551. Paragraph (a)(6)(iv)(*b*)(*1*) of § 1910.252 is amended by striking all the text following "Each generator shall be provided with a vent pipe."

552. Paragraph (a)(6)(vi)(*a*)(*7*) of § 1910.252 is amended by striking the words, "of ample size."

553. Paragraph (a)(7)(ii)(*c*) of § 1910.252 is amended by striking the following words after the first sentence, "The location of such storage buildings shall be away from congested mercantile and manufacturing districts."

554. Paragraph (a)(7)(iii)(*d*) of § 1910.252 is revoked.

555. Paragraph (a)(8)(i) of § 1910.252 is revoked.

556. Paragraph (a)(8)(ii)(*a*) of § 1910.252 is revoked.

557. Paragraph (a)(8)(ii)(*b*) of § 1910.252 is revoked.

558. Paragraph (a)(8)(ii)(*c*) of § 1910.252 is revoked.

559. Paragraph (a)(8)(ii)(*d*) of § 1910.252 is revoked.

560. Paragraph (a)(8)(ii)(*e*) of § 1910.252 is revoked.

561. Paragraph (a)(8)(ii)(*f*) of § 1910.252 is revoked.

562. Paragraph (a)(8)(ii)(*g*)(*1*) of § 1910.252 is revoked.

563. Paragraph (a)(8)(ii)(*g*)(*2*) of § 1910.252 is revoked.

564. Paragraph (a)(8)(ii)(*h*) of § 1910.252 is revoked.

565. Paragraph (a)(8)(ii)(*i*)(*1*) of § 1910.252 is revoked.

566. Paragraph (a)(8)(ii)(*i*)(*2*) of § 1910.252 is revoked.

567. Paragraph (a)(8)(ii)(*i*)(*3*) of § 1910.252 is revoked.

568. Paragraph (b)(2)(iv)(*b*) of § 1910.252 is amended by striking the second sentence thereof.

569. Paragraph (c)(3)(iii) of § 1910.252 is amended by striking the first sentence thereof.

570. Paragraph (c)(5) of § 1910.252 is revoked.

571. Paragraph (e)(3)(ii) of § 1910.252 is revoked.

572. Paragraph (e)(3)(ii)(*a*) of § 1910.252 is revoked.

573. Paragraph (e)(3)(ii)(b) of § 1910.252 is revoked.

574. Paragraph (e)(3)(ii)(*c*) of § 1910.252 is revoked.

575. Paragraph (e)(3)(ii)(*d*) of § 1910.252 is revoked.

576. Paragraph (e)(3)(ii)(*e*) of § 1910.252 is revoked.

577. Paragraph (e)(3)(ii)(*f*) of § 1910.252 is revoked.

578. Paragraph (e)(3)(ii)(*g*) of § 1910.252 is revoked.

579. Paragraph (e)(3)(ii)(*h*) of § 1910.252 is revoked.

580. Paragraph (e)(3)(ii)(*i*) of § 1910.252 is revoked.

581. Paragraph (f)(1)(v)(*b*) of § 1910.252 is amended by striking the last line thereof, "Keep children away when using."

### Subpart R—Special Industries

§ 1910.261 Pulp, paper, and paperboard mills [Amended]

582. Paragraph (d)(4)(iv) of § 1910.261 is amended by striking the second sentence thereof.

583. Paragraph (k)(23) of § 1910.261 is revoked.

§ 1910.265 Sawmills [Amended].

584 Paragraph (c)(7) of § 1910.265 is revoked.

585. Paragraph (c)(20)(iv) of § 1910.265 is revoked.

§ 1910.266 Pulpwood logging [Amended]

586. Paragraph (d)(2)(ii) of § 1910.266 is revoked.

587. Paragraph (e)(1)(ii) of § 1910.266 is revoked.

588. Paragraph (e)(9) of § 1910.266 is revoked.

§ 1910.268 Telecommunications [Amended]

589. Paragraph (f)(3) of § 1910.268 is revoked.

590. Paragraph (g)(2)(ii)(*b*)(*4*) of § 1910.268 is revoked.

591. Paragraph (g)(2)(ii)(c) of § 1910.268 is revoked.

### Subpart S—Electrical

§ 1910.308 Application [Amended]

592. Paragraph (c)(1) of § 1910.308 is amended by striking the words, "public and private."

### Subpart Z—Toxic and Hazardous Substances

§§ 1910.1003—1910.1017 [Amended]

593. Paragraph (d)(1) of § 1910.1003 *4-Nitrobiphenyl* is revoked.

594. Paragraph (d)(1) of § 1910.1004 *alpha-Naphthylamine* is revoked.

595. Paragraph (d)(1) of § 1910.1006 *Methyl chloromethyl ether* is revoked.

596. Paragraph (d)(1) of § 1910.1007 *3,3'-Dichlorobenzidene (and its salts)* is revoked.

597. Paragraph (d)(10) of § 1910.1008 *bis-Chloromethyl ether* is revoked.

598. Paragraph (d)(1) of § 1910.1009 *beta-Naphthylamine* is revoked.

599. Paragraph (d)(1) of § 1910.1010 *Benzidine* is revoked.

600. Paragraph (d)(1) of § 1910.1011 *4-Aminodiphenyl* is revoked.

601. Paragraph (d)(1) of § 1910.1012 *Ethylenimine* is revoked.

602. Paragraph (d)(1) of § 1910.1013 *beta-Propiolactone* is revoked.

603. Paragraph (d)(1) of § 1910.1014 *2-Acetylaminofluorene* is revoked.

604. Paragraph (d)(1) of § 1910.1015 *4-Dimethylaminoazobenzene* is revoked.

605. Paragraph (d)(1) of § 1910.16 *N-Nitrosodimethylamine* is revoked.

606. Paragraph (e)(2) of § 1910.1017 *Vinyl Chloride* is amended by striking the second sentence thereof.

607. Paragraph (m)(2)(ii) of § 1910.1017 is revoked.

[FR Doc. 78-30164 Filed 10-23-78; 8:45 am]

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[4510-26-M]

## PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

### Selected Special Industry Safety and Health Standards; Revocation

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This final rule revokes certain safety and health standards codified in 29 CFR 1910.214 (cooperage and machinery), 29 CFR 1910.263 (bakery equipment), and 29 CFR 1910.264 (laundry machinery and operations). These sections were proposed for revocation in their entirety on December 13, 1977 (42 FR 62892). OSHA has determined that revocation of most of the provisions contained within these sections will better effectuate the purposes of the Occupational Safety and Health Act by allowing OSHA to concentrate its enforcement resources on hazards which have greater significance and impact on exposed employees. The Agency believes that this action will likewise permit both employers and employees to focus their attention toward the elimination or reduction of the more significant hazards in the workplace. OSHA has also determined that revocation of certain of the provisions proposed for revocation would not be beneficial to employee safety or health, and therefore these requirements have been retained in the best interest of worker protection.

EFFECTIVE DATE: November 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Jerry Purswell, Directorate of Safety Standards Programs, OSHA, Third Street and Constitution Avenue, NW., Room N-3510, Washington, D.C. 20210, 202-523-7198.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

In order to assure safe and healthful working conditions for working men and women, the U.S. Congress enacted

in 1970 the Occupational Safety and Health Act (the Act) (84 Stat. 1590, 29 U.S.C 651 *et seq.*). Among other things, the Act authorized the Secretary of Labor "* * * to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce * * *" (Section 2(b)(3) of the Act, 29 U.S.C. 651). Cognizant of the necessity of creating a speedy mechanism to issue standards expeditiously upon the statute's effective date, Congress in section 6(a) of the Act authorized the Secretary "* * * [to] promulgate as an occupational safety or health standard any national consensus standard * * *" 29 U.S.C. 655(a).

Following this congressional direction, OHSA promulgated its initial occupational safety and health standards for general industry on May 29, 1971, as 29 CFR Part 1910 (36 FR 10466). These standards were derived primarily from national consensus standards which were orignially developed by such voluntary nongovernmental organizations as the American National Standards Institute (ANSI) and the National Fire Protection Association (NFPA). OSHA also adopted, as occupational safety and health standards, established Federal standards previously issued under several prior acts of Congress; however, none of the standards derived from such established Federal standards were proposed for revocation in this rulemaking.

Since the adoption of these consensus standards, OSHA has received comments from many affected parties conerning the effectiveness, relevance, and applicability of a large number of their provisions. In the appropriations bill for fiscal year 1977, Congress specifically directed OSHA to eliminate "so-called nuisance standards or standards which do not deal with workplace conditions that are clearly hazardous to the health or safety of workers or are more properly under the jurisdiction of State departments of public health." More recently, President Carter ordered the executive departments to reduce and simplify the existing body of governmental regulations.

The Secretary of Labor and the Assistant Secretary for Occupational Safety and Health have responded to this mandate for change by reviewing the Agency's regulations and regulatory policy, and redirecting its enforcement efforts toward more significant safety and health hazards. Among the initial steps was the creation of a task force charged with identifying and recommending to the Assistant Secretary provisions within 29 CFR Part 1910 (General Industry Safety and Health Standards) which should be modified. In order to achieve its first goals expeditiously, the Agency sought to identify those provisions within part 1910 where the desired modification could be accomplished through the simple revocation of one or more provisions. The task force review culminated in two proposals to revoke a total of approximately 1,100 regulatory requirements. The proposals were announced on December 5, 1977, and published in the FEDERAL REGISTER on December 13, 1977 (42 FR 62734 and 42 FR 62892). The first proposal (docket S-250), proposed to revoke selected standards of general applicability; the second (docket S—251), involving selected special industry standards, proposed to revoke in their entirety 29 CFR 1910.214 (cooperage machinery), 1910.263 (bakery equipment), and 1910.264 (laundry machinery and operations).

In addition to these rulemakings, the Agency is continuing its on-going review of each Subpart which subsequently will result in comprehensive revisions of 29 CFR Part 1910 (General Industry). In rewriting these subparts, the Agency intends to develop and promulgate new standards which will concentrate on the more serious safety hazards facing employees. Efforts will also be made to simplify regulatory language and eliminate detail wherever possible. OSHA believes that this will facilitate compliance, improve enforcement, and increase employee protection.

The three special industry sections proposed for revocation were derived originally from standards developed by the American National Standards Institute (ANSI) and adopted by OSHA pursuant to Section 6(a) of the Act, 29 U.S.C. 655(a). Since the Agency's adoption, ANSI has substantially brevised the respective standards upon which OSHA has relied. The OSHA safety standards adopted for cooperage, § 1910.214, were derived from the ANSI 01.1-1954 standard, "Safety Code for Woodworking Machinery," (reaffirmed in 1961). Subsequently, ANSI has revised its voluntary standard for cooperage, effective 1975. The OSHA safety standards adopted for bakery equipment (§ 1910.263) were drawn from the ANSI Z50.1-1947 "Safety Code for Bakery Equipment," which was initiated in 1943 and received final approval on August 4, 1947. Subsequently, in 1971 ANSI revised its bakery equipment standard. OSHA's Laundry Machinery and Operations standards, § 1910.264 were based on the 1961 national consensus standard ANSI Z8.1-1961, "Safety Code for Laundry Machinery and Operations." The original voluntary standard was first approved in 1924 and became an American Standard in 1941. In June 1953, a revision was started which produced an approved standard in 1961. Subsequent to OSHA's regulatory adoption, ANSI revised its Z8.1 standard in 1972.

## II. PROCEDURAL HISTORY

The December 13, 1977 proposal provided for a comment period continuing through March 3, 1978. Interested parties representing both employees and employers requested that this be extended to May 3, 1978. After reviewing such requests, OSHA extended the comment period to May 3, 1978 (43 FR 9830, 43 FR 9831, March 10, 1978) for both Docket Nos. S-250 and S-251.

During the comment period, OSHA also received requests from several labor organizations to discuss the standards proposed for revocation. The requests were granted and meetings were conducted during the period March 13-23, 1978. Individual OSHA staff members presented the Agency's position regarding specific provisions proposed for revocation and outlined OSHA's policy objectives. A written memorandum summarizing the meetings was prepared and entered into the public record on April 11, 1978. Similar opportunity was made available to other interested groups. No other persons or groups requested similar meetings.

Two requests were received for hearing on the special industry standards proposed for revocation. The Agency denied one request in writing on the grounds that the requesting party failed to substantially comply with the Agency's rules governing application for public hearings (29 CFR 1911.11 and reprinted in the preamble to the proposal). The other request was formally withdrawn by the filing party. Therefore, no public hearing was held on the proposal.

## III. GENERAL FINDINGS OF THE AGENCY AND SUMMARY OF THE FINAL RULE

In response to the many public concerns regarding the effectiveness, relevance, and applicability of these national consensus standards, OSHA has committed itself to a program of developing safety and health standards that more effectively achieve the goals and purposes of the Occupational Safety and Health Act by allowing OSHA to concentrate its enforcement resources on higher hazard industries and operations. As a first step, the Agency is revoking a number of those regulations which most clearly have no direct or immediate relationship to the safety or health of employees, or are otherwise inappropriate to enforce pursuant to the Agency's statutory purposes. OSHA has determined that these revocations will permit the Agency to better effectuate the purposes of the Act by focusing Agency resources on hazards which have greater significance and impact on ex-

posed workers. The Agency also believes that this action will likewise permit both employers and employees to focus their attention toward the elimination or reduction of the more significant hazards in the workplace. OSHA believes that the objectives of this rulemaking are being achieved without compromising the health or safety of the affected workers.

For the reasons stated herein, the Agency has determined that the findings of the Secretary in this rulemaking meet the provisions of Section 6(b)(8) of the Act, 29 U.S.C. 655.

In reviewing provisions of Part 1910 for possible revocation, OSHA gave particular attention to sections prescribing regulations for specific industries. This examination was based on several factors. An overriding consideration was whether it was an effective use of OSHA's resources to enforce highly detailed standards with limited applicability in workplace situations which have relatively low accident incidence rates and/or less severe injuries. OSHA has determined as a matter of policy that such a commitment of resources would be of limited benefit where most of the hazards addressed by the highly detailed standard were already covered by other standards of more general applicability.

A second factor was whether the standards were directly relevant to occupational safety or health. Many of the original ANSI provisions from which the OSHA standards were derived were concerned with protection of the equipment itself rather than the employees who work with the equipment. Others were informational in nature or not otherwise appropriate for mandatory enforcement.

Based on these considerations, the special industry standards for cooperage (1910.214), bakery (1910.263), and laundries (1910.264) were proposed for revocation in their entirety. In proposing these sections for revocation, OSHA was of the opinion that their elimination would result in better utilization of its resources by focusing them on higher hazard industries or workplace situations, and would effectuate the current directives of both the President and the Congress to reduce and simplify governmental regulations without compromising the goals and purposes of the Occupational Safety and Health Act. However, OSHA also recognized in its proposal that the evidence and comments might indicate that certain portions of the affected sections should not be revoked (See 42 FR 62892), and therefore the Agency might retain those portions it deemed appropriate if revocation of such provisions would significantly reduce worker safety and health.

