices of the U.S. Department of Health, Education, and Welfare, National Institute for Occupational Safety and Health, at the following addresses:

U.S. Department of HEW
National Institute for Occupational Safety and Health
Room 10-A22, 5600 Fishers Lane
Rockville, Maryland

U.S. Department of HEW
National Institute for Occupational Safety and Health
1114 Commerce Street, Room 1612
Dallas, Texas 75202

U.S. Department of HEW
National Institute for Occupational Safety and Health
P.O Box 13716
Philadelphia, Pennsylvania 19108

U.S. Department of HEW
National Institute for Occupational Safety and Health
9017 Federal Building
19th and Stout Streets
Denver, Colorado 80202

U.S. Department of HEW
National Institute for Occupational Safety and Health
50 Seventh Street, N.E.
Atlanta, Georgia 30323

U.S. Department of HEW
National Institute for Occupational Safety and Health
Arcade Building
1321 Second Street
Seattle, Washington 98101

U.S Department of HEW
National Institute for Occupational Safety and Health
John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

U.S Department of HEW
National Institute for Occupational Safety and Health
26 Federal Plaza
New York, New York 10007

U.S Department of HEW
National Institute for Occupational Safety and Health
601 East 12th Street
Kansas City, Missouri 64106

U.S Department of HEW
National Institute for Occupational Safety and Health
254 Federal Office Building
50 Fulton Street
San Francisco, California 94102

U.S. Department of HEW
National Institute for Occupational Safety and Health
300 South Wacker Drive
Chicago, Illinois 60607

This advance notice of proposed rulemaking is issued under section 6 of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754).

Signed at Washington, D.C., this 28th day of January 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.75-3019 Filed 1-31-75;8:45 am]

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## [ 29 CFR Part 1910 ]

## CARCINOGENS: 4,4'-METHYLENE BIS (2-CHLORCANILINE)

### Notice of Proposed Rulemaking

Pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (the "Act") (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations by adding the following standard concerning exposure of employees to 4,4'-Methylene bis (2-chloroaniline) as § 1910.93e. This proposal is issued pursuant to the remand of the United States Court of Appeals for the Third Circuit in *Synthetic Organic Chemical Manufacturers Association* v. *Brennan*, F. 2d (Nos. 74-1129, 74-1149, 74-1268, December 17, 1974).

*Background.* On May 22, 1972, the Deputy Assistant Secretary of Labor for Occupational Safety and Health requested information from the Director of the National Institute for Occupational Safety and Health (NIOSH) on nine substances alleged to be carcinogens. As part of his effort to gain the best available scientific data, the Director published on July 6, 1972, at 37 FR 13285, a request for information concerning 15 substances, including 4,4'-Methylene bis (2-chloroaniline). The data, arguments, and conclusions received by NIOSH were made available to the Occupational Safety and Health Administration (OSHA).

On January 4, 1973, a petition for an emergency temporary standard from the Oil, Chemical, and Atomic Workers Union (OCAW) and Health Research Group (HRG) was received by the Department of Labor. The petition contained relevant information on the danger of exposure to 10 carcinogens, and suggested regulations to prevent worker exposure to the substances.

On February 9, 1973, a notice was published in the FEDERAL REGISTER (38 FR 4037) of the receipt of the petition for issuance of an emergency temporary standard, and information was requested from interested persons on the issues involved. In response to the notice, more than 50 written comments were received.

Pursuant to section 6(c) of the Act (84 Stat. 1596, 29 U.S.C. 655), an emergency temporary standard on carcinogens was promulgated on May 3, 1973, at 38 FR 10929. The standard concerned work practices and controls designed to protect employees from exposure to 14 carcinogenic substances, including 4,4'-Methylene bis (2-chloroaniline).

A standards advisory committee on carcinogens was appointed and began its meetings on June 25, 1973. The members of the committee represented employers, employees, Federal and state agencies and professionals. The committee terminated its meetings on August 24, 1973, and submitted to the Assistant Secretary of Labor for Occupational Safety and Health its recommendations for a standard on certain carcinogens on August 27, 1973. The recommendations were published in the FEDERAL REGISTER on September 7, 1973 (38 FR 24375).

