

NORTH CAROLINA DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Chapter 7

CFR Revision 146A

Subchapter 7F

CFR II

Field Information System

Respiratory Protection

Subpart I, 29 CFR 1910.134

Subpart E, 29 CFR 1926.103

**Final Rule, Corrections**

DISCUSSION:

On April 23, 1998, OSHA issued corrections at 63 FR 20098-20099 to the respiratory protection final rule, 29 CFR 1910.134. The adopted corrections made a significant correction to paragraph (n)(3), *Effective dates*, of the revised respiratory protection standard. This correction maintained the provisions of the existing respirator standard until the final compliance date, October 5, 1998, of the revised rule. The remaining corrections effected typographical and technical errors contained in the original revised final rule (63 FR 1152 *et seq.*, 1/8/98).

ACTION:

The April 23, 1998, final rule corrections (63 FR 20098-20099) were adopted verbatim with an effective date of October 8, 1998. A copy of the referenced *Federal Register* is attached.

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Date

Robert K. Andrews, Jr., Director

Division of Occupational Safety and Health

Filing Date: October 8, 1998

NC Effective Date: October 8, 1998

Number: 13 NCAC 7F.0101

(b) \* \* \*

(2) \* \* \*

(v) At a level not to exceed 0.2 percent by weight of the suture material for coloring glycolide/dioxanone/trimethylene carbonate tripolymer absorbable sutures for use in general surgery.

\* \* \* \* \*

Dated: April 16, 1998.

**William K. Hubbard,**

*Associate Commissioner for Policy Coordination.*

[FR Doc. 98-10779 Filed 4-22-98; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910 and 1926

[Docket No. H-049]

RIN 1218-AA05

#### Respiratory Protection; Correction

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor.

**ACTION:** Final rule; correction.

**SUMMARY:** OSHA is correcting errors in the regulatory text of the Respiratory Protection final rule that appeared in the **Federal Register** on January 8, 1998 (63 FR 1152).

**DATES:** These corrections become effective on April 23, 1998.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Friedman, Director, OSHA Office of Public Affairs, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone: (202) 219-8148.

**SUPPLEMENTARY INFORMATION:** On January 8, 1998 (63 FR 1152), OSHA promulgated revised regulations for respiratory protection in general industry (part 1910), shipyards (part 1915), marine terminals (part 1917), longshoring (part 1918), and construction (part 1926).

Subsequently, technical and typographic errors were discovered in the regulatory text. This notice is being published to correct these errors. With the exception of the explanations discussed below, these corrections are self-explanatory.

In paragraph (i)(1)(ii), *Breathing air quality and use*, the reference to "Type 1—Grade D breathing air" has been corrected to read "Grade D breathing air" to conform to the ANSI/

Compressed Gas Association Commodity Specification for Air, G-7.1-1989.

Paragraph (n)(3) is corrected to state that the respiratory protection provisions of the previous standard, 29 CFR 1910.134 as contained in the 29 CFR parts 1900 to 1910.999 edition of the Code of Federal Regulations published July 1, 1997, will continue in effect until October 5, 1998, the date for full compliance with the revised standard, rather than April 8, 1998, the effective date of the revised standard.

In Appendix A, in the protocol for the Bitrex qualitative fit test, the part numbers for the fit test hood assembly now match the part numbers given in the saccharin qualitative fit test protocol. Also, in the generated aerosol quantitative fit testing protocol, a reference for using P100 filters as one of the methods to filter exhaust air flow from the fit test chamber is incorrect and is deleted. In the condensation nuclei counter quantitative fit test protocol, the requirement in paragraph (a)(1) that a high-efficiency filter be fitted has been revised to allow for the fit testing of additional types of filters as appropriate. For the controlled negative fit test protocol, the pressure setting for the default test pressure has been changed from -1.5 mm to the correct value of -15 mm.

In Appendix C a typographic error in Part A, Section 2, question 11(e) has been corrected to read "d. Any other eye or vision problem: Yes/No".

Appendix D has been entitled "mandatory" since the employer is required by paragraph (k)(6) of the standard to provide the basic advisory information on respirators presented in Appendix D to any employees who voluntarily use respirators.

Since some of the 13 carcinogens are vapors, language has been added to paragraph (c)(4)(iv) of § 1910.1013 permitting the use of air-purifying canisters or cartridges, in addition to particulate filters. This provision requires appropriate respirator filters for these carcinogens.