A total of 74 comments were received regarding the special industry standards which were proposed for revocation (Docket No. S-251). Of these comments, 17 were received from various trade associations, 16 were were received from management, 11 from labor unions, nine from interested individuals and 21 from various governmental sources. Several of the comments received addressed the Agency's overall approach to this rulemaking of proposing to eliminate entire sections of Part 1910 regulations, while others addressed specific provisions within the special industry sections which had been proposed for revocation. Most of the comments in favor of revocation were general in nature. The thrust of the comments objecting to revocation was that there are certain important provisions in these sections for which the general industry standards do not provide adequate or alternative coverage. Upon examining the evidence, OSHA has determined that in the best interest of worker protection, certain of these provisions should not be revoked.

1. *Cooperage machinery: 29 CFR 1910.214.* The hazards addressed by this section's highly detailed provisions are already covered by other OSHA standards of general applicability; specifically: § 1910.212 (general machine guarding), § 1910.213 (woodworking machinery requirements) and § 1910.219 (mechanical power-transmission apparatus) as appropriate. Although specific injury incidence rates for cooperage machinery are not available, industry usage has declined over the years. Therefore, it was determined by OSHA that employee protection would not be diminished by the revocation of this entire section. This determination has not been altered by the comments received. All 38 provisions in this section are therefore revoked.

2. *Bakery equipment: 29 CFR 1910.263.* The proposal suggested that most of the working conditions presently covered by the highly detailed specifications in this section are for the most part addressed by other OSHA standards of more general applicability, such as machine guarding (§ 1910.212) or mechanical power-transmission apparatus (§ 1910.219). Upon review of the evidence and public comment, OSHA has determined that most of this section may be revoked without diminishing protection of employee safety or health. Two hundred twenty-three provisions have therefore been revoked from this section. However, it has been determined that revocation of certain requirements in this section might have an adverse impact on worker safety or health, and therefore such provisions will be retained to provide the necessary protection to exposed employees.

3. *Laundry machinery and operations: 29 CFR 1910.264.* The conditions in the laundry industry which result in the greatest number of accidents involve machine guarding and walking and working surfaces. These conditions are already adequately covered by existing general industry standards, including § 1910.212 and §§ 1910.21-1910.32. Upon review of the evidence and public comments, OSHA has determined that most of this section could be revoked without diminishing protection of employees safety or health. Sixty-four provisions have therefore been revoked from this section. However, it has been determined that a limited number of provisions should be retained to provide the necessary protection to exposed employees.

## IV. Specific Findings of the Secretary

Therefore, in consideration of the evidence and public comments, OSHA has made the following specific determinations regarding the special industry standards proposed for revocation.

### Subpart O

*§ 1910.214 Cooperage machinery.* Section 1910.214 consists of 38 regulations in paragraphs (a) through (w) for the safeguarding of cooperage machinery. The proposed revocation of this section is based on the rationale that other standards adequately cover working conditions currently regulated by the cooperage standard did not provoke a great deal of comment. One commenter opposed this revocation because he feared it would leave the industry without protection, another because he did not feel the criteria used by OSHA justified revocation. At least one commenter objected to the revocation because he believed cooperage machinery presented problems different than those encountered with ordinary woodworking or metal cutting machines.

OSHA disagrees with the objecting commenters. While it is true that cooperage machinery differs somewhat in configuration from that of the machinery in paragraph 1910.213 (Woodworking Machinery) it is generically related and therefore similar in function. The hazards are the same as those to be contended with in the operation of machinery in general, woodworking machines and power transmission apparatus.

A paragraph-by-paragraph examination of Section 1910.214 has determined that paragraph 1910.213 does apply where the machines, equipment and methods of safeguarding are identical. Paragraph 1910.212 applies for general machine guarding of ingoing

nip points and rotating or reciprocating parts with the point of operation guarding requirements based on technology found in paragraph 1910.213 for circular saws, cutting heads, planers, jointers, etc. Further, paragraph 1910.219 applies for the guarding of power transmission apparatus and is currently referenced in paragraph 1910.213 for that purpose.

The 38 regulations revoked in paragraph 1910.214 because they are adequately covered by other standards are listed below indicating those standards that do apply.

Paragraph 1910.214(a)(1) requiring the machine to have a hood-type guard and exhaust system is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii) and 1910.213 (a)(12), (g)(1) and (r)(4).

Paragraph 1910.214(a)(2) requiring the balance wheel to be guarded is revoked because it is covered by paragraphs 1910.212(a)(1), 1910.213(a)(9) and 1910.219(b) (1), (1)(ii), (v) and (vi).

Paragraph 1910.214(a)(3) requiring a return device for a swing carriage is revoked because it is covered by paragraph 1910.213(g)(2).

Paragraph 1910.214(a)(4) requiring a limit stop for a swing carriage is revoked because it is covered by paragraphs 1910.212 (a)(1) and (a)(3)(ii), 1910.213 (a)(12) and (g)(3).

Paragraph 1910.214(b)(1) requiring the machine to have a hood-type guard and exhaust system is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), 1910.213 (a)(12), (c)(1), and (r)(4).

Paragraph 1910.214(b)(2) requiring guards for portions of the saw blades not covered by stationary guards is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), 1910.213 (a)(12) and (r)(4).

Paragraph 1910.214(b)(3) requiring a limit stop for the table is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii) and 1910.213(g)(3).

Paragraph 1910.214(c)(1) requiring a hinged-type guard for the saw blade and head is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii) and 1910.213(r)(4).

Paragraph 1910.214(c)(2) requiring an exhaust hood to guard the bottom of the saw blade is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii) and 1910.213(r)(4).

Paragraph 1910.214(d)(1) requiring hand-fed ripsaws to be equipped with a hood-type guard is revoked because it is covered by paragraphs 1910.213(a)(12), and (c)(1).

Paragraph 1910.214(d)(2) requiring the use of a spreader is revoked because it is covered by paragraph 1910.213 (1)(2).

Paragraph 1910.214(e)(1) requiring a self-adjusting hood-type guard is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), 1910.213 (c)(1), (d)(1) and (r)(4).

Paragraph 1910.214(e)(2) requiring a saw blade guard and exhaust system beneath the table mandrel is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), 1910.213 (a)(12) and (r)(4).

Paragraph 1910.214(f)(1) requiring a guard and exhaust system for planers is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), 1910.213 (j)(3), (5) and (r)(4).

Paragraph 1910.214(f)(2) requiring the feed rolls of planers to be guarded is revoked because it is covered by paragraphs 1910.212 (a)(1), and 1910.213 (b)(7).

Paragraph 1910.214(f)(3) requiring the proper adjustment of hold down arrangements is revoked because it is covered by paragraph 1910.212(a)(1).

Paragraph 1910.214(g)(1) requiring the machine to be guarded and an exhaust system provided is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), 1910.213(j) (3), (5) and (r)(4).

Paragraph 1910.214(g)(2) requiring the use of a limit stop is revoked because it is covered by paragraph 1910.212(a)(1).

Paragraph 1910.214(g)(3) requiring compliance with (g)(1) and (g)(2) is revoked because the reference to those rules is also revoked.

Paragraph 1910.214(h)(1) requiring a guard for the knives is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), 1910.213(j) (5), (o)(3) and (r)(4).

Paragraph 1910.214(h)(2) requiring a point of operation guard to be provided is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3) (iii), and 1910.213 (r)(4).

Paragraph 1910.214(i) requiring a hood-type guard and exhaust system is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(ii), and 1910.213(r)(4).

Paragraph 1910.214(j) requiring counterweights and frictions gears to be guarded is revoked because it is covered by paragraphs 1910.212(a)(1), 1910.213 (a)(9), (1)(4), 1910.219 (e)(6)(ii), (f)(1), (i), (ii), (iii) and (g).

Paragraph 1910.214(k) requiring feed chains and sprockets to be guarded is revoked because it is covered by paragraphs 1910.212 (a)(1), 1910.213(a)(9) and 1910.213 (f)(1), (3).

Paragraph 1910.214(l) requiring rack and drive gear teeth to be guarded is revoked because it is covered by paragraphs 1910.212(a)(1), 1910.213(a)(9), 1910.219(f)(1) (i), (ii) and (iii).

Paragraph 1910.214(m) requiring a tripping mechanism to be guarded is revoked because it is covered by paragraphs 1910.212 (a)(1), (a)(3)(iii), and 1910.213(b)(6).

Paragraph 1910.214(n)(1) requiring eccentric cams and gear works to be guarded is revoked because it is covered by paragraphs 1910.212 (a)(1), 1910.213(a)(9), 1910.219 (f)(1)(i), (ii), (iii) and (f)(3).

Paragraph 1910.214(n)(2) requiring the flywheel gear to be guarded is revoked because it is covered by paragraphs 1910.212(a)(1), 1910.213(a)(9), and 1910.219(b)(1)(i).

Paragraph 1910.214(o) requiring sprockets and chains to be guarded is revoked because it is covered by paragraphs 1910.212(a)(1), 1910.213(a)(9), 1910.219(f) (1) and (1)(i).

Paragraph 1910.214(p) requiring the nip points to be guarded on belt sanders is revoked because it is covered by paragraphs 1910.212(a)(1) and 1910.213(p)(4).

Paragraph 1910.214(q)(1) requiring friction pulleys and blocks to be guarded is revoked because it is covered by paragraphs 1910.212(a)(1), 1910.213(a)(9), 1910.219 (f)(4) and (g).

Paragraph 1910.214(q)(2) revoked for equipment similar to (q)(1) because it is covered by the same provisions.

Paragraph 1910.214(r) requiring exhaust hoods and guards for disk sanders is revoked because it is covered by paragraphs 1910.212(a)(1) and 1910.213 (p)(3).

Paragraph 1910.214(s) requiring hand-fed jointers to be guarded to suit the provisions of 1910.213 is revoked because it is covered by paragraphs 1910.213(j) (1), (2), (3), (4) and (5).

Paragraph 1910.214(t) requiring gears and pulleys to be guarded is revoked because it is covered by paragraphs 1910.21(a)(1), 1910.213(a)(9), 1910.219 (d)(1), (f)(1)(i), (ii), (iii) and (f)(2), (3) and (4).

Paragraph 1910.214(u) requiring balance and drive wheels to be guarded is revoked because it is covered by paragraphs 1910.212(a)(1), 1910.213(a)(9), 1910.219(b)(1), (i), (ii), (iv), (vi), and (d)(1).

Paragraph 1910.214(v) requiring gears to be guarded is revoked because it is covered in paragraphs 1910.212(a)(1), 1910.213(a)(9), and 1910.219(f)(1)(i).

Paragraph 1910.214(w) requiring inspection and maintenance is revoked because it is covered by paragraph 1910.213(s).

SUBPART R

*§ 1910.263 Bakery equipment.* The comments received regarding the proposed revocation of this entire section ranged from complete agreement to complete disagreement, with a spectrum of comments between either extreme. Some commenters noted that the concept of vertical standards was desirable while others thought that

vertical standards were unnecessary and coverage currently existing in the general industry horizontal standards was adequate. OSHA has adopted the position that vertical standards are desirable for high hazard industries with large worker populations such as construction or maritime, but cannot be justified in other applications because of the resources required to maintain a large body of vertical standards. Specific provisions of 1910.263 were addressed by some commenters and these are treated in the following discussion of the standard.

Paragraph 1910.263(a) prescribes the general requirements that apply to all regulations governing bakery equipment. There were no comments received specifically addressing the revocaton of either of the two provisions contained within the paragraph. Paragraph 1910.263(a)(2) which clarifies the application of standards that have been incorporated by reference is to be revoked because it contains unnecessary detail. The general industry standards are held applicable to bakeries under the criteria defined in paragraph 1910.5 for any employment, place of employment or any industry. Further, the provision being revoked does not identify those standards which would be deemed appropriate for application. Upon reexamination of the evidence, OSHA has determined that paragraph 1910.263(a)(1) which defines the scope of the bakery equipment standard should not be revoked.

Paragraph 1910.263(b) contains the definitions which are applicable to the bakery section. There were no comments received specifically addressing the recvocation of these provisions. All 14 definitions are revoked because they provide unnecessary detail and information. Seven of the terms are deleted because the regulations they reference have been revoked and the other seven because it is unnecessary to define the equipment involved in order to apply the remaining standards. Paragraph 1910.263(b)(1) defining a dumpbin and blender is revoked because it provides unnecessary detail and information. Paragraph 1910.263(b)(2) defining a flour elevator is revoked as unnecessary due to revocation of the reference in paragraphs 1910.263(d)(4) (i) and (ii). Paragraph 1910.263(b)(3) defining a screw conveyor is revoked because it provides unnecessary detail and information. Paragraph 1910.263(b)(4) defining a bolting reel is revoked as unnecesary due to revocation of the reference in paragraphs 1910.263(b)(5) (i) and (ii). Paragraphs 1910.263(b) (5) and (6) defining sifters and flour scales are revoked because they provide unnecessary detail and information. Paragraph 1910.263(b)(7) defining a flour gate is revoked as being unnecessary due to revocation of the reference in paragraph 1910.264(d)(10). Paragraphs 1910.263(b) (8) and (9) defining direct fired and recirculating ovens are revoked because they provide unnecessary detail and information.

Also, paragraphs 1910.263(b) (10), (11) and (12) defining flue type, indirect multiple burner and steam tube ovens are revoked as unnecessary detail due to revocation of the reference in paragraphs 1910.263(1)(12) (i), (ii), (iii), and (iv); (13) (i) and (ii); and (14). Paragraph 1910.263(b)(13) defining indirect recirculating ovens is revoked because it provides unecessary detail and information.

Paragraph 1910.263(b)(14) defining electric ovens is revoked as providing unnecessary detail due to revocation of the reference in paragraph 1910.263(l)(16).

Paragraph 1910.263(c) provides general machine guarding regulations for bakeries. One comment was received addressing the four provisions to be revoked. The commenter favored revocation.

Two provisions being revoked are covered by other regulations, one is being revoked because it deals with employee comfort and convenience or machine design and one because it is directed toward property protection. Paragraph 1910.263(c)(1) requiring each machine to be electrically grounded is revoked because it is covered by paragraph 1910.309(a) and Article 250-42 of the National Electric Code. Paragraph 1910.263(c)(4) requiring the lubrication fittings of rotating parts to be guarded is revoked because it is covered by paragraph 1910.219(h)(1). Paragraph 1910.263 (c)(6) requiring removable covers or guards to be made removable with the least effort is revoked because it is concerned with the comfort or convenience of the employee and to basic machine design criteria. Paragraph 1910.263(c)(7) requiring the guards for motors or other equipment to be designed for proper ventilation is revoked because it is a specification directed toward the primary purpose of protecting the machine from damage.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions in paragraph 1910.263(c) should not be revoked:

Paragraph 1910.263(c)(2)—Enclosure of gears.

Paragraph 1910.263(c)(3)—Enclosure of sprockets and V-belt drives.

Paragraph 1910.263(c)(5)—Special lubrication fittings to avoid reaching into dangerous part of machine.

Paragraph 1910.263(c)(8)—Covering hot pipes to avoid burns.