A rulemaking proceeding was conducted under section 6(b) and (c) of the Act, with the emergency temporary standard serving as a proposal as required by section 6(c)(3) of the Act. Notice of the proceeding was published in the FEDERAL REGISTER on July 16, 1973 (38 FR 18900). On July 27, 1973, a revision of the emergency temporary standard was published at 38 FR 20074, and an amended notice of rulemaking proceeding was published at 38 FR 22141, on August 16, 1973.

The notices invited interested persons to submit, prior to September 5, written comments, data and arguments concerning the proposals, and also provided for the presentation of oral testimony at a public hearing scheduled for September 11-14, 1973. Numerous written comments were received and about 36 parties testified at the hearing. The record of the hearing was initially held open until September 28, for additional comments. After the close and certification of the record by the administrative law judge, additional comments mailed on or before September 28 were received. On October 2 the judge reopened the record for the limited purpose of including these additional comments. On October 15, the

judge closed the proceeding and forwarded the certified record to the Assistant Secretary of Labor for Occupational Safety and Health for final decision.

A final environmental impact statement on the proposed standard on carcinogens was filed with the Council on Environmental Quality on October 2, 1973, and copies were distributed to appropriate agencies. In a letter dated November 2, 1973, the Council pointed out alleged deficiencies in the statement filed. Pursuant to that letter, a supplement to the statement was sent to the Council on November 29, 1973, with a request for a waiver of the full, 30-day review period. By letter dated December 10, 1973, the Council advised that the request had been denied. Notice of the filing of the supplement was published by the Council on December 14, 1973 (38 FR 34488).

On January 29, 1974, OSHA promulgated final occupational safety and health standards on 14 carcinogens (39 FR 3756) based on the rulemaking proceeding which had been conducted. Separate standards were promulgated for each of the 14 substances, and were codified as §§ 1910.93c through 1910.93p. The standard on exposure to 4,4'-Methylene bis (2-chloroaniline) was contained in § 1910.-93e and was republished on June 27, 1974 at 39 FR 23551.

Within 60 days after promulgation of the carcinogen standards, the Synthetic Organic Chemical Manufacturers Association (SOCMA), Polyurethane Manufacturers Association (PMA), and Oil, Chemical and Atomic Workers and Health Research Group (OCAW–IHRG), petitioned under section 6(f) of the Act for review of various portions of the carcinogen standards. On August 26, 1974, the United States Court of Appeals for the Third Circuit handed down its decision in *Synthetic Organic Chemical Manufacturers Association* v. *Brennan*, 503 F. 2d 1155, (No. 74–1129), covering one of the 14 carcinogens, ethyleneimine ("EI"). The court upheld the Secretary's determination that EI is carcinogenic and upheld the standard, except as to the special provisions in the standard for laboratory activities. As to the laboratory requirements, the court found that adequate notice had not been given of OSHA's intention to make special provisions for laboratories, and therefore vacated and remanded these special provisions.

On December 17, 1974, the same court issued its decision in *Synthetic Organic Chemical Manufacturers* v. *Brennan*, F. 2d (Nos. 74–1129, 74–1149, 74–1268), disposing of the remaining challenges to the standards on carcinogens. The court, relying on its rationale in the first decision, upheld the Secretary's determinations concerning carcinogenicity of the substances involved, including 4,4'-Methylene bis (2-chloroaniline), and sustained the Secretary's various determinations on particular aspects of the standards. However, the court remanded the provisions on medical examinations in all the standards, because of the Secretary's failure to explain the lack of specificity in these requirements, and vacated the special provisions concerning laboratories, because of the lack of adequate notice. In addition, the court vacated the entire standard on 4,4'-Methylene bis (2-chloroaniline) (29 CFR 1910.93e) because, in the court's view, the procedure followed by OSHA in promulgating § 1910.93e did not comply with the statutory requirements. Specifically, the court held that the Secretary erred in not publishing a proposed regulation after receipt of the recommendations of the advisory committee, and that the public was not given adequate time to comment on the advisory committee's report.

Accordingly, the court vacated the standard on 4,4'-Methylene bis (2-chloroaniline) and remanded it for the publication of a proposed standard to be followed by the required procedures for public comment and hearing. While a petition for rehearing on this portion of the court's decision has been filed, this notice of proposed rulemaking is published pursuant to the court's mandate in order to assure effective protection of workers in the swiftest possible time. It is recognized, however, that action by the court on the Secretary's petition may necessitate changes in the proceedings initiated by this notice.