This correction removes the provision in the revised Lead standard (§ 1910.1025(f)(1)(ii)) that limits respirator use to a maximum of 4.4 hours per day. The 4.4 hour requirement had been removed earlier by OSHA (see 60 FR 52859).

Typographic errors in provisions in the Benzene standard (§ 1910.1028 (g)(2)(i)), Acrylonitrile standard (§ 1910.1045 (h)(2)(i)), and the Formaldehyde standard (§ 1910.1048 (g)(2)(i)) that referenced § 1910.134 (d)(3)(iii)(b)(1) have been corrected to read (d)(3)(iii)(B)(1).

Appendix E of the Methylenedianiline standard (§ 1910.1050), which specifies fit testing protocols, has been removed to match changes made to other substance specific standards. These changes require the use of the fit testing protocols in Appendix A of the revised respiratory protection standard.

The Methylene chloride standard limits respiratory protection to supplied-air respirators except for emergency escape. Paragraphs (d)(3)(iii)(B) (1) and (2) of the revised respiratory protection standard address the use of end-of-service-life indicators or change schedules for cartridges and canisters, and do not apply to supplied-air or emergency escape respirators. Accordingly, these paragraphs have been removed from the respiratory protection program required by the Methylene chloride standard to be in compliance with the revised § 1910.134 respiratory protection standard.

The correction to paragraph (h)(2)(iv) of the Asbestos standard for the construction industry reinstates an earlier revision made by OSHA to this standard. This revision permitted the use of PAPRs with HEPA filters or supplied-air respirators with HEPA egress cartridges under the conditions specified in this paragraph (see 60 FR 33985).

All these corrections to the standard are deemed to be "minor" amendments within the meaning of 29 CFR 1911.5. OSHA finds good cause, pursuant to 29 CFR 1911.5 and the Administrative Procedure Act, for promulgating the corrections without notice and opportunity for public comment.

#### Correction of Publication

The following corrections are made in the final rule for Respiratory Protection published in the **Federal Register** on January 8, 1998 (63 FR 1152).

#### Respiratory Protection [Correction]

##### § 1910.134 [Correction]

1. On page 1275, first column, paragraph (i)(1)(ii), lines 2 and 3, are corrected to read "meet at least the requirements for Grade D breathing air described in".

2. On page 1275, first column, paragraph (i)(4)(ii), line 4, is corrected to read "requirements for Grade D".

3. On page 1276, second column, paragraph (n)(3), line 2, the date "April 8, 1998" is corrected to read "October 5, 1998".

4. On page 1278, third column, paragraph (a)(1), line 10, the reference "parts #14 and #15" is corrected to read "parts # FT 14 and # FT 15".

5. On page 1280, first column, paragraph (11), lines 3 and 4, are corrected to read "filter (i.e., high efficiency particulate filter) before release."

6. On page 1280, third column, following the equation, paragraph (a)(1) is revised to read: "(1) Check the respirator to make sure the sampling probe and line are properly attached to the facepiece and that the respirator is fitted with a particulate filter capable of preventing significant penetration by the ambient particles used for the fit test (e.g., NIOSH 42 CFR 84 series 100, series 99, or series 95 particulate filter) per manufacturer's instruction."

7. On page 1281, second column, paragraph (a)(2), line 2, the reference "– 1.5 mm" is corrected to read "– 15 mm".

8. On page 1283, second column, question 11, lines 6 and 7, are corrected to read "d. Any other eye or vision problem: Yes/No".

9. On page 1284, second column, line 17, is corrected to read "Appendix D to § 1910.134 (Mandatory)".

#### **§ 1910.1003 13 Carcinogens [Correction]**

10. On page 1286, first column after Table 1, paragraph (c)(4)(iv), lines 5 and 6 are corrected to read: "use a half-face filter-type respirator with filters for dusts, mists, and fumes, or air-purifying canisters or cartridges. A respirator".

#### **§ 1910.1025 Lead [Correction]**

11. On page 1287, second column following Table II, paragraph (f)(1)(i) is revised to read: "(i) Periods necessary to install or implement engineering or work-practice controls."

#### **§ 1910.1028 Benzene [Correction]**

12. On page 1289, third column following Table 2, paragraph (g)(2)(i), line 2, the reference "(d)(3)(iii)(b)(1)" is corrected to read "(d)(3)(iii)(B)(1)".