Paragraph (d) of 1910.263 sets standards for flour-handling equipment used in bakeries. A review of all comments and evidence has enabled OSHA to revoke 36 provisions. A total of 19 are revoked because they are covered by other provisions. Eleven are revoked because they are concerned with protection of property and equipment or product ingredients being handled. Six are revoked because they are concerned with comfort, convenience or design criteria and not with safety of the employee. Paragraph 1910.263(d)(1)(i)(*a*) requires disconnecting means for motor circuits. This is required by paragraph 1910.309(b) and is covered by Articles 240 and 422 of the National Electrical Code. Therefore, the provision is revoked. Paragraph 1910.263(d)(1)(i)(*c*) requires motor control switches to be capable of being locked in the open position. This is required by paragraph 1910.309(b) which refers to Articles 240, 422, and 430-86 of the National Electrical Code and paragraph 1910.145(f)(1)(i). The provision is revoked. Paragraph 1910.263(d)(1)(ii) requires removable covers to be designed for ease in lifting and is revoked because it relates to design criteria for convenience of the employee. Paragraph 1910.263(d)(1)(iii) requiring walkways and platforms around and over bins makes reference to 1910.22 and .23 which adequately cover this hazard. The provision is therefore revoked. Paragraph 1910.263(d)(1)(iii)(*a*) requires walkways to be maintained in a nonslip condition. This hazard is adequately covered in 1910.22 and .23. The provision is therefore revoked. Paragraph 1910.263(d)(1)(iii)(*b*) requires walkways to have railings and toeboards and is covered by paragraph 1910.23(c)(1). The provision is therefore revoked.

Also, paragraph 1910.263(d)(1)(iii)(c) requires ladders to comply with 1910.25, 1910.26, and 1910.27 of Subpart D. The provision is revoked because they would apply without this reference. Paragraph 1910.263(d)(1)(iii)(*d*) requires proper methods to warn occupant of the walkway of inadequate headroom and is covered in paragraphs 1910.145(c) and 1910.145(e). The provision is therefore revoked. Paragraph 1910.263(d)(1)(iv) requires oscillating and vibrating sifters to be protected with guardrails and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked. Paragraph 1910.263(d)(1)(v) requires all mechanical transmission shafting, gearing, and sprocket drives to be completely guarded and is covered by Section 1910.219. Therefore the provision is revoked. Paragraph 1910.263(d)(1)(vi) requires all guards to be readily removable and is revoked because is it concerned with comfort or convenience. This requirement is concerned with ease of cleaning, not employee safety. Paragraph 1910.263(d)(1)(vii) requires all interior

or exterior protruding corners of flour-handling equipment to be of a rounded nature and is revoked because it is concerned with comfort or convenience. Paragraph 1910.263(d)(1)(viii) requires motors to be approved for locations rated Class II hazard, and makes reference to Part 1910, Subpart S. This provision is revoked, because coverage is provided in paragraph 1910.309(b) which references Article 502 of the National Electrical Code.

Also, paragraph 1910.263(d)(2)(iii) requiring conveyor chains to remain in guides if broken is covered by paragraph 1910.212(a)(1) which requires employee protection from all machinery parts and is revoked. Paragraph 1910.263(d)(3)(i) requires that a dumpbin or blender be constructed of metal or other nonsplintering material, and is revoked because it is directed toward public safety or property protection.

Also, paragraph 1910.212(a)(3). This provision therefore is revoked. Paragraph 1910.263(d)(3)(ii) requires guarding for openings of dumpbins and blenders, and is covered in paragraph 1910.263(d)(3)(iii) requires that covers be provided with locks or latches so that they will not accidentally fall down while the machine is in operation, and is revoked because it is concerned with design for convenience of the employee. Paragraph 1910.263(d)(3)(iv) requires dumpbins and blenders to be so constructed that no separate pits in floors be required at the point which connects the final discharge to the usual elevator. This is a design matter considered at the time of construction and installation to provide for efficient production, not employee safety. The provision therefore is revoked. Paragraph 1910.263(d)(3)(viii) requires a screen in the suction nozzle over the bin or blender, and is directed toward property protection. It is therefore revoked. Paragraph 1910.263(d)(4)(i) requires flour elevators to be constructed of metal or other nonsplintering material, and is directed toward public safety and is revoked.

Also, paragraph 1910.263(d)(4)(ii) requires removable sections of the elevator casing to be equipped with clamps for quick removal, etc., and is revoked because it is concerned with comfort or convenience of the employee. Paragraph 1910.263(d)(5)(i) requires bolting reels to be constructed of metal or other nonsplintering material. This provision is directed toward public safety and is revoked. Paragraph 1910.263(d)(5)(ii) requires refuse tailing spouts to be located at a safe distance from unguarded moving parts, and is revoked because it is covered by paragraph 1910.212(a)(1). Paragraph 1910.263(d)(6)(i) requires storage bins to be constructed of metal or other nonsplintering material. This provision is directed toward public safety and is revoked.

Also, paragraph 1910.263(d)(6)(iv) relates to the location of conveyors in top of storage bins and is not concerned with hazards to employees. The rule is revoked as it is more concerned with property protection. Paragraph 1910.263(d)(6)(v) requires an electric limit switch be provided in the top of the bin to avoid delivering an excessive amount of flour to the bin. It is revoked because it is directed toward property protection. Paragraph 1910.263(d)(7)(i) requires that screw conveyors be constructed of metal or other nonsplintering material. This paragraph is revoked because it is directed toward property protection. Paragraph 1910.263(d)(7)(ii) requires screw conveyors to be provided with an overflow safety gate and is revoked because it is directed toward property protection. Paragraph 1910.263(d)(8)(ii) requires oscillating and vibrating sifters to be constructed so that all moving parts are well within the outer frame or the apparatus. This paragraph is covered in paragraph 1910.212(a)(1) and is revoked. Paragraph 1910.263(d)(8)(iii) requires tailing spouts be located at a safe distance from unguarded moving parts. This paragraph is covered in paragraph 1910.212(a)(1) (guarding by location) and is revoked. Paragraph 1910.263(d)(9)(i) requires flour scales to be constructed of metal or other nonsplintering material. This paragraph is directed toward public safety. It is therefore revoked. Paragraph 1910.263(d)(9)(ii) requires covering over dial scales be made of nonshatterable transparent material. This paragraph is directed toward property protection and is revoked. Paragraph 1910.263(d)(9)(iv) requires guarding all moving trolley wheels and is covered in paragraph 1910.212(a) and is therefore revoked.

Also, paragraph 1910.263(d)(9)(v) requires that a scale cutoff switch be enclosed and guarded to protect the operator from contact. This is required by and covered in paragraph 1910.309(b) which refers to Article 110-17 of the National Electrical Code. The provision is therefore revoked. Paragraph 1910.263(d)(9)(vi) requires interlocks on traveling flour scales so that the gate will not open unless the hopper is below. This paragraph is revoked because it is directed toward property protection. Paragraph 1910.263(d)(10) requires automatic flour-gate equipment to be constructed of metal or other nonsplintering material. This paragraph is revoked because it is directed toward property protection.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions of paragraph 1910.263(d) should not be revoked:

1910.263(d)(1)(i)(*b*)—Remote switches for electric motors.

1910.263(d)(1)(i)(*d*)—Magnetic controllers for electric motors arranged in a unit.

1910.263(d)(2)(i)—Gravity bag chutes.

1910.263(d)(2)(ii)—Bag-arm elevators.

1910.263(d)(2)(iv)—Prohiition of manlifts.

1910.263(d)(3)(v)—Dumpbin and blender hoods.

1910.263(d)(3)(vi)—Height of dumpbins from floor.

1910.263(d)(3)(vii)—Control device to stop dumpbin and blender.

1910.263(d)(6)(ii)—Storage bin covers.

1910.263(d)(6)(iii)—Storage bin safety ladders.

1910.263(d)(6)(vi)—Storage bin cover interlock.

1910.263(d)(9)(iii)—Bar handles on traveling or track-type flour scales.

Paragraph (e) of 1910.263 establishes standards for mixers used in bakeries. The comment and evidence examined by OSHA will permit the revocation of 14 provisions and the partial revocation of one provision. Ten provisions being revoked are adequately covered elsewhere, two provisions relate to equipment design criteria for manufacture or comfort and convenience of the employee. One provision is obsolete. One requirement is concerned with property protection not employee safety. One provision is amended to exclude references which have been revoked. Paragraph 1910.263(e)(1)(ii) requires all drive elements of mixers within power units to be enclosed. This paragraph is covered in paragraph 1910.212(a)(1) and is revoked. Paragraph 1910.263(e)(1)(v)(*c*) permits the operator to have a full view of the bowl opening while the mixing bowl is more than one-fifth open and the agitator is in motion. This is a design and installation specification for production purposes. The requirement is revoked. Paragraph 1910.263(e)(1)(vi) requires the operator of mixers with power dumping devices to keep at least one hand engaged during the entire closure of the mixing bowl. This paragraph is covered in paragraph 1910.(a)(1) and is therefore revoked. Paragraph 1910.263(e)(1)(vii) requires mixer's operating mechanisms be conveniently manipulated in order not to jeopardize the employee's safety. This paragraph is revoked because it is concerned with comfort or convenience. Paragraph 1910.263(e)(1)(ix) requires no loose access doors and covers on mixers weighing more than 2 pounds. This is revoked because it is concerned with comfort or convenience.

Also, paragraph 1910.263(e)(1)(xi) requires mixers to be bolted solidly to the floor to prevent dislocation or excessive vibration. This is covered in paragraph 1910.212(b) and is revoked. Paragraph 1910.263(e)(1)(xii) requires mixers to be installed on substantial foundations to withstand the live loads incurred in mixing operations. This is covered in paragraph 1910.212(b) and is revoked. Paragraph 1910.263(e)(1)(xiii) requires that access for lubrication be provided. This is covered in paragraph 1910.263(c)(5) of the bakery standard and is revoked. Paragraph 1910.263(e)(1)(xiv) requires an interlock for the mixer to prevent injury to the operator. This paragraph is covered in paragraphs 1910.212 (a)(1) and (a)(4) and is revoked. Paragraph 1910.263(e)(1)(xv) prohibiting the use of control circuits with potential in excess of 240 volts, is obsolete in that present consensus standards require a maximum of 120 volts to ground, and is revoked. Paragraph 1910.263(e)(1)(xvi) provides for overcurrent protection for motors and undervoltage protection in all magnetic controllers. This paragraph is revoked because it is required by paragraph 1910.309(b) and it is covered in Articles 430-31 through 430-44 of the National Electrical Code. Paragraph 1910.263(e)(1)(xvii) requires positive means to prevent application of pressure above the stipulated maximum in all mixer cooling jackets. This paragraph is revoked because it is directed toward property protection. Paragraph 1910.263(e)(2)(i) should exclude reference to revoked paragraphs, and is therefore amended to read, "Vertical mixers shall comply with paragraphs (e)(1), (i), (iii), and (x) of this section."

Also, paragraph 1910.263(e)(2)(ii) requires positive means on vertical mixers to prevent injury to the operator during speed change manipulations. This paragraph is revoked because it is covered in paragraph 1910.212(a)(1). Paragraph 1910.263 (e)(2)(v) requires protection against moving agitators of the mixer. This paragraph is revoked because it is covered in paragraphs 1910.212(a)(3) (i) and (ii).

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions of paragraph 1910.263(e) should not be revoked:

Paragraph 1910.263(e)(1)(i)—Enclosure of external power application component.

Paragraph 1910.263(e)(1)(iii)—Mixer control interlock.

Paragraph 1910.263(e)(1)(iv)—Location of mixer control station.

Paragraph 1910.263(e)(1)(v)(*a*)—Two-hand safety switches for mixers.

Paragraph 1910.263(e)(1)(v)(*b*)—Two-hand safety switches for mixers.

Paragraph 1910.263(e)(1)(x)—Counterbalancing of mixer overhead doors.

Paragraph 1910.263(e)(1)(xviii)—Safe location of valves and controls for mixer jackets.

Paragraph 1910.263(e)(2)(iii)—Positive bowl locking devices.

Paragraph 1910.263(e)(2)(iv)—Handling devices for mixing bowls weighing more than 80 pounds.

Paragraph (f) of 1910.263 provides requirements for dividers used in bakery operations. After a review of comments and evidence OHSA is revoking several provisons. Three provisions are revoked as they are covered by other regulations, one provisions revoked deals with property protection and one provision is revoked because it is concerned with comfort and convenience and not with employee safety. Paragraph 1910.263(f)(1) requires pinch and shear points guarding for dividers. This paragraph is covered in paragraph 1910.212(a)(1) and is revoked. Paragraph 1910.263(f)(2) requires that guards at front of dividers be arranged so that weight of dough can be adjusted without removing the guard. This paragraph is revoked because it is concerned with comfort or convenience. Paragraph 1910.263(f)(4) requires that oil holes in the knife at the back of the divider be of such size that an employee's finger cannot go through the hole. This paragraph is revoked because it is covered in paragraph 1910.212(a)(1). Paragraph 1910.263(f)(5) requires a guard on any elongated hole in the knife actuating arm at the back of the divider. This paragraph is revoked because it is covered in paragraph 1910.212(a)(1). Paragraph 1910.263(f)(6) requires that dividers be equipped with mechanical overload release devices. This paragraph is revoked because it is directed toward property protection.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provision of paragraph 1910.263(f) should not be revoked:

Paragraph 1910.263(f)(3)—Guarding and interlock of cover for rear of dividers.

Paragraph (g) of 1910.263 provides requirements for moulders used in bakery operations. Two provisions are revoked because they are covered by other regulations. One provision is revoked because it is concerned with convenience and not with employee safety. Paragraph 1910.263(g)(4) requires design and proximity of clean out holes to be clear of shear points. It is revoked, since it is adequately covered by paragraph 1910.212(a)(3)(iii). Paragraph 1910.263(g)(5) requires the rear of moulder to be designed to prevent a shearing or pinching hazard. It is revoked, since it is covered by paragraph 1910.212(a)(1). Paragraph 1910.263(g)(6) requires brackets for holding a removable adjustment crank when not in use. It is revoked, since it relates to employee convenience.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions of paragraph 1910.263(g) should not be revoked:

Paragraph 1910.263(g)(1)—Guarding hoppers used on moulders.

Paragraph 1910.263(g)(2)—Guarding hand-fed moulders.

Paragraph 1910.263(g)(3)—Stopping devices for moulders.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions of paragraph 1910.263(h) should not be revoked:

Paragraph 1910.263(h)(1)—Top roll protection on manually fed dough brakes.

Paragraph 1910.263(h)(2)—Emergency stop bar on dough brakes.

Paragraph (i) of 1910.263 prescribes regulations for miscellaneous equipment used in bakery operations. OSHA has reviwed the evidence and comments received, and determined that 23 provisions in that paragraph can be revoked. Twelve of the regulations are revoked because they are covered adequately elsewhere. Five provisions are revoked because they are concerned with property protection not with employee safety. Five provisions are revoked because they are concerned with comfort, convenience or design and are not concerned with employee safety. One provision is revoked because it is inconsequential. Paragraph 1910.263(i)(6)(i) requires the elimination of sharp splinters or rough corners or edges. It is revoked because it relates to the protection of property. Paragraph 1910.263(i)(6)(iv) requiring end guards for shelves is revoked, because it is directed toward property protection. Paragraph 1910.263(i)(8)(i) requires handles for operating devices that are suspended from the overhead and less than 6 feet 8 inches above the floor, to be made of pliable material. It is revoked, since it is covered by paragraph 1910.37(i). Paragraph 1910.263(i)(8)(ii) requires dials of floor scales to be covered by nonshatterable transparent material. It is revoked, as it is intended to protect property. Paragraph 1910.263(i)(9) requires guarding of chute for the protection of employees from falling in. It is revoked, since appropriate protection is provided in paragraph 1910.23(a)(3). Paragraph 1910.263(i)(10)(i) requires elimination of sharp corners or edges on metal skids. It is revoked, as it is intended to protect property.