*Proposed Standard.* The proposal contained herein for the regulation of occupational exposure to 4,4'-Methylene bis (2-chloroaniline) is identical with the final standard on 4,4'-Methylene bis (2-chloroaniline) promulgated on January 29, 1974, and contained in § 1910.93e. That standard was issued after an extensive rulemaking proceeding which had formally commenced in May 1973 with the publication of the emergency temporary standard and which was based on the combined efforts of OSHA and NIOSH extending back at least a year before the promulgation of the emergency standard. All the evidence, testimony, comments, views and arguments developed during this extended period of time, including the advisory committee recommendations, were considered in formulating the final standard. Accordingly, OSHA believes that the standard on 4,4'-Methylene bis (2-chloroaniline) promulgated on January 29, 1974, and vacated by the court on procedural grounds, serves as the best possible basis for the current proposal. In addition, the action of the court has created a gap in the significant protection afforded to employees by the carcinogen standards. The need to fill this gap as quickly as possible, consistent with the statutory procedures, further supports the wisdom of utilizing the promulgated standard as the proposal in this rulemaking proceeding. However, while we are proposing the same standard which was vacated by the court, the final standard which will issue as a result of this proceeding will be based on the entire record developed herein, including the record of the earlier proceeding.

The basis for the Secretary's finding that 4,4'-Methylene bis (2-chloroaniline) is a carcinogen and the explanation of and rationale for the various elements of this proposal are fully set out in the preamble to the carcinogen standard published at 39 FR 3756, and are incorporated by reference herein. The finding of carcinogenicity, based largely on extrapolation from animal data contained in the NIOSH hazard review document, was sustained by the court in its decision of December 17, 1974. The treatment of 4,4'-Methylene bis (2-chloroaniline) as a carcinogen in the proposal is based on the same considerations set out in the preamble to the carcinogen standards and affirmed by the court.

As noted, the terms of this proposal are identical with the final standard promulgated on January 29, 1974. Discussion and explanation of the particular elements of the proposal, such as the basic scheme of control through the use of isolated systems and closed systems, the exclusion of mixtures containing less than one percent of 4,4'-Methylene bis (2-chloroaniline) and the special provisions for premix solutions, the requirement for the establishment of regulated areas, the special provisions for maintenance and decontamination activities, emergencies, and laboratory activities, and the requirements for signs, information and training, medical surveillance and recordkeeping, are contained in the preamble to the final standard, incorporated herein by reference.

The proposal includes special provisions for laboratory activities, identical with those contained in the standard promulgated on January 29, 1974. The inclusion of these laboratory provisions in the proposal provides notice to all interested parties that special requirements for laboratories are contemplated and satisfies the court's mandate as to the laboratory provisions in the standard on 4,4'-Methylene bis (2-chloroaniline). A separate rulemaking proceeding will be instituted shortly to re-propose laboratory requirements for the 13 other carcinogen standards.

The court, in its decision of December 17, 1974, remanded, without vacating, the medical examination provisions of all the carcinogen standards because of the failure to explain the lack of specific requirements making these provisions effective. OSHA has requested NIOSH to develop, on an expedited basis, appropriate medical protocols for all 14 carcinogens. The specific medical requirements for each substance, when available from NIOSH, will be proposed as amendments to the carcinogen standards in a separate rulemaking proceeding. However, so as not to delay the filing of the gap created by the court's vacating the standard on 4,4'-Methylene bis (2-chloroaniline), and so as to provide the fullest medical protection possible based on the currently available information, this proposal is issued now with the same medical examination provisions as contained in the standard promulgated on January 29, 1974. The court's remand and the direction to provide greater specificity in the medical examination provisions will be complied with as soon as the necessary information becomes available to OSHA.

It was suggested during the court litigation on the carcinogen standards that

the extent of the prohibition on open vessel operations is unclear. Section 1910.93e, as promulgated on January 22, 1974, and as proposed herein, contains the following definition of open-vessel system in paragraph (b)(13):

(13) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

Paragraph (c)(3) provides that "open vessel system operations as defined in paragraph (b)(13) of this section are prohibited." Thus, the proposal would prohibit only those open vessel operations defined as such in paragraph (b)(13), and would permit open vessel operations if they are conducted in an isolated system, a laboratory type hood, or in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into the surrounding atmosphere.