#### **§ 1910.1045 Acrylonitrile [Correction]**

13. On page 1291, second column following Table 1, paragraph (h)(2)(i), line 5, the reference "(d)(3)(iii)(b)(1)" is corrected to read "(d)(3)(iii)(B)(1)".

#### **§ 1910.1048 Formaldehyde [Correction]**

14. On page 1293, second column, paragraph (g)(2)(i), line 5, the reference "(d)(3)(iii)(b)(1)" is corrected to read "(d)(3)(iii)(B)(1)".

#### **§ 1910.1050 Methylenedianiline [Correction]**

15. On page 1293, first column following Table 1, paragraph 28, is revised to read "28. Section 1910.1050 is amended by removing Appendix E, and revising paragraph (h) and the first

paragraph of Section III to Appendix A to read as follows:".

#### **§ 1910.1052 Methylene chloride [Correction]**

16. On page 1295, second column following Table 1, paragraph (g)(1)(i), is revised to read "(i) Periods when an employee's exposure to MC exceeds the 8-hour TWA PEL, or STEL (for example, when an employee is using MC in a regulated area)."

17. On page 1295, third column following Table 1, paragraph (g)(2)(i), line 5, the reference "(d)(1)(iii)" is corrected to read "(d)(1)(iii) and (d)(3)(iii)(B)(1) and (2))."

#### **§ 1926.1101 Asbestos [Correction]**

18. On page 1298, first and second columns following Table 1, paragraph (h)(3)(iv) is revised to read:

"(iv) In addition to the above selection criteria, when employees are in a regulated area where Class I work is being performed, a negative exposure assessment of the area has not been produced, and the exposure assessment of the area indicates the exposure level will not exceed 1 f/cc as an 8-hour time weighted average, employers must provide the employees with one of the following respirators:

(A) A tight-fitting powered air-purifying respirator equipped with high efficiency filters;

(B) A full facepiece supplied-air respirator operated in the pressure-demand mode equipped with HEPA egress cartridges; or

(C) A full facepiece supplied-air respirator operated in the pressure-demand mode equipped with an auxiliary positive pressure self-contained breathing apparatus must be provided under such conditions when the exposure assessment indicates exposure levels above 1 f/cc as an 8-hour time weighted average."

Dated: April 15, 1998.

**Charles N. Jeffress,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 98-10795 Filed 4-22-98; 8:45 am]

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## **DEPARTMENT OF THE TREASURY**

### **Fiscal Service**

#### **31 CFR Part 357**

[Department of the Treasury Circular, Public Debt Series, No. 2-86]

### **Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute**

**AGENCY:** Bureau of the Public Debt, Fiscal Service, Treasury.

**ACTION:** Determination of substantially identical state statute.

**SUMMARY:** The Department of the Treasury is announcing that it has reviewed the recently enacted South Dakota law adopting Revised Article 8 of the Uniform Commercial Code—Investment Securities ("Revised Article 8") and has determined that it is substantially identical to the uniform version of Revised Article 8 for purposes of interpreting the rules in 31 CFR Part 357, Subpart B (the "TRADES" regulations). Therefore, that portion of the TRADES rule requiring application of Revised Article 8 if a state has not adopted Revised Article 8 will no longer be applicable for South Dakota.

**EFFECTIVE DATE:** April 23, 1998.

**FOR FURTHER INFORMATION CONTACT:** Lisa A. Crosby, Attorney-Advisor, (202) 219-3320, or Cynthia E. Reese, Deputy Chief Counsel, (202) 219-3320.

**SUPPLEMENTARY INFORMATION:** On August 23, 1996, The Department published a final rule to govern securities held in the commercial book-entry system, now referred to as the Treasury/Reserve Automated Debt Entry System ("TRADES"). 61 FR 43626.

In the commentary to the final regulations, Treasury stated that for the 28 states that had by then adopted Revised Article 8, the versions enacted were "substantially identical" to the uniform version for purposes of the rule. Therefore, for those states, that portion of the TRADES rule requiring application of Revised Article 8 was not invoked. Treasury also indicated in the commentary that as additional states adopt Revised Article 8, notice would be provided in the **Federal Register** as to whether the enactments are substantially identical to the uniform version so that the federal application of Revised Article 8 would no longer be in effect for those states. Treasury adopted this approach in an attempt to provide certainty in application of the rule in response to public comments. This notice addresses the recent adoption of Article 8 by South Dakota.