Also, paragraph 1910.263(i)(10)(ii) requires protecting exposed splinters on edges and corners of skids. It is revoked, as it is intended to protect merchandise. Paragraph 1910.263(i)(11)(ii) requires that attachment cords for portable electric agitators shall be so wired that the agitator will be grounded. It is revoked, because it is covered by paragraph 1910.309(b) and Article 250-45(d) of the National Electrical Code. Paragraph 1910.263(i)(14)(i) requires all sharp corners and edges on air-conditioning units to be eliminated. It is revoked, as it relates to the protection of the general public. Paragraph 1910.263(i)(15)(i) requires counter balanced hinged covers or sliding covers on pan washing tanks. It is revoked, because it is inconsequential and does not impose a substantial requirement. Paragraph 1910.263(i)(15)(iii) requires working platforms to be kept at least 32 inches below the top of the tank or guardrails. It is revoked because it duplicates the intent of paragraph 1910.22(c) Pagagraph 1910.263(i)(15)(iv) requires electric sockets to be nonmetallic and keyless and other electrical equipment shall be moisture proof. It is revoked because it duplicated requirements of paragraph 1910.309(b) and is covered by Article 110-11, 300-6 of the National Electrical Code. Paragraph 1910.263(i)(16) requires sharp corners and edges to be eliminated from pan washing machines. It is revoked because it is obsolete due to technological change. Paragraph 1910.263(i)(17) requires all pinch points on cake depositors to be eliminated, guarded, or shielded. It is revoked because it is adequately covered by paragraph 1910.212(a)(1). Paragraph 1910.263(i)(18) requires all pinch points on icing machines to be eliminated, guarded, or shielded. It is revoked because it is adequately covered by paragraph 1910.212(a)(1).

Also, paragraph 1910.263(i)(19)(i) requires all pinch points on conveyor type bread coolers to be eliminated or guarded. It is revoked because it is adequately covered by paragraph 1910.212(a)(1). Paragraph 1910.212(i)(19)(ii) requiring installation of stop bumpers at conveyor ends is revoked since appropriate protection is provided in paragraph 1910.212(i)(7)(ii). Paragraph 1910.212(i)(20)(i) requires guard rails to be installed to the center rack of rack type bread coolers. It is revoked because it is not related to employee safety. Paragraph 1910.263(i)(21)(i) requires sharp corners and edges to be eliminated from bread and cake boxes, etc. It is revoked because it relates to the design of the metal parts not controlled by the employer.

Paragraph 1910.263(i)(21)(iii) requires protecting all wooden corners and edges to prevent splinters on bread, cake boxes, etc. It is revoked because it relates to the design of the utensils. Paragraph 1910.263(i)(23)(ii) requires fire extinguisher for a Class B fire to be provided. It is revoked because it duplicates the requirement of 1910.157. Paragraph 1910.263(i)(23)(iii) requires goggles and face shields to be provided to prevent injuries from hot fat splashes. It is revoked because it duplicates the requirements of 1910.133.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions of paragraph 1910.263(i) should not be revoked:

Paragraph 1910.263(i)(1)—Door locks on proof boxes.

Paragraph 1910.263(i)(2)—Nonshattering material on fermentation room doors.

Paragraph 1910.263(i)(3)—Antifriction bearing casters on troughs.

Paragraph 1910.263(i)(4)(i)—Caster placement on hand trucks.

Paragraph 1910.263(i)(4)(ii)—Handle locks for hand trucks.

Paragraph 1910.263(i)(5)—Handle locks for lift trucks.

Paragraph 1910.263(i)(6)(ii)—Positioning handles on racks.

Paragraph 1910.263(i)(6)(iii)—Antifriction bearings on casters for racks.

Paragraph 1910.263(i)(7)(i)—Guarding conveyors passing over aisles.

Paragraph 1910.263(i)(7)(ii)—Stop bumpers required for conveyors.

Paragraph 1910.263(i)(7)(iii)—Stop buttons for conveyors.

Paragraph 1910.263(i)(8)(i)—Handles for overhead trolley switches.

Paragraph 1910.263(i)(11)(i)—Interlocks for covers of premixers and emulsifiers.

Paragraph 1910.263(i)(12)(i)—Marking chain tackle for maximum load capacity.

Paragraph 1910.263(i)(12)(ii)—Marking chain tackle for minimum support capacity.

Paragraph 1910.263(i)(12)(iii)—Required safety hooks.

Paragraph 1910.263(i)(13)(i)—Marking trough hoists for maximum load capacity.

Paragraph 1910.263(i)(13)(ii)—Marking hoists for minimum support requirements.

Paragraph 1910.263(i)(13)(iii)—Safety catches for chain to hold load.

Paragraph 1910.263(i)(13)(iv)—Required use of safety hooks.

Paragraph 1910.263(i)(14)(ii)—Double door locks for inside and outside operation required on air-conditioning units where they can be entered.

Paragraph 1910.263(i)(15)(ii)—Requires non-slip floor surface around pan washing tanks.

Paragraph 1910.263(i)(15)(v)—Exhaust hoods over pan washing tanks.

Paragraph 1910.263(i)(20)(ii)—Double door locks for inside and outside operation required on bread coolers.

Paragraph 1910.263(i)(22) (i) and (ii)—Separate flue for venting frying vapors and products of combustion for chamber used to heat fat.

Paragraph 1910.263(i)(23)(i)—Requires non-slip floors around fat kettles.

Paragraph 1910.263(i)(23)(iv)—Minimum height of fat kettles above floor.

Paragraph 1910.263(i)(24)(i)—Positive locking devices to hold steam kettles required.

Paragraph 1910.263(i)(24)(ii)—Safety valves required for steam kettles.

Paragraph (j) of 1910.263 prescribes regulations for slicers and wrappers used in bakery operations. OSHA has reviewed the evidence and comments received, and determined that many of the provisions in that paragraph can be revoked without exposing employees to recognized hazards, since most of the requirements in those paragraphs are covered elsewhere in Part 1910. Eleven provisions being revoked from paragraph (j) are covered by other regulations and one because it is a design criteria set by machine manufacturers.

Paragraph 1910.1263(j)(1)(i) requires the enclosure of sprockets, chains and V-belts drives, and is covered by paragraph 1910.219(f)(3) for sprockets and chains, and by paragraph 1910.219(e)(1) for belt drives. The provision is therefore revoked. Paragraph 1910.263(j)(1)(ii) protects against a point of operation hazard and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked. Paragraph 1910.263(j)(1)(vi) requires guarding of a pinch point and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked. Paragraph 1910.263(j)(1)(vii)(*a*) protects against the hazard of a shear point and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked. Paragraph 1910.263(j)(1)(vii)(*b*) requires the guarding of chains, sprockets and belts and is adequately covered by paragraph 1910.219(e)(1) and 1910.219(f)(3). The provision is therefore revoked. Paragraph 1910.263(j)(1)(vii)(*d*) requires that transfer chain be completely enclosed and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked. Paragraph 1910.263(j)(2)(i) requires a smooth solid disk wheel on a wrapping machine, which is a design criteria set by machine manufacturers and cannot be controlled by employers. The provision is therefore revoked. Paragraph

1910.263(j)(2)(ii) requires a two-piece guard in front of the crossfeed chain and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked. Paragraph 1910.263(j)(2)(iv) requires that electrical wiring used to connect the movable heaters assembly be heat resistant and minimum in number. This is required by paragraph 1910.309(b) and is covered by Sections 300-17, 310-4 and 300-20 of the National Electrical Code. The provision is therefore revoked.

Also, paragraph 1910.263(j)(2)(v) protects against the hazard of inrunning nip point of rubber rollers and is covered by paragraph 1910.212(a)(1). The provisions is therefore revoked. Paragraph 1910.263(j)(2)(vi) requires guarding of the nip point between a chain and a sprocket and is covered by paragraph 1910.219(f)(3). The provision is therefore revoked. Paragraph 1910.263(j)(2)(vii) requires a complete enclosure of sprocket, chain and V-belt drives on wrappers, and is covered by paragraph 1910.219(f)(3) for sprockets and chains, and by paragraph 1910.219(e)(1) for belt drives. The provision is therefore revoked.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following paragraphs in 1910.263(j) should not be revoked:

Paragraph 1910.263(j)(1)(iii)—Interlocking cover over knife head of slicing machine.

Paragraph 1910.263(j)(1)(iv)—Guarding of slicers with endless band knives.

Paragraph 1910.263(j)(1)(v)—Protection when sharpening slicer blades.

Paragraph 1910.263(j)(1)(vii)(c)—Control levers for slicing machine conveyors and wrapping machines.

Paragraph 1910.263(j)(2)(iii)—Protection from contact with electrical heaters.

Paragraph (k) of 1910.263 prescribes regulations for biscuit and cracker equipment used in bakery operations. OSHA has examined the evidence and the comments received and determined that many of the provisions in that paragraph can be revoked without compromising employee safety. Fourteen provisions being revoked from paragraph (k) are covered by other regulations, and two are revoked because they pertain to the protection of property.

Paragraph 1910.263(k)(4) protects against the hazards of top openings on horizontal tub type machines and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked. Paragraph 1910.263(k)(7)(i) protects against the hazard of a nip point on sheeting rolls and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked. Paragraph 1910.263(k)(8)(i) protects against the hazard of a nip point on roll stands and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked. Paragraph 1910.263(k)(8)(ii) requires guarding of a cutter and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked. Paragraph 1910.263(k)(8)(iii) requires guarding of reciprocating panner heads and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked. Paragraph 1910.263(k)(8)(iv) provides for motor control buttons to be located within view of a cutting head, and is explicitly directed toward protection of the machine, rather than employee safety and health. The provision is therefore revoked. Paragraph 1910.263(k)(10) protects against the hazard of a nip point on band ovens and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked.

Also, paragraph 1910.263(k)(11) requires guarding of wafer-cutting machines, and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked. Paragraph 1910.263(k)(12)(ii) requires guarding of pan cooling tower conveyors, and is covered by paragraph 1910.212(a)(1). The provision is therefore revoked. Paragraph 1910.263(k)(12)(iii) requires guarding of a floor opening and is covered by paragraph 1910.23(a)(3) and 1910.23(a)(9). The provision is therefore revoked. Paragraph 1910.263(k)(12)(iv) requires guarding of a pan conveyor over a work area and is covered by paragraph 1910.263(i)(7)(i). The provision is therefore revoked. Paragraph 1910.263(k)(12)(v) requires the enclosure of sprocket wheels on pan conveyors and is covered by paragraph 1910.219(f)(3). The provision is therefore revoked. Paragraph 1910.263(k)(12)(vi) requires a partition between conveyor chains which run in opposite directions, and is primarily directed toward protection of the conveyors, rather than employee safety and health. The provision is therefore revoked. Paragraph 1910.263(k)(14) requires guarding of a stitching head and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked. Paragraph 1910.263(k)(15) requires guarding of end seal drums and is covered by paragraph 1910.212(a)(4). The provision is therefore revoked. Paragraph 1910.263(k)(16) requires guarding of cutting knives on carton and lining feeding machines and is covered by paragraph 1910.212(a)(3)(ii). The provision is therefore revoked.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions of paragraph 1910.263(k) should not be revoked:

Paragraph 1910.263(k)(1)(i)—Electrical interlock between hopper and grinders.

Paragraph 1910.263(k)(1)(ii)—Guards and interlocking covers on hoppers.

Paragraph 1910.263(k)(2)(i)—Grounding of belts on sugar and spice pulverizers.

Paragraph 1910.263(k)(2)(ii)—Requirement for magnetic separators to reduce fire and explosion hazard.

Paragraph 1910.263(k)(3)—Protection of operator for cheese, fruit and food cutters.

Paragraph 1910.263(k)(5)—Guarding of reversible dough brakes and tripping mechanism.

Paragraph 1910.263(k)(6)—Guarding of cross-roll brakes.

Paragraph 1910.263(k)(7)(ii)—Automatic stopping device on hoppers for sheeters.

Paragraph 1910.263(k)(9)—Dough hopper design to protect employees' hands from moving parts.

Paragraph 1910.263(k)(12)(i)—Lockouts for servicing pan cooling towers.

Paragraph 1910.263(k)(13)—Covers for chocolate kettles.

Paragraph 1910.263(k)(17)—Covers for peanut cooling trucks.

Paragraph (l) of 1910.263 sets standards for bakery ovens and associated fuel burning equipment. A review of the evidence and comments has enabled OSHA to select a significant number of provisions for revocation without adversely affecting employee safety. Fourteen provisions are revoked because the subject is covered by alternate provisions, 56 provisions are revoked on the basis that they are design requirements for manufacturers of ovens, five provisions are revoked because they relate to public safety or property protection, eight provisions being revoked are subject to the authority of local building code or fire department officials, and eight provisions are revoked because they are now obsolete or inconsequential.

The current codes applicable for ovens and fuel burning systems are: Standard for Ovens and Furnaces, Design, Location, and Equipment, NFPA No. 86A; National Electrical Code, NFPA No. 70; Standard for the Storage and Handling of Liquified Petroleum Gases, NFPA No. 58; National Fuel Gas Code, NFPA No. 54; and Standard for the Installation of Oil Burning Equipment, NFPA No. 31. These codes provide detailed information for the design and installation of ovens. They reflect current technology and are referenced by local building code officials and insurance companies in approving ovens used in bakeries.

Paragraph 1910.263(l)(1)(i)—which requires ovens to be located with due regard for the safety of persons from casualties such as fire, explosion or

escape of fuel is revoked. This subject is covered adequately by 1910.263(l)(1)(vii) which directs that ovens be located to eliminate exposure of persons to injury from fire or explosion and prohibits ovens adjoining locker, lunch or sales rooms and passageways or exits.

Paragraph 1910.263(l)(1)(ii) requires that ovens either be built on noncombustible foundations or have an insulated sole and a ventilated space of at least 3 inches provided so the floor beneath will not exceed a temperature of 160° F. This rule is revoked because the type of foundation and construction relative to floors is subject to the authority of building code or fire department officials at the time of construction and installation.

Paragraph 1910.263(l)(1)(iii) which requires insulation on the crown of any oven and ventilation to keep the ceiling temperature from rising above 200° F is revoked. This is a design and construction feature-subject to the authority of local building and fire code enforcing authorities at the time of construction.

Paragraph 1910.263(l)(1)(iv) which requires oven ducts and stacks to have clearance or insulation when passing through walls or ceilings to keep temperatures of combustible ceilings from rising above 200° F is revoked. This is a design and construction feature subject to the authority of laocal building and fire code enforcing authorities at the time of construction.

Paragraph 1910.263(l)(1)(v) which covers fireproofing of columns or structural members passing through ovens to keep their temperature below 160° F is revoked. This is a design and construction feature subject to the authority of local building and fire code enforcing authorities at the time of construction.

Paragraph 1910.263(l)(1)(vi) which requires ovens to be accessible with proper space provided for functioning of explosion vents is revoked. This is a design and construction feature subject to the authority of local building and fire code enforcing authorities at the time of construction.

Paragraph 1910.263(l)(2)(i) which requires ovens to be protected from corrosion or deterioration is revoked. This is a design and construction feature subject to the authority of local building and fire code enforcing authorities at the time of construction.