As noted above, draft and final environmental impact statements on the carcinogen standards were prepared during the course of the first rulemaking proceeding. Since the proposal issued herein is identical with the standard promulgated as a result of the rulemaking proceeding, the Director of the Office of Standards Development has determined that it is likely that all relevant environmental impacts of this proposal have already been considered. Accordingly, no new draft environmental impact statement will be prepared for this proceeding. However, pursuant to the regulations in 29 CFR Part 1999, the environmental impact of this proposal is an issue in the proceeding. If significant new information concerning the environmental impact of this proposal becomes available, the Director of the Office of Standards may supplement or amend the final environmental impact statement, pursuant to 29 CFR 1999.5(h).

Interested persons are invited to submit written data, views, or arguments concerning the proposed standard, postmarked on or before March 10, 1975. Written comments must be submitted in quadruplicate to OSHA Committee Management Office, Docket OSH-70, 1726 M Street, NW., Room 266, U.S. Department of Labor, Washington, D.C. 20210 (Phone: (202) 961-2248 or 2487). 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 of this proceeding. Data, views and arguments submitted during the first rulemaking proceeding on the carcinogen standards, including the advisory committee report, will be made a part of the record of this proceeding and need not be resubmitted. They will also be available for inspection and copying at the above address.

In order to expedite this rulemaking proceeding and in anticipation of requests for a hearing, we are scheduling an informal public hearing, pursuant to section 6(b) of the Act and 29 CFR Part 1911, to begin on April 1, 1975 in the Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets, NW., Washington, D.C. 20210. All aspects of the proposed standard, including environmental impact, will be at issue in the hearing. Beginning at 9:30 a.m. e.d.t. on April 1, 1975, the presiding Administrative Law Judge will hold a pre-hearing conference in order to settle any matters relating to the proceeding. All persons intending to make presentations should attend the pre-hearing conference which is open to the public. The hearing will be conducted, and the decisions made, in accordance with 29 CFR Part 1911.

Persons desiring to appear at the hearing must file a notice of intention to appear on or before March 18, 1975 with OSHA Committee Management Office, Docket OSH-70, 1726 M Street, NW., Room 260, U.S. Department of Labor, Washington, D.C. 20210 (Phone: 202-961-2248 or 2437). The notice must contain the following information:

(1) The name and address of the person to appear;
(2) The capacity in which he will appear;
(3) The approximate amount of time required for the presentation;
(4) The specific provisions of the proposal that will be addressed;
(5) A brief statement of the position that will be taken with respect to each provision addressed; and
(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

The Administrative Law Judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceedings;
(b) To dispose of procedural requests, objections, and comparable matters;
(c) To confine the presentations to matters pertinent to the proposed standard;
(d) To regulate the conduct of those present at the hearing by appropriate means;
(e) In his discretion, to question, and permit questioning of any witnesses; and
(f) In his discretion, to keep the record open for a reasonable, stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

The proposed standard will be reviewed after consideration of all relevant oral and written information, data, views, or arguments, including the record of the earlier proceeding, and may be adopted with or without changes.

Accordingly, pursuant to sections 6(b) and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations by adding § 1910.93e as set forth below.

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12-71, 36 FR 8754, and 29 CFR Part 1911)

Signed at Washington, D.C. this 27th day of January, 1975.

JOHN STENDER,
*Assistant Secretary of Labor.*

§ 1910.93e 4,4'-Methylene bis(2-chloroaniline).

(a) *Scope and application.* (1) This section applies to any area in which 4,4'-Methylene bis(2-chloroaniline), Chemical Abstracts Service Registry Number 101144 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to trans-shipment in sealed containers, except for the labeling requirements under paragraphs (e)(2), (3), and (4) of this section.

(2) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 4,4'-Methylene bis(2-chloroaniline).

(b) *Definitions.* For the purposes of this section: (1) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3 μm particles.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(3) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4,4'-Methylene bis(2-chloroaniline). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(4) "Closed system" means an operation involving 4,4'-Methylene bis(2-chloroaniline) where containment prevents the release of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(5) "Decontamination" means the inactivation of 4,4'-Methylene bis(2-chloroaniline) or its safe disposal.

(6) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(7) "Disposal" means the safe removal of 4,4'-Methylene bis(2-chloroaniline) from the work environment.

(8) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4,4'-Methylene bis(2-chloroaniline) which may result in exposure to or contact with 4,4'-Methylene bis(2-chloroaniline).

(9) "External environment" means any environment external to regulated and nonregulated areas.

(10) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 4,4'-Methylene bis (2-chloroaniline), which is impervious to the passage of 4,4'-Methylene bis (2-chloroaniline), and which would prevent the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas or the external environment, should leakage or spillage from the vessel of containment occur.

(11) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained to draw air inward at an average inlet face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4,4'-Methylene bis(2-chloroaniline) within the hood does not require the insertion of any portion of any employee's body other than his hands and arms.

(12) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(13) "Open-vessel system" means an operation involving 4,4'-Methylene bis (2-chloroaniline) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4,4'-Methylene bis (2-chloroaniline) into regulated areas, nonregulated areas, or the external environment.

(14) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4,4'-Methylene bis(2-chloroaniline).

(15) "Regulated area" means an area where entry and exit is restricted and controlled.

(c) *Requirements for areas containing 4,4'-Methylene bis (2-chloroaniline).* A regulated area shall be established by an employer where 4,4'-Methylene bis(2-chloroaniline) is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved: (1) *Isolated systems.* Employees working with 4,4'-Methylene bis(2-chloroaniline) within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(2) *Closed system operation.* Within regulated areas where 4,4'-Methylene bis(2-chloroaniline) is stored in sealed containers, or contained in a closed system, including piping systems, with any temple ports or openings closed while 4,4'-Methylene bis(2-chloroaniline) is contained within: (i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(3) *Open vessel system operations.* Open vessel system operations as defined in paragraph (b)(13) of this section are prohibited.

(4) *Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system.* In operations involving "laboratory type hoods," or in locations where 4,4'-Methylene bis(2-chloroaniline) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subparagraph shall apply. (i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4,4'-Methylene bis(2-chloroaniline) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with § 1910.134. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(5) *Maintenance and decontamination activities.* In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4,4'-Methylene bis(2-chloroaniline) could result, each authorized employee entering that area shall: (i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with § 1910.134.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(6) *Laboratory activities.* The requirements of this subparagraph shall apply to research and quality control activities involving the use of 4,4'-Methylene bis (2-chloroaniline). (i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which 4,4'-Methylene bis(2-chloroaniline) is handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of 4,4'-Methylene bis(2-chloroaniline) shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be (*a*) provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(*c*) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(*d*) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be (*a*) provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(*b*) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under paragraphs (e) (2), (3), and (4) of this section.

(c) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 4,4'-Methylene bis(2-chloroaniline) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of 4,4'-Methylene bis (2-chloroaniline) shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

(7) *Premixed solutions.* Where 4,4'-Methylene bis(2-chloroaniline) is present only in a single solution at a temperature not exceeding 120°F, the establishment of a regulated area is not required; however, (i) Only authorized employes shall be permitted to handle such materials;

(ii) Each day employees shall be provided with and required to wear a clean change of protective clothing (smocks, coveralls, or long-sleeved shirts and pants), gloves, and other protective garments and equipment necessary to prevent contact with the solution in the processes used;

(iii) Employees shall be required to remove and leave protective clothing and equipment when leaving the work area at the end of the work day, or at any time solution is spilled on such clothing or equipment. Used clothing and equipment shall be placed in impervious containers for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under paragraphs (e) (2), (3), and (4) of this section;

(iv) Employees shall be required to wash hands and face after removing such clothing and equipment and before engaging in other activities;

(v) Employees assigned to work covered by this subparagraph shall be deemed to be working in regulated areas for the purposes of paragraphs (d) (1), (2), (3) (i) and (ii), and (4) (iii) and (iv), (e), (f), and (g) of this section;

(vi) Work areas where solution may be spilled shall be (*a*) covered daily or after any spill with a clean covering; or

(*b*) Cleaned thoroughly daily and after any spill.

(d) *General regulated area requirements*—(1) *Employee identification.* A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to authorized representatives of the Assistant Secretary and the Director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the Director.

(2) *Emergencies.* In an emergency, immediate measures including, but not limited to, the requirements of subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph shall be implemented. (i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with paragraph (*f*) (2) of this section.