Paragraph 1910.263(l)(2)(ii) which requires the roof of an oven to be strong enough to withstand such loads as employees climbing on or in ovens is revoked. This is a design requirement subject to control of the manufacturer.

Paragraph 1910.263(l)(3)(ii)(*a*) which sets requirements for ovens and fuel system piping connections is revoked. This is a design and construction feature subject to the authority of local building and fire code enforcing authorities at the time of construction.

Paragraph 1910.263(l)(3)(ii)(*b*) is revoked because the requirement to use good material for pipe and fittings free of defects is a responsibility of the fire and building code officials and is a part of a specification followed by the builder and installer of the oven.

Paragraph 1910.263(l)(4)(i) is revoked as this internal reference identifies the 1910.110 standard for Storage and Handling of Liquefied Petroleum Gas the source of the applicable regulations.

Paragraph 1910.263(l)(4)(ii) is a design requirement for inspirators on gas burning systems which fuel system manufacturers are guided by to issure proper functioning of the system. This rule is revoked.

Paragraph 1910.263(l)(4)(iii) requires the interlocking of dampers and the gas supply to prevent admission of gas when damper is closed. This is a design feature subject to the control of fuel system manufacturers and installers and it is revoked.

Paragraph 1910.263(l)(4)(iii)(*a*) requires secondary air ducts below each burner extending full length with air inlets placed outside the baking chamber. This is a design requirement subject to the control of the oven manufacturer and is revoked.

Paragraph 1910.263(l)(4)(iii)(*b*) requires a specific size hole in oven stack dampers with atmospheric gas-burning systems which is a design requirement for oven manufacturers and installers. The provision is revoked.

Paragraph 1910.263(l)(4)(iv) requires burners to be equipped with gas pilots or electric ignition with an exception for certain burners equipped with quick acting combustion safeguards. Hand torch ignition for initial lightings only is also provided. These requirements relate to design of the system and manufacturers are guided by the provision and the latest standards for bakery ovens in NFPA 86A of 1977. The provision is revoked.

Paragraph 1910.263(l)(4)(v) relates to the maintenance of a stable flame by perforated pipe, ribbon, slot, tip or similar type burners under all draft conditions. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vi) requires that burner design preclude any backfire or blow off within the operating range. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vi)(*a*) requires burners used on premixed gas systems to be capable of instant ignition in normal or steam-laden oven atmosphere or under any other conditions which might extinguish the flame. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vi)(*b*) requires each burner to be equipped with electric or gas ignition. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii) prescribes criteria for design, construction and machinery to insure perfect alignment of inspirator and burner which are design requirements. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii)(*a*) prohibits a valve or other obstruction between the inspirator and the burner. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii)(*b*) requires adjusting screws for inspirators. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii)(*c*) requires positive licking means for air adjustment. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii)(*d*) requires oven to inspirator air adjustment. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii)(*e*) requires inspirator mounting to consider the possibility of a backfire. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii)(*f*) requires that high pressure inspirators not be used under low air conditions. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(vii)(*g*) requires a positive locking device on certain inspirating sets. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(viii) requires the installation of low-pressure proportioning inspirators with zero governors with no valve or other obstruction before the burner. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(4)(ix) requires that certain features be incorporated in two-pipe systems. This is a design requirement subject to the control of the manufacturer and is revoked.

Paragraph 1910.263(l)(5)(i) requires installation of certain equipment associated with burners and is revoked be-

cause the equipment designer controls the installation of such equipment.

Paragraph 1910.263(l)(5)(i)(*a*) requires protection against certain fire and explosion hazards and is revoked. These design and installation requirements are set by equipment designers and manufacturers.

Paragraph 1910.263(l)(5)(i)(*b*) requires that all diaphragm and similar chamber be connected to the outside atmosphere and is revoked because it is a system design requirement not controlled by the employer.

Paragraph 1910.263(l)(5)(i)(*c*) requires an automatic safety shutoff valve in the mixing valve gas line and is revoked because it is an installation requirement provided by the equipment manufacturer and supplier or installer.

Paragraph 1910.263(l)(5)(i)(*d*) specifies the location of air inlets of gas mixing machines and is revoked because it is an installation design requirement not controlled by the employer.

Paragraph 1910.263(l)(5)(ii) deals with obstructions between mixing blowers and burners and is revoked because installation is prescribed by the builder/manufacturer of the equipment and installation.

Paragraph 1910.263(l)(5)(ii)(*a*) is concerned with mixing blowers construction which is not within the purview of the employer, therefore, it is revoked.

Paragraph 1910.263(l)(5)(ii)(*b*) is concerned with installation of a pressure regulator at the mixing valve inlet. The requirement is revoked because it is an installation function specified by the equipment manufacturer.

Paragraph 1910.263(l)(5)(ii)(*c*) concerns construction requirements of mixing blowers and is revoked since this is a product design feature not controlled by the employer.

Paragraph 1910.263(l)(5)(ii)(*d*) deals with provision of automatic safety shutoff valves and is revoked because it is an installation requirement set by the manufacturer.

Paragraph 1910.263(l)(6)(i) requires conformance with NFPA 31-1968 for the storage and distribution of fuel oil in bakeries and is revoked. Such a requirement is under the control of other authorities when the system is constructed such as local building code and fire safety officials.

Paragraph 1910.263(l)(6)(ii) requires oil burner approval by Underwriters' Laboratories, Inc., and is revoked since this is an installation requirement not controlled by the employer.

Paragraph 1910.263(l)(6)(ii)(*a*) sets pilot or ignition requirements and is an installation design feature not contolled by the employer and is, therefore, revoked.

Paragraph 1910.263(l)(6)(ii)(*b*) requires protection against flame failure hazards and is an installation and design feature not controlled by the employer. It is, therefore, revoked.

Paragraph 1910.263(l)(6)(ii)(*c*) sets certain system installation and design requirements which would be prescribed by the design and set by the manufacturer. It is therefore revoked.

Paragraph 1910.263(l)(6)(ii)(*d*) sets certain damper arrangement requirements and is revoked since this is an equipment design function not controlled by the employer.

Paragraph 1910.263(l)(6)(ii)(*e*) sets certain installation and design requirements for oil burners and is revoked since these are for the guidance of equipment manufacturers.

Paragraph 1910.263(l)(6)(ii)(*f*) sets system design requirements for the preheating of oil and is revoked. This is a system installation design requirement not under the control of the employer.

Paragraph 1910.263(l)(6)(ii)(*g*) sets certain installation design requirements for air pressure and oil supply and is revoked since this function is not controlled by the employer.

Paragraph 1910.263(l)(6)(iii) requires a pressure cutoff valve between the pump and nozzle and is revoked since this is a system design function not controlled by the employer.

Paragraph 1910.263(l)(6)(iv) sets certain requirements concerning air atomizing burners and is revoked since these are system design requirements for equipment manufacturers.

Paragraph 1910.263(l)(6)(v) sets certain design requirements concerning rotary-type mechanical atomizing burners and is revoked since these requirements are not controlled by the employer.

Paragraph 1910.263(l)(6)(vi) establishes requirements for evaporator-type burners on oil-fired ovens. This paragraph is revoked because it is a system design requirement of the oven manufacturer.

Paragraph 1910.263(l)(6)(vii) establishes pilot light requirements for ovens with "vaporizers." This is an oven design parameter and is revoked because it is subject to a manufacturer's overall system's design in making a safe oven.

Paragraph 1910.263(l)(7)(i) establishes requirements for solid-fuel firing systems, which requirements are now obsolete, as other fuels are now used in bakeries. The rule is revoked.

Paragraph 1910.263(l)(7)(ii)(*a*) requires mechanical stokers and is revoked because such equipment is obsolete.

Paragraph 1910.263(l)(7)(ii)(*b*) requires mechanical, stoker-fired system dampers and is revoked because these systems are no longer in use.

Paragraph 1910.263(l)(8)(i) refers to Subpart S of Part 1910 for electrical heating equipment regulations. This reference provision is revoked because Subpart S is applicable under the provisions of 1910.5.

Paragraph 1910.263(l)(8)(ii) requiring protection from electric shock by open heating elements is revoked because the hazard is covered by 1910.309(a) NEC, Article 422-2.

Paragraph 1910.263(l)(9)(iv)(*b*) requires electric circuits of ignition systems to comply with Subpart S, Electrical. This reference is revoked because Subpart S is applicable.

Paragraph 1910.263(l)(9)(v)(*c*) requiring valve packing glands to be designed so as to prevent binding by excessive tightening is a valve manufacturer design feature and the requirement is revoked.

Paragraph 1910.263(l)(9)(v)(*d*) requiring electrically operated safety shutoff valves by opened only be electric power is a design criterion applicable to firms who make such valves. It is revoked.

Paragraph 1910.263(l)(9)(ix)(*a*) requiring connection of ovens to flues or chimneys of ample size is for the efficient operation and is based on oven design specifications. It is revoked.

Paragraph 1910.263(l)(9)(ix)(*b*) requires chimneys to be inspected after installation or repair. The provision is revoked because it it concerned with property condition and not worker protection.

Paragraph 1910.263(l)(9)(ix)(*c*) requiring proper support of flue pipe or breeching is for the proper functioning of the oven or protection from damage. The rule is revoked because it is covered by applicable NFPA codes.

Paragraph 1910.263(l)(9)(ix)(*d*) setting a limit for flue pipe entry into chimneys is for the protection of the pipe and proper functioning of the oven and is revoked as it is not related to employee safety.

Paragraph 1910.263(l)(9)(ix)(*e*) requiring the flue pipe to be cemented and sealed to the chimney to prevent air infiltration is for oven efficiency and not employee safety and is revoked.

Paragraph 1910.263(l)(9)(ix)(*f*) requiring a means for regulating draft on natural draft ovens is a design feature prescribed for oven manufacturers and installers to assure efficient operation. The provision is revoked.

Paragraph 1910.263(l)(9)(ix)(*g*) requiring dampers with minimum and maximum stops and the providing of burner turnoff means when the damper is closed is a design requirement which is revoked.

Paragraph 1910.263(l)(9)(x) requiring check valves in fuel lines to prevent air backing up into the line is a design requirement which is revoked.

Paragraph 1910.263(l)(9)(xi)(*a*) which requires gas regulators to maintain manifold pressures within 10 percent of operating pressure is a design criterion. The requirement is revoked.

Paragraph 1910.263(l)(9)(xi)(*b*) prohibits weight and lever-type regulators and states that regulator springs shall be covered by a housing. This is a design requirement which is revoked.

Paragraph 1910.263(l)(9)(xi)(*c*) requiring gas pressure regulators to be vented when access to the atmosphere is necessary for operation is revoked because it deals with the design features of the equipment.

Paragraph 1910.263(l)(9)(xii) is concerned with the connection of lines to the atmosphere which are required to sense atmospheric pressure on one side of flexible membranes. This detailed requirement of oven design is revoked.

Paragraph 1910.263(l)(9)(xiii) is concerned with filtering air supplied to mixing flues and burners. It is concerned with property protection and is revoked.

Paragraph 1910.263(l)(11)(iii) provides for preventilating devices to be fitted on ovens. This design feature is revoked.

Paragraph 1910.263(l)(11)(iv) requires fans to be made of temperature resistant materials to prevent rupture of the wheel. This design feature protects the fan from deterioration and insures reliable efficient operation. The rule is revoked because it is not relevant to employee safety.

Paragraph 1910.263(l)(11)(v) requires protection of the fan wheel from the flame of burners, which is a design feature and is revoked.

Paragraph 1910.263(l)(11)(vi) requires protection from overheating of ovens and fans of direct, recirculating ovens. The provision is for property protection and is revoked.

Paragraph 1910.263(l)(11)(vii) requiring access to elevated burners by means of permanent steps is revoked because this is covered by 1910.24(b).

Paragraph 1910.263(l)(12)(i) requires flue-type ovens to be operated to insure less than atmospheric pressure in the flues. This design consideration is revoked.

Paragraph 1910.263(l)(12)(ii) requiring protection of gas burners against flame failure is revoked because 1910.263(l)(9)(v)(*h*) covers this requirement.

Paragraph 1910.263(l)(12)(iii) requiring UL listed combustion safeguards is a design requirement for oven manufacturers. The provision is revoked.

Paragraph 1910.263(l)(12)(iv) requiring solid-fuel stoker fired flue-type ovens to have interlocked stack damper and stoker is revoked because such equipment is obsolete.

Paragraph 1910.263(l)(13)(i) requiring safety shutoff valves is covered by 1910.263(l)(9)(v)(*g*) and (*h*) and is revoked.

Paragraph 1910.263(l)(13)(ii) requires annual testing by repeated explosions for parts of ovens and is revoked because the practice is obsolete as a method for detecting leaks.

Paragraph 1910.263(l)(14) requiring the use of devices to protect against overfiring and overheating is a design requirement and is revoked.

Paragraph 1910.263(l)(15)(i) requiring combustion safeguards is covered by 1910.263(l)(9)(v)(*h*) and is revoked.

Paragraph 1910.263(l)(15)(ii) establishes specific design requirements for explosion vents in duct systems. This is a detailed design requirement and subject to NFPA codes. It is therefore revoked.

Paragraph 1910.263(l)(15)(iv) requiring fans and other parts to comply with paragraph (11) is revoked as unnecessary detail.

Paragraph 1910.263(l)(16) requires compliance with Subpart S, of this Part. It is revoked because it contains unnecessary reference to another Subpart of 1910 which is applicable when appropriate.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions in paragraph 1910.263(l) should not be revoked:

Paragraph 1910.263(l)(1)(vii)—Location of ovens.

Paragraph 1910.263(l)(3)(i)—Emergency stop buttons on ovens.

Paragraph 1910.263(l)(3)(iii)—Main shutoff valves for ovens.

Paragraph 1910.263(l)(3)(iii)(*a*)—Access to main shutoff valves.

Paragraph 1910.263(l)(3)(iii)(*b*)—Lock out of main shutoff valves for oven maintenance.

Paragraph 1910.263(l)(8)(iii)—Main disconnect switch for electrical ovens.

Paragraph 1910.263(l)(9)(i)—Maintenance of protecting devices.

Paragraph 1910.263(l)(9)(ii)—Inspection of safety devices on ovens.

Paragraph 1910.263(l)(9)(iii)(*a*)—Gas pilot light protection.

Paragraph 1910.263(l)(9)(iii)(*b*)—Pilot lights for multiple burners.

Paragraph 1910.263(l)(9)(iv)—Combustion safeguards.

Paragraph 1910.263(l)(9)(iv)(*a*)—Ignition-fuel interlocks on ovens.

Paragraph 1910.263(l)(9)(iv)(*c*)—Combustion safeguards.

Paragraph 1910.263(l)(9)(v)—Safety shutoff valves.

Paragraph 1910.263(l)(9)(v)(*a*)—Safety shutoff valves.

Paragraph 1910.263(l)(9)(v)(*b*)—Safety shutoff valves testing.

Paragraph 1910.263(l)(9)(v)(*e*)—Safety shutoff valves.

Paragraph 1910.263(l)(9)(v)(*f*)—Safety shutoff valves.

Paragraph 1910.263(l)(9)(v)(*g*)—Safety shutoff valves.

Paragraph 1910.263(l)(9)(v)(*h*)—Safety shutoff valves.

Paragraph 1910.263(l)(9)(vi)—Safety shutoff valves.

Paragraph 1910.263(l)(9)(vii)—Oven fuel control.

Paragraph 1910.263(l)(9)(viii)—Explosion vents on ovens.

Paragraph 1910.263(l)(9)(viii)(*a*)—Explosion door attachment.

Paragraph 1910.263(l)(9)(viii)(*b*)—Explosion vent shields.

Paragraph 1910.263(l)(9)(viii)(*c*)—Exemption for explosion vents.

Paragraph 1910.263(l)(9)(xi)—Requirement for gas pressure regulator.

Paragraph 1910.263(l)(9)(xi)(*d*)—Relief valves for gas pressure regulators.

Paragraph 1910.263(l)(10)(i)—Direct-fired oven safeguards.

Paragraph 1910.263(l)(10)(ii)—Preventilation of ovens before firing.

Paragraph 1910.263(l)(11)(i)—Interconnect of circulating fans and fuel shutoff value.

Paragraph 1910.263(l)(11)(ii)—Protection of burner flame.

Paragraph 1910.263(l)(15)(iii)—Duct testing on ovens.

*§ 1910.264 Laundry machinery and operations.* Paragraph 1910.264(a) defines terms used in the standard for laundry machinery and operations. The paragraphs which reference several of these definitions are being revoked, as unnecessary. The revocation of definitions such as point of operation, prime mover and mechanical power transmission will eliminate any possible conflicts with the definition of these terms in 1910.212 and 1910.219. Also, the definitions for machines such as washing machine, laundry, ironer, sewing machine and extractor are revoked because they do not have do be defined in a manner different from the common usage of these terms. The entire list of definitions are revoked in 1910.264(a):

1910.264(a)(1)
1910.264(a)(2)
1910.264(a)(3)
1910.264(a)(4)
1910.264(a)(5)
1910.264(a)(6)
1910.264(a)(7)
1910.264(a)(8)
1910.264(a)(9)
1910.264(a)(10)
1910.264(a)(11)
1910.264(a)(12)
1910.264(a)(13)
1910.264(a)(14)
1910.264(a)(15)
1910.264(a)(16)
1910.264(a)(17)
1910.264(a)(18)
1910.264(a)(19)
1910.264(a)(20)
1910.264(a)(21)

Paragraph 1910.264(b) is not revoked because it is a statement covering the scope of the section on laundry machinery and operations.

Paragraph 1910.264(c) provides point of operation guarding for washroom machines such as washing machines, extractors, starching and drying machines, fans, shakers, and finishing machines like ironers and sewing machines. A review of the comments and the evidence disclosed that the hazards of these machines are covered by other machinery safeguarding regulations. Therefore, 21 of these provisions in 1910.264(c) are revoked. Two of the machines in this paragraph are obsolete and no longer used in laundry operations, and these provisions are revoked.

Paragraph 1910.264(c)(1)(i) provides for prevention of injury to fingers of operators by means of a spring-compression device or a two-hand control or a barrier guard. Paragraph 1910.212(a)(3)(ii) covers the safeguarding of this type of hazard, therefore, the provision is revoked.

Paragraph 1910.264(c)(1)(ii)(*a*) requires each washing machine cover to be interlocked with the driving mechanism to prevent movement of the cylinder when the outer door is open, or to prevent opening the door when the cylinder is in motion. This hazard is covered by 1910.212(a)(3)(ii) and 1910.212(a)(4); therefore, the provision is revoked.

Paragraph 1910.264(c)(1)(iii)(*a*) requiring extractors to be fitted with a cover is revoked because the hazard is covered by 1910.212(a)(1) and 1910.212(a)(3)(ii).

Paragraph 1910.264(c)(1)(iii)(*b*) which requires interlocking of the extractor covers to prevent the cover being opened when the extractor is in motion, or to prevent starting of the extractor with the cover open is revoked. The hazard of rotating containers is covered by 1910.212(a)(3)(ii) and 1910.212(a)(4) which requires the interlocking of enclosures.

Paragraph 1910.264(c)(1)(iii)(*c*) requires the extractor to be secured in position to eliminate vibration. It also requires the manufacturer's rating giving the maximum permissible speed to be stamped on the inside of the basket. The anchoring of machines is covered by 1910.212(b) and the practice of stamping extractor baskets has been discontinued; therefore, the requirements are revoked.

Paragraph 1910.264(c)(1)(iii)(*d*) provides for an engine stop approved by Underwriters' Laboratories, Inc., and a speed limiting governor. There is a suggestion for a "no field" release to be provided when a DC motor drives the extractor. Both of these regulations are obsolete because they refer to older machines formerly in use which were driven by engines or DC motors rather than the modern equipment which uses AC motors. The provision is revoked.

Paragraph 1910.264(c)(1)(iv) requires a safety bar or other guard across the front of pressure rolls of power wringers to stop the machine when struck by the operator or another person. This point of operation hazard is covered by 1910.212(a)(3)(ii) and the provision is revoked.

Paragraph 1910.264(c)(2)(i) requiring an enclosure or guard for a cylinder or box-type starching machine is revoked because the hazard of the machine rotating or contact with moving parts is covered by 1910.212(a)(1).

Paragraph 1910.264(c)(2)(ii) provides for the guarding of fan blades with wire mesh or screening with openings, which will reject a ball ½-inch in diameter. The hazard of fan blades is covered by 1910.212(a)(5) and this provision is revoked.

Paragraph 1910.264(c)(2)(iii)(*a*) requires interlocking of the drying tumbler inside cylinder and the outer door to prevent the door from opening when the cylinder is in motion, or the cylinder from moving when the door is open. The hazard is covered by the requirement for interlocks in 1910.212(a) and this provision is revoked.

Paragraph 1910.264(c)(2)(iv)(*a*)(*1*) requires an interlock on each shaker or clothes tumbler. The requirement of 1910.212(a)(4) covers this requirement and the provision is revoked.

Paragraph 1910.264(c)(2)(iv)(*a*)(*2*) requires guarding of the tumbler when it is in motion and this is covered by 1910.212(a)(4). The provision is revoked.

Paragraph 1910.264(c)(2)(iv)(*b*)(*1*) requires interlocks for double-cylinder-type shakers or clothes tumblers which is covered by 1910.212(a)(4) and the provision is revoked.

Paragraph 1910.264(c)(3)(i) provides for roll-dampening machine safeguarding by enclosure and point of operation guarding which is covered by 1910.212 (a)(1) and (a)(3)(ii). The provision is revoked.

Paragraph 1910.264(c)(3)(i)(*a*) is revoked because it is a type of safeguarding acceptable for point of operation protection, which is also acceptable under 1910.212(a)(1).

Paragraph 1910.264(c)(3)(i)(*b*) is revoked because it is a type of safeguarding acceptable for point of operation protection, which is also acceptable under 1910.212(a)(1).

Paragraph 1910.264(c)(3)(ii)(*a*) requires a safety bar or guard for flatwork ironer pressure rolls. The guarding of the rolls is also required. Both of these provisions are revoked, because 1910.212(a)(3)(ii) covers this type of hazard at the point of operation, and 1910.212(a)(1) covers protection from rotating parts.

Paragraph 1910.264(c)(3)(ii)(*b*) prescribes guarding of body-type ironers and other types to protect employees from the hazard of the point of operation or from the hazard of burns. The provision is revoked because these hazards are covered by 1910.212(a)(1) and (a)(3)(ii).

Paragraph 1910.264(c)(3)(ii)(*c*) covers protection of employees operating combined rotary-bosom and coat ironers from the hazards of the point of operation and the hot roll or shoe. The hazards are covered by 1910.212(a)(1) and (a)(3)(ii) and the requirement is revoked.

Paragraph 1910.264(c)(3)(ii)(*d*) requires ironing presses to be provided with a guard or other means for the protection of employees from the point of operation. This hazard is covered by 1910.212(a)(3)(ii) and the provision is revoked.

Paragraph 1910.264(c)(4)(i) requires the guarding of sewing machines which is covered by 1910.212(a)(3)(ii). The provision is revoked.

Paragraph 1910.264(c)(4)(ii) provides for guards on exhaust or ventilating fans which is adequately covered by 1910.212(a)(5). The provision is revoked.

Paragraph 1910.264(c)(4)(iv) requires a means for disconnecting the source of power for machines. The regulation is concerned with belt and pulley drives which are obsolete and no longer used. The provision is revoked.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the other paragraphs in 1910.264(c) should not be revoked.

Paragraph 1910.264(d) prescribes the operating rules for laundries. Two provisions being revoked are covered by other regulations. Two are obsolete, three others are revoked because they address equipment protection, employee comfort and laundry protection. One provision is adequately covered by another regulation in 1910.264.

Paragraph 1910.264(d)(1)(i)(*a*) requires laundry room floors to be properly constructed, watertight and free of projections or dangerous gradients with good drainage and no water accumulation.

Paragraphs 1910.22(a)(2), 1910.23(a)(9) and 1910.141(a)(3)(i), (a)(3)(ii), and (a)(3)(iii) cover the construction, care and maintenance of floors, and sanitary as well as dry conditions. The provision is revoked.

Paragraph 1910.264(d)(1)(i)(*b*) requires floors to be free from nails, splinters, loose boards and be maintained in a safe condition, all of which are covered by 1910.22(a)(2) and 1910.141(a)(3)(iii). The provision is revoked.

Paragraph 1910.264(d)(1)(ii) requires table tops, shelves, and machine woodwork to be properly surfaced and free from splinters. This provides for protection from damage of materials being processed and is not important to employee safety; therefore, the provision is revoked.

Paragraph 1910.264(d)(1)(iv) requires artificial ventilation to be installed for comfortable working conditions. This comfort requirement is revoked.

Paragraph 1910.264(d)(2)(i)(*b*) prohibits operation of machines until they are repaired and properly adjusted. This equipment performance and protection rule is revoked.

Paragraph 1910.264(d)(2)(ii) requires steam pressure apparatus to be operated in accordance with the manufacturer's pressure rating, which in some cases requires the use of pressure reducing valves and safety valves. The requirement is covered by 1910.264(c)(4)(ii)(*b*) and the provision is revoked.

Paragraph 1910.264(d)(2)(iii) requires all machines to be stopped when being oiled, cleaned, adjusted, or repaired. This obsolete requirement is a carryover from the time when machines were operated from a common power shaft with belts and the maintenance of one machine required stopping all machines. All machines in use today have a separate power source, thus making it easy to stop the machine for maintenance. The paragraph is therefore revoked.

Paragraph 1910.264(d)(2)(iv) requiring the dismantling of each extractor every year is revoked because the practice is no longer recommended by manufacturers, and is directed to property protection.

Upon review of the evidence and the comments, OSHA has determined that in the best interests of worker protection the other paragraphs in 1910.264(d) should not be revoked.

Paragraph 1910.264(e) prescribes regulations for machine guarding other than points of operation. Two provisions being revoked are covered by other regulations.

Paragraph 1910.264(e)(1) requires guarding of moving parts such as gears, sprockets, belts, pulleys, and shafts in accordance with 1910.219, which is applicable without this reference. The regulation is revoked because 1910.219 (c)(1), (f)(1), (f)(3), (f)(4), and (c)(1) cover these hazards.

Paragraph 1910.264(e)(2) covers guarding of prime movers in accordance with 1910.219, which is applicable without this reference, therefore, the provision is revoked.

Paragraph 1910.264(f) prescribes the general industrial safety standards to be used in laundries and is revoked as it contains unnecessary reference; such general standards continue to be applicable whenever otherwise appropriate.

Paragraph 1910.264(e)(2) covers guarding of prime movers in accordance with 1910.219, which is applicable without this reference, therefore, the provision is revoked.

Paragraph 1910.264(f) prescribes the General Industry Safety Standards to be used in laundries.

Paragraph 1910.264(f)(1) refers to reference standards listed in 1910.264(f)(2) and applies the general coverage standards of Part 1910 under the rules of construction in 1910.5. This regulation is revoked, because general standards are applicable as appropriate under 1910.5.

Paragraph 1910.264(f)(2) lists under (i) through (viii) the national consensus standards which have some application to laundry operations. These referenced standards as listed in 1910.264(f)(2)(i) through 1910.264(f)(2)(viii) are revoked because several appear in Part 1910 subparts, some have been amended and now conflict with the national consensus standard, and some are design standards for equipment manufacturers.

Upon reexamination of the evidence, OSHA has determined that, in the best interest of worker protection, the following provisions in section 1910.264 should not be revoked:

Paragraph 1910.264(c)(1)(ii)(*b*)—Holding door open on washing machines.

Paragraph 1910.264(c)(2)(iii)(*b*)—Holding door open on drying tumblers.

Paragraph 1910.264(c)(2)(iv)(*b*)(*2*)—Holding door open on shakers.

Paragraph 1910.264(c)(2)(v)—Exception of holding door open for automatic machines.

Paragraph 1910.264(c)(4)(iii)(*a*)—Insulating steam pipes to prevent burns.

Paragraph 1910.264(c)(4)(iii)(*b*)—Safety valves on steam lines.

Paragraph 1910.264(d)(1)(iii)—Precautions for handling soiled clothes.

Paragraph 1910.264(d)(1)(v)—Employee instruction.

Paragraph 1910.264(d)(2)(i)(*a*)—Prohibition against removing safety guards.

## V. Economic Impact

In accordance with Executive Order 11821 (39 FR 41501, November 29, 1974), Executive Order 11949 (42 FR 1017, January 5, 1977) and OMB Circular No. A-107 (January 28, 1975), OSHA assessed the potential economic impact of the proposal which is resulting in this final rule. Based on the six economic thresholds, OSHA concluded that the subject matter of the proposal was not a "major" action which would necessitate further economic impact evaluation or the preparation of an Economic Impact Statement. No new evidence has come before the Agency to alter its initial findings in the area of economic impact. Therefore upon consideration of the entire record using the same criteria, OSHA has concluded that this final rule is not a "major" action, and that no Economic Impact Statement is required, and so certifies.

## VI. Effective Date

The revocations listed herein shall be effective as of November 24, 1978.

## VII. Authority

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, pursuant to section 4(b)(2), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1596, 29 U.S.C. 653, 655, 657), the specific statutes referred to in section 4(b)(2), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations, is hereby amended by revoking those selected standards or portions thereof in 29 CFR Part 1910 which are listed below.

Signed at Washington, D.C., this 20th day of October, 1978.

These amendments are effective on November 24, 1978.

EULA BINGHAM,
*Assistant Secretary of Labor.*

Part 1910 of Title 29, Code of Federal Regulations, is amended as follows:

**§ 1910.214 Cooperage machinery [Amended]**

1. Paragraph (a)(1) of § 1910.214 is revoked.
2. Paragraph (a)(2) of § 1910.214 is revoked.
3. Paragraph (a)(3) of § 1910.214 is revoked.
4. Paragraph (a)(4) of § 1910.214 is revoked.
5. Paragraph (b)(1) of § 1910.214 is revoked.
6. Paragraph (b)(2) of § 1910.214 is revoked.
7. Paragraph (b)(3) of § 1910.214 is revoked.
8. Paragraph (c)(1) of § 1910.214 is revoked.
9. Paragraph (c)(2) of § 1910.214 is revoked.
10. Paragraph (d)(1) of § 1910.214 is revoked.
11. Paragraph (d)(2) of § 1910.214 is revoked.
12. Paragraph (e)(1) of § 1910.214 is revoked.
13. Paragraph (e)(2) of § 1910.214 is revoked.

14. Paragraph (f)(1) of § 1910.214 is revoked.
15. Paragraph (f)(2) of § 1910.214 is revoked.
16. Paragraph (f)(3) of § 1910.214 is revoked.
17. Paragraph (g)(1) of § 1910.214 is revoked.
18. Paragraph (g)(2) of § 1910.214 is revoked.
19. Paragraph (g)(3) of § 1910.214 is revoked.
20. Paragraph (h)(1) of § 1910.214 is revoked.
21. Paragraph (h)(2) of § 1910.214 is revoked.
22. Paragraph (i) of §1910.214 is revoked.
23. Paragraph (j) of §1910.214 is revoked.
24. Paragraph (k) of §1910.214 is revoked.
25. Paragraph (l) of §1910.214 is revoked.
26. Paragraph (m) of §1910.214 is revoked.
27. Paragraph (n)(1) of §1910.214 is revoked.
28. Paragraph (n)(2) of §1910.214 is revoked.
29. Paragraph (o) of §1910.214 is revoked.
30. Paragraph (p) of §1910.214 is revoked.
31. Paragraph (q)(1) of §1910.214 is revoked.
32. Paragraph (q)(2) of §1910.214 is revoked.
33. Paragraph (r) of §1910.214 is revoked.
34. Paragraph (s) of §1910.214 is revoked.
35. Paragraph (t) of §1910.214 is revoked.
36. Paragraph (u) of §1910.214 is revoked.
37. Paragraph (v) of §1910.214 is revoked.
38. Paragraph (w) of §1910.214 is revoked.

**§1910.263 Bakery equipment [Amended].**

39. Paragraph (a)(2) of §1910.263 is revoked.
40. Paragraph (b)(1) of §1910.263 is revoked.
41. Paragraph (b)(2) of §1910.263 is revoked.
42. Paragraph (b)(3) of §1910.263 is revoked.
43. Paragraph (b)(4) of §1910.263 is revoked.
44. Paragraph (b)(5) of §1910.263 is revoked.
45. Paragraph (b)(6) of §1910.263 is revoked.
46. Paragraph (b)(7) of §1910.263 is revoked.
47. Paragraph (b)(8) of §1910.263 is revoked.
48. Paragraph (b)(9) of §1910.263 is revoked.
49. Paragraph (b)(10) of §1910.263 is revoked.
50. Paragraph (b)(11) of §1910.263 is revoked.
51. Paragraph (b)(12) of §1910.263 is revoked.
52. Paragraph (b)(13) of §1910.263 is revoked.
53. Paragraph (b)(14) of §1910.263 is revoked.
54. Paragraph (c)(1) of §1910.263 is revoked.
55. Paragraph (c)(4) of §1910.263 is revoked.
56. Paragraph (c)(6) of §1910.263 is revoked.
57. Paragraph (c)(7) of §1910.263 is revoked.
58. Paragraph (d)(1)(i)(*a*) of §1910.263 is revoked.
59. Paragraph (d)(1)(i)(*c*) of §1910.263 is revoked.
60. Paragraph (d)(1)(ii) of §1910.263 is revoked.
61. Paragraph (d)(1)(iii) of §1910.263 is revoked.
62. Paragraph (d)(1)(iii)(*a*) of §1910.263 is revoked.
63. Paragraph (d)(1)(iii)(*b*) of §1910.263 is revoked.
64. Paragraph (d)(iii)(*c*) of §1910.263 is revoked.
65. Paragraph (d)(1)(iii)(*d*) of §1910.263 is revoked.
66. Paragraph (d)(1)(iv) of §1910.263 is revoked.
67. Paragraph (d)(1)(v) of §1910.263 is revoked.
68. Paragraph (d)(1)(vi) of §1910.263 is revoked.
69. Paragraph (d)(1)(vii) of § 1910.263 is revoked.
70. Paragraph (d)(1)(viii) of § 1910.263 is revoked.
71. Paragraph (d)(2)(iii) of § 1910.263 is revoked.
72. Paragraph (d)(3)(i) of § 1910.263 is revoked.
73. Paragraph (d)(3)(ii) of § 1910.263 is revoked.
74. Paragraph (d)(3)(iii) of § 1910.263 is revoked.
75. Paragraph (d)(3)(iv) of § 1910.263 is revoked.
76. Paragraph (d)(3)(viii) of § 1910.263 is revoked.
77. Paragraph (d)(4)(i) of § 1910.263 is revoked.
78. Paragraph (d)(4)(ii) of § 1910.263 is revoked.
79. Paragraph (d)(5)(i) of § 1910.263 is revoked.
80. Paragraph (d)(5)(ii) of § 1910.263 is revoked.
81. Paragraph (d)(6)(i) of § 1910.263 is revoked.
82. Paragraph (d)(6)(iii) of § 1910.263 is revoked.
83. Paragraph (d)(6)(v) of § 1910.263 is revoked.
84. Paragraph (d)(7)(i) of § 1910.263 is revoked.
85. Paragraph (d)(7)(ii) of § 1910.263 is revoked.
86. Paragraph (d)(8)(ii) of § 1910.263 is revoked.
87. Paragraph (d)(8)(iii) of § 1910.263 is revoked.
88. Paragraph (d)(9)(i) of § 1910.263 is revoked.
89. Paragraph (d)(9)(ii) of § 1910.263 is revoked.
90. Paragraph (d)(9)(iv) of § 1910.263 is revoked.
91. Paragraph (d)(9)(v) of § 1910.263 is revoked.
92. Paragraph (d)(9)(vi) of § 1910.263 is revoked.
93. Paragraph (d)(10) of § 1910.263 is revoked.
94. Paragraph (e)(1)(ii) of § 1910.263 is revoked.
95. Paragraph (e)(1)(v)(*c*) of § 1910.263 is revoked.
96. Paragraph (e)(1)(vi) of § 1910.263 is revoked.
97. Paragraph (e)(1)(vii) of § 1910.263 is revoked.
98. Paragraph (e)(1)(ix) of § 1910.263 is revoked.
99. Paragraph (e)(1)(xi) of § 1910.263 is revoked.
100. Paragraph (e)(1)(xii) of § 1910.263 is revoked.
101. Paragraph (e)(1)(xiii) of § 1910.263 is revoked.
102. Paragraph (e)(1)(xiv) of § 1910.263 is revoked.
103. Paragraph (e)(1)(xv) of § 1910.263 is revoked.
104. Paragraph (e)(1)(xvi) of § 1910.263 is revoked.
105. Paragraph (e)(1)(xvii) of § 1910.263 is revoked.
106. Paragraph (e)(2)(i) of § 1910.263 is amended to read; "(2) *Vertical Mixers.* (i) Vertical mixers shall comply with paragraphs (e)(1)(i), (iii), (ix), and (x), of this section."
107. Paragraph (e)(2)(ii) of § 1910.263 is revoked.
108. Paragraph (e)(2)(v) of § 1910.263 is revoked.
109. Paragraph (f)(1) of § 1910.263 is revoked.
110. Paragraph (f)(2) of § 1910.263 is revoked.
111. Paragraph (f)(4) of § 1910.263 is revoked.
112. Paragraph (f)(5) of § 1910.263 is revoked.
113. Paragraph (f)(6) of § 1910.263 is revoked.
114. Paragraph (g)(4) of § 1910.263 is revoked.
115. Paragraph (g)(5) of § 1910.263 is revoked.
116. Paragraph (g)(6) of § 1910.263 is revoked.
117. Paragraph (i)(6)(i) of § 1910.263 is revoked.
118. Paragraph (i)(6)(iv) of § 1910.263 is revoked.
119. Paragraph (i)(8)(i) of § 1910.263 is revoked.

120. Paragraph (i)(8)(ii) of § 1910.263 is revoked.
121. Paragraph (i)(9) of § 1910.263 is revoked.
122. Paragraph (i)(10)(i) of § 1910.263 is revoked.
123. Paragraph (i)(10)(ii) of § 1910.263 is revoked.
124. Paragraph (i)(11)(ii) of § 1910.263 is revoked.
125. Paragraph (i)(14)(i) of § 1910.263 is revoked.
126. Paragraph (i)(15)(i) of § 1910.263 is revoked.
127. Paragraph (i)(15)(iii) of § 1910.263 is revoked.
128. Paragraph (i)(15)(iv) of § 1910.263 is revoked.
129. Paragraph (i)(16) of § 1910.263 is revoked.
130. Paragraph (i)(17) of § 1910.263 is revoked.
131. Paragraph (i)(18) of § 1910.263 is revoked.
132. Paragraph (i)(19)(i) of § 1910.263 is revoked.
133. Paragraph (i)(19)(ii) of § 1910.263 is revoked.
134. Paragraph (i)(20)(i) of § 1910.263 is revoked.
135. Paragraph (i)(21)(i) of § 1910.263 is revoked.
136. Paragraph (i)(21)(iii) of § 1910.263 is revoked.
137. Paragraph (i)(23)(ii) of § 1910.263 is revoked.
138. Paragraph (i)(23)(iii) of § 1910.263 is revoked.
139. Paragraph (j)(1)(i) of § 1910.263 is revoked.
140. Paragraph (j)(1)(ii) of § 1910.263 is revoked.
141. Paragraph (j)(1)(vi) of § 1910.263 is revoked.
142. Paragraph (j)(1)(vii)(*a*) of § 1910.263 is revoked.
143. Paragraph (j)(1)(vii)(*b*) of § 1910.263 is revoked.
144. Paragraph (j)(1)(vii)(*d*) of § 1910.263 is revoked.
145. Paragraph (j)(2)(i) of § 1910.263 is revoked.
146. Paragraph (j)(2)(ii) of § 1910.263 is revoked.
147. Paragraph (j)(2)(iv) of § 1910.263 is revoked.
148. Paragraph (j)(2)(v) of § 1910.263 is revoked.
149. Paragraph (j)(2)(vi) of § 1910.263 is revoked.
150. Paragraph (j)(2)(vii) of § 1910.263 is revoked.
151. Paragraph (k)(4) of § 1910.263 is revoked.
152. Paragraph (k)(7)(i) of § 1910.263 is revoked.
153. Paragraph (k)(8)(i) of § 1910.263 is revoked.
154. Paragraph (k)(8)(ii) of § 1910.263 is revoked.
155. Paragraph (k)(8)(iii) of § 1910.263 is revoked.
156. Paragraph (k)(8)(iv) of § 1910.263 is revoked.
157. Paragraph (k)(10) of § 1910.263 is revoked.
158. Paragraph (k)(11) of § 1910.263 is revoked.
159. Paragraph (k)(12)(ii) of § 1910.263 is revoked.
160. Paragraph (k)(12)(iii) of § 1910.263 is revoked.
161. Paragraph (k)(12)(iv) of § 1910.263 is revoked.
162. Paragraph (k)(12)(v) of § 1910.263 is revoked.
163. Paragraph (k)(12)(vi) of § 1910.263 is revoked.
164. Paragraph (k)(14) of § 1910.263 is revoked.
165. Paragraph (k)(15) of § 1910.263 is revoked.
166. Paragraph (k)(16) of § 1910.263 is revoked.
167. Paragraph (l)(1)(i) of 1910.263 is revoked.
168. Paragraph (l)(1)(ii) of 1910.263 is revoked.
169. Paragraph (l)(1)(iii) of 1910.263 is revoked.
170. Paragraph (l)(1)(iv) of § 1910.263 is revoked.
171. Paragraph (l)(1)(v) of § 1910.263 is revoked.
172. Paragraph (l)(1)(vi) of § 1910.263 is revoked.
173. Paragraph (l)(2)(i) of § 1910.263 is revoked.
174. Paragraph (l)(2)(ii) of § 1910.263 is revoked.
175. Paragraph (l)(3)(ii)(*a*) of § 1910.263 is revoked.
176. Paragraph (l)(3)(ii)(*b*) of § 1910.263 is revoked.
177. Paragraph (l)(4)(i) of § 1910.263 is revoked.
178. Paragraph (l)(4)(ii) of § 1910.263 is revoked.
179. Paragraph (l)(4)(iii) of § 1910.263 is revoked.
180. Paragraph (l)(4)(iii)(*a*) of § 1910.263 is revoked.
181. Paragraph (l)(4)(iii)(*b*) of § 1910.263 is revoked.
182. Paragraph (l)(4)(iv) of § 1910.263 is revoked.
183. Paragraph (l)(4)(v) of § 1910.263 is revoked.
184. Paragraph (l)(4)(vi) of § 1910.263 is revoked.
185. Paragraph (l)(4)(vi)(*a*) of § 1910.263 is revoked.
186. Paragraph (l)(4)(vi)(*b*) of § 1910.263 is revoked.
187. Paragraph (l)(4)(vii) of § 1910.263 is revoked.
188. Paragraph (l)(4)(vii)(*a*) of § 1910.263 is revoked.
189. Paragraph (l)(4)(vii)(*b*) of § 1910.263 is revoked.
190. Paragraph (l)(4)(vii)(*c*) of § 1910.263 is revoked.
191. Paragraph (l)(4)(vii)(*d*) of § 1910.263 is revoked.
192. Paragraph (l)(4)(vii)(*e*) of § 1910.263 is revoked.
193. Paragraph (l)(4)(vii)(*f*) of § 1910.263 is revoked.
194. Paragraph (l)(4)(vii)(*g*) of § 1910.263 is revoked.
195. Paragraph (l)(4)(viii) of § 1910.263 is revoked.
196. Paragraph (l)(4)(ix) of § 1910.263 is revoked.
197. Paragraph (l)(5)(i) of § 1910.263 is revoked.
198. Paragraph (l)(5)(i)(*a*) of § 1910.263 is revoked.
199. Paragraph (l)(5)(i)(*b*) of § 1910.263 is revoked.
200. Paragraph (l)(5)(i)(*c*) of § 1910.263 is revoked.
201. Paragraph (l)(5)(i)(*d*) of § 1910.263 is revoked.
202. Paragraph (l)(5)(ii) of § 1910.263 is revoked.
203. Paragraph (l)(5)(ii)(*a*) of § 1910.263 is revoked.
204. Paragraph (l)(5)(ii)(*b*) of § 1910.263 is revoked.
205. Paragraph (l)(5)(ii)(*c*) of § 1910.263 is revoked.
206. Paragraph (l)(5)(ii)(*d*) of § 1910.263 is revoked.
207. Paragraph (l)(6)(i) of § 1910.263 is revoked.
208. Paragraph (l)(6)(ii) of § 1910.263 is revoked.
209. Paragraph (l)(6)(ii)(*a*) of § 1910.263 is revoked.
210. Paragraph (l)(6)(ii)(*b*) of § 1910.263 is revoked.
211. Paragraph (l)(6)(ii)(*c*) of § 1910.263 is revoked.
212. Paragraph (l)(6)(ii)(*d*) of § 1910.263 is revoked.
213. Paragraph (l)(6)(ii)(*e*) of § 1910.263 is revoked.
214. Paragraph (l)(6)(ii)(*f*) of § 1910.263 is revoked.
215. Paragraph (l)(6)(ii)(*g*) of § 1910.263 is revoked.
216. Paragraph (l)(6)(iii) of § 1910.263 is revoked.
217. Paragraph (l)(6)(iv) of § 1910.263 is revoked.
218. Paragraph (l)(6)(v) of § 1910.263 is revoked.
219. Paragraph (l)(6)(vi) of § 1910.263 is revoked.
220. Paragraph (l)(6)(vii) of § 1910.263 is revoked.
221. Paragraph (l)(7)(i) of § 1910.263 is revoked.
222. Paragraph (l)(7)(ii)(*a*) of § 1910.263 is revoked.
223. Paragraph (l)(7)(ii)(*b*) of § 1910.263 is revoked.
224. Paragraph (l)(8)(i) of § 1910.263 is revoked.
225. Paragraph (l)(8)(ii) of § 1910.263 is revoked.
226. Paragraph (l)(9)(iv)(*b*) of § 1910.263 is revoked.
227. Paragraph (l)(9)(v)(*c*) of § 1910.263 is revoked.

228. Paragraph (l)(9)(v)(*d*) of § 1910.263 is revoked.
229. Paragraph (l)(9)(ix)(*a*) of § 1910.263 is revoked.
230. Paragraph (l)(9)(ix)(*b*) of § 1910.263 is revoked.
231. Paragraph (l)(9)(ix)(*c*) of § 1910.263 is revoked.
232. Paragraph (l)(9)(ix)(*d*) of § 1910.263 is revoked.
233. Paragraph (l)(9)(ix)(*e*) of § 1910.263 is revoked.
234. Paragraph (l)(9)(ix)(*f*) of § 1910.263 is revoked.
235. Paragraph (l)(9)(ix)(*g*) of § 1910.263 is revoked.
236. Paragraph (l)(9)(x) of § 1910.263 is revoked.
237. Paragraph (l)(9)(ix)(*a*) of § 1910.263 is revoked.
238. Paragraph (l)(9)(xi)(*b*) of § 1910.263 is revoked.
239. Paragraph (l)(9)(xi)(*c*) of § 1910.263 is revoked.
240. Paragraph (l)(9)(xii) of § 1910.263 is revoked.
241. Paragraph (l)(9)(xiii) of § 1910.263 is revoked.
242. Paragraph (l)(11)(iii) of § 1910.263 is revoked.
243. Paragraph (l)(11)(iv) of § 1910.263 is revoked.
244. Paragraph (l)(11)(v) of § 1910.263 is revoked.
245. Paragraph (l)(11)(vi) of § 1910.263 is revoked.
246. Paragraph (l)(11)(vii) of § 1910.263 is revoked.
247. Paragraph (l)(12)(i) of § 1910.263 is revoked.
248. Paragraph (l)(12)(ii) of § 1910.263 is revoked.
249. Paragraph (l)(12)(iii) of § 1910.263 is revoked.
250. Paragraph (l)(12)(iv) of § 1910.263 is revoked.
251. Paragraph (l)(13)(i) of § 1910.263 is revoked.
252. Paragraph (l)(13)(ii) of § 1910.263 is revoked.
253. Paragraph (l)(14) of § 1910.263 is revoked.
254. Paragraph (l)(15)(i) of § 1910.263 is revoked.
255. Paragraph (l)(15)(ii) of § 1910.263 is revoked.
256. Paragraph (l)(15)(iv) of § 1910.263 is revoked.
257. Paragraph (l)(16) of § 1910.263 is revoked.

**§ 1910.264 Laundry machinery and operations [Amended].**

258. Paragraph (a)(1) of § 1910.264 is revoked.
259. Paragraph (a)(2) of § 1910.264 is revoked.
260. Paragraph (a)(4) of § 1910.264 is revoked.
262. Paragraph (a)(5) of § 1910.264 is revoked.
263. Paragraph (a)(6) of § 1910.264 is revoked.
264. Paragraph (a)(7) of § 1910.264 is revoked.
265. Paragraph (a)(8) of § 1910.264 is revoked.
266. Paragraph (a)(9) of § 1910.264 is revoked.
267. Paragraph (a)(10) of § 1910.264 is revoked.
268. Paragraph (a)(11) of § 1910.264 is revoked.
269. Paragraph (a)(12) of § 1910.264 is revoked.
270. Paragraph (a)(13) of § 1910.264 is revoked.
271. Paragraph (a)(14) of § 1910.264 is revoked.
272. Paragraph (a)(15) of § 1910.264 is revoked.
273. Paragraph (a)(16) of § 1910.264 is revoked.
274. Paragraph (a)(17) of § 1910.264 is revoked.
275. Paragraph (a)(18) of § 1910.264 is revoked.
276. Paragraph (a)(19) of § 1910.264 is revoked.
277. Paragraph (a)(20) of § 1910.264 is revoked.
278. Paragraph (a)(21) of § 1910.264 is revoked.
279. Paragraph (c)(1)(i) of § 1910.264 is revoked.
280. Paragraph (c)(1)(ii)(*a*) of § 1910.264 is revoked.
281. Paragraph (c)(1)(iii)(*a*) of § 1910.264 is revoked.
282. Paragraph (c)(1)(iii)(*b*) of § 1910.264 is revoked.
283. Paragraph (c)(1)(iii)(*c*) of § 1910.264 is revoked.
284. Paragraph (c)(1)(iii)(*d*) of § 1910.264 is revoked.
285. Paragraph (c)(1)(iv) of § 1910.264 is revoked.
286. Paragraph (c)(2)(i) of § 1910.264 is revoked.
287. Paragraph (c)(2)(ii) of § 1910.264 is revoked.
288. Paragraph (c)(2)(iii)(*a*) of § 1910.264 is revoked.
289. Paragraph (c)(2)(iv)(*a*)(*1*) of § 1910.264 is revoked.
290. Paragraph (c)(2)(iv)(*a*)(*a2*) of § 1910.264 is revoked.
291. Paragraph (c)(2)(iv)(*b*)(*1*) of § 1910.264 is revoked.
292. Paragraph (c)(3)(i) of § 1910.264 is revoked.
293. Paragraph (c)(3)(i)(*a*) of § 1910.264 is revoked.
294. Paragraph (c)(3)(i)(*b*) of § 1910.264 is revoked.
295. Paragraph (c)(3)(ii)(*a*) of § 1910.264 is revoked.
296. Paragraph (c)(3)(ii)(*b*) of § 1910.264 is revoked.
297. Paragraph (c)(3)(ii)(*c*) of § 1910.264 is revoked.
298. Paragraph (c)(4)(i) of § 1910.264 is revoked.
299. Paragraph (c)(4)(i) of § 1910.264 is revoked.
300. Paragraph (c)(4)(ii) of § 1910.264 is revoked.
301. Paragraph (c)(4)(iv) of § 1910.264 is revoked.
302. Paragraph (d)(1)(i)(*a*) of § 1910.264 is revoked.
303. Paragraph (d)(1)(i)(*b*) of § 1910.264 is revoked.
304. Paragraph (d)(1)(ii) of § 1910.264 is revoked.
305. Paragraph (d)(1)(iv) of § 1910.264 is revoked.
306. Paragraph (d)(2)(i)(*b*) of § 1910.264 is revoked.
307. Paragraph (d)(2)(ii) of § 1910.264 is revoked.
308. Paragraph (d)(2)(iii) of § 1910.264 is revoked.
309. Paragraph (d)(2)(iv) of § 1910.264 is revoked.
310. Paragraph (e)(1) of § 1910.264 is revoked.
311. Paragraph (e)(2) of § 1910.264 is revoked.
312. Paragraph (f)(1) of § 1910.264 is revoked.
313. Paragraph (f)(2) of § 1910.264 is revoked.
314. Paragraph (f)(2)(i) of § 1910.264 is revoked.
315. Paragraph (f)(2)(ii) of § 1910.264 is revoked.
316. Paragraph (f)(2)(iii) of § 1910.264 is revoked.
317. Paragraph (f)(2)(iv) of § 1910.264 is revoked.
318. Paragraph (f)(2)(v) of § 1910.264 is revoked.
319. Paragraph (f)(2)(vi) of § 1910.264 is revoked.
320. Paragraph (f)(2)(vii) of § 1910.264 is revoked.
321. Paragraph (f)(2)(viii) of § 1910.264 is revoked.

[FR Doc. 78-30165 Filed 10-23-78; 8:45 am]

federal register

TUESDAY, OCTOBER 24, 1978
PART IX




# CIVIL SERVICE COMMISSION

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

■

## PRIVACY ACT OF 1974

### Additional Routine Use and New System of Records

[6325-01-M]

## CIVIL SERVICE COMMISSION

### PRIVACY ACT OF 1974

### Proposed New Routine Use

AGENCY: U.S. Civil Service Commission.

ACTION: Proposal for a new routine use for an existing system of records.

SUMMARY: The purpose of this document is to give notice, pursuant to 5 U.S.C. 552a(e)(11) of the Privacy Act of 1974, of intent to establish a new routine use, for limited duration, covering the disclosure of information to the Department of Health, Education, and Welfare (DHEW) from the central personnel data file (CPDF) for current Federal employees.

COMMENT DATE: Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before November 24, 1978.

ADDRESS: Address comments to: Assistant Director for Workforce Information, Bureau of Personnel Management Evaluation, Room 6410, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Comments received will be made available for public inspection at the above address between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION, CONTACT:

Mr. John Sanet or Mr. William Lynch, Office of Advisory Services, Bureau of Personnel Management Evaluation, 202-254-9790.

SUPPLEMENTAL INFORMATION: The published description of the affected system, General Personnel Records (CSC/GOVT-3), appears in the FEDERAL REGISTER of September 8, 1978 (43 FR 40106).

BACKGROUND: The Office of Inspector General of the Department of Health, Education, and Welfare (DHEW) is authorized under Pub. L. 94-505, section 205(a)(2), to request information necessary to accomplish the duties and responsibilities required by that Act from any Federal agency. As part of an effort to detect and prevent fraud in the supplemental security income (SSI) program, DHEW needs information concerning those Federal employees who are receiving SSI benefits. It should be noted that a current Federal employee who is also receiving SSI benefits does not necessarily indicate that the benefits are being improperly or fraudulently obtained by that individual.

The most efficient way of comparing the name of individuals who are receiving SSI benefits with those who are Federal civilian employees is for the Civil Service Commission to provide certain data from its central personnel data file (CPDF) to DHEW. The release of an individual's name, grade, and duty station is permitted under the Commission's regulations implementing the Freedom of Information Act (5 U.S.C. 552). These regulations are found at § 294.702 of Title 5 of the Code of Federal Regulations.

Under the new routine use, in addition to the three data elements cited above, the Civil Service Commission will provide from the CPDF the individual's social security number and date of birth to DHEW. DHEW will then "match" this identifying information with its SSI files and use the results as an indicator that a more thorough review of the recipient's eligibility to receive payments is required.

Although the social security number and date of birth of an individual are not considered to be public information, anticipated benefits to the public justify disclosure of this information for matching with SSI records under safeguards established by DHEW to protect against unauthorized data disclosure and to respect individual rights. Disclosure under the proposed routine use will permit DHEW to assure greater integrity of the SSI benefit program and, additionally, will be compatible with the personnel management responsibility for oversight of Federal employees' conduct, particularly with regard to the requirement that employees pay just financial obligations in a proper and timely manner.

An important limitation associated with the Commission's supplying of the data is that DHEW will not make nor will they retain copies of the Civil Service Commission's magnetic tapes containing the information, but will return all the source tapes to the Commission for destruction after use. This will limit the possibility of unauthorized use of the data. In addition, since access is pursuant to a Privacy Act routine use, an accounting of disclosure is made as required by 5 U.S.C. 552a(c).

PROPOSED ROUTINE USE: The proposed routine use which follows will be added to the Civil Service Commission's governmentwide system of general personnel records (CSC/GOVT-3). The current notice of this system is published at 43 FR 40106 et seq (September 8, 1978).

To disclose the name, date of birth, social security number, pay grade, work schedule, and duty station location of Federal employees to the Department of Health, Education, and Welfare in connection with that agency's supplemental security income matching program. Pursuant to Pub. L. 94-505, the Departmnent of Health, Education, and Welfare is conducting a matching program to reduce fraud and unauthorized payments in Federal programs, and to collect debts owed to the Federal Government. This routine use will be operative for a limited period of 6 months from its effective date (May 27, 1979).

The comment period on the routine use ends at the close of business 30 days after the date of this notice (November 24, 1978). This system shall be amended as proposed without futher notice 33 days from the publication date (November 27, 1978) unless comments are received on or before November 24, 1978 which would result in a contrary determination and require republication for further comment.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
*Executive Assistant to the Commissioners.*

Dated: October 23, 1978.

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[4110-12-M]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary

### PRIVACY ACT OF 1974

### Report on New System

AGENCY: Department of Health, Education, and Welfare

ACTION: Notification of report on new system, SSI/CSC Temporary Matching File, HEW/OS/OIG.

SUMMARY: The Department of Health, Education, and Welfare (HEW) proposes to establish a new system of records entitled SSI/CSC Temporary Matching File HEW/OS/OIG, under the Privacy Act and in accordance with the OMB Supplemental Guidance for Matching Programs.

DATES: The Department has sent new system reports for this system to the Congress and OMB on October 13, 1978. The Department has requested a waiver of the 60 day advance notification required by OMB Circular A-108. If this waiver is granted, the system notice, with the exception of the routine uses, will be effective on the date the waiver is granted. The routine uses will be effective November 24, 1978 provided no comment is received with results in a contrary determination. If the waiver is not granted, the system notice will be effective 60 days from the date submitted to OMB.

ADDRESS: Comments should be addressed to Acting Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washing-

ton, D.C. 20201. Comments received will be available for inspection in Room 526-F, Hubert H. Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

John M. Allen, Privacy Coordinator, Office of the Inspector General, Department of Health, Education, and Welfare, Room 5545, North Building, 330 Independence Avenue SW., Washington, D.C. 20201 or call 202-472-6735.

SUPPLEMENTARY INFORMATION: The Department of Health, Education, and Welfare has initiated a major project called Project Match II, to reduce fraud and abuse in the supplementary security income (SSI) program as administered by HEW. This project seeks identify and take action, where appropriate, against those Federal employees who are illegally receiving such benefits.

Supplemental security income (SSI) is a Federal income maintenance program for the aged (65 or older), blind and disabled in the 50 States and the District of Columbia. Through monthly payments the program provides a floor of income for aged, blind, and disabled people who have little or no income or resources. During fiscal year 1977, the SSI program provided an estimated $6 billion in Federal benefit payments to 4.2 million recipients.

The matching program is needed to eliminate from the SSI program those individuals who should not be receiving payments because they are gainfully employed by the Federal Government. The results of a small pilot project using only HEW employees and comparing them with the SSI rolls has hown considerable promise.

The SSA uses many methods in assuring that only those who are eligible remain on the SSI rolls. The Office of Program Integrity within SSA has as one of its responsibilities the oversight of the SSI program to insure that any ineligible individuals are removed from the rolls and duly prosecuted for any fraudulent activity.

The project uses as its primary source of information data collected by means of a comparison by computer of the entire Federal civilian workforce obtained from the U.S. Civil Service Commission with the recipient rolls of the supplementary security income program provided by the Social Security Administration, HEW. The major criterion for comparision is the social security number.

Cases identified through this computer comparison of files are forwarded to the Federal employer for verification of employment status