(iv) Where an employee has a known contact with 4,4'-Methylene bis(2-chloroaniline) such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in paragraph (f) (2) of this section.

(3) *Hygiene facilities and practices.* (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with § 1910.141(d) (1) and (2) (ii) through (vii).

(iii) Where employees are required by this section to shower, facilities shall be provided in accordance with § 1910.141 (d) (3).

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with § 1910.141(e), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) *Contamination control.* (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4,4'-Methylene bis(2-chloroaniline) from the surfaces of material, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(e) *Signs, information and training*—(1) *Signs.* (i) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT

AUTHORIZED PERSONNEL ONLY

(ii) Entrances to regulated areas containing operations covered in paragraph (c) (5) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA

IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES

AUTHORIZED PERSONNEL ONLY

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exist from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(2) *Container contents identification.* (i) Containers of 4,4'-Methylene bis(2-chloroaniline) and containers required under paragraphs (c) (4) (v) and (c) (6) (vii) (*b*), and (c) (6) (viii) (*b*) and (c) (7) (iii) of this section which are accessible only to, and handled only by authorized employees, or by other employees trained in accordance with subparagraph (5) of this paragraph, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4,4'-Methylene bis-(2-chloroaniline) and containers required under paragraphs (c) (4) (v), (c) (6) (vii) (*b*), and (c) (6) (viii) (*b*) and (c) (7) (iii) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with subparagraph 5 of this paragraph shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in paragraph (a) (1) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4,4'-Methylene bis(2-chloroaniline) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(3) *Lettering.* Lettering on signs and instructions required by subparagraph (1) of this paragraph shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than ½ the size of the largest lettering on the package, and

not less than 8 point type in any instance; provided that no such required lettering need be more than 1 inch in height.

(4) *Prohibited statements.* No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(5) *Training and indoctrination.* (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to: (*a*) The nature of the carcinogenic hazards of 4,4'-Methylene bis(2-chloroaniline), including local and systemic toxicity;

(*b*) The specific nature of the operation involving 4,4'-Methylene bis(2-chloroaniline) which could result in exposure;

(*c*) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(*d*) The purpose for and application of decontamination practices and purposes;

(*e*) The purpose for and significance of emergency practices and procedures;

(*f*) The employee's specific role in emergency procedures;

(*g*) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4,4'-Methylene bis(2-chloroaniline);

(*h*) The purpose for and application of specific first aid procedures and practices;

(*i*) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(ii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(*i*) *Reports*—(1) *Operations.* Not later than March 1, 1974, the information required in subdivisions (i), (ii), (iii), and (iv) of this subparagraph shall be reported in writing to the nearest OSHA Area Director. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change. (i) A brief description and in-plant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4,4'-Methylene bis(2-chloroaniline) in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which 4,4'-Methylene bis(2-chloroaniline) is present in each regulated area: e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(2) *Incidents.* Incidents which result in the release of 4,4'-Methylene bis(2-chloroaniline) into any area where employees may be potentially exposed shall be reported in accordance with this subparagraph (i). A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the nearest OSHA Area Director.

(ii) A written report shall be filed with the nearest OSHA Area Director within 15 calendar days thereafter and shall include: (*a*) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(*b*) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(*c*) A report of any medical treatment of affected employees and any medical surveillance program implemented; and

(*d*) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(*j*) *Medical surveillance.* At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees. (1) *Examinations.* (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy, and cigarette smoking.

(2) *Records.* (i) Employers of employees examined pursuant to this paragraph shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the Director.

(ii) Records required by this paragraph shall be provided upon request to authorized representatives of the Assistant Secretary or the Director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any physician who conducts a medical examination required by this paragraph shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

[FR Doc.75-3021 Filed 1-31-75;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### [ 14 CFR Part 71 ]

[Airspace Docket No. 75-SO-5]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Edenton, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 5, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Edenton transition area described in § 71.181 (40 FR 441) would be amended as follows:

"• • • north of the RBN • • •" would be deleted and "• • • north of the RBN: within a 6.5-mile radius of Plymouth Municipal Airport (Lat. 35°48'30" N., Long. 76°45'35" W.); within 3 miles each side of the 295° bearing from Plymouth RBN (Lat. 35°48'23" N., Long. 76°45'39" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Plymouth Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Plymouth (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on January 23, 1975.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.75-2993 Filed 1-31-75;8:45 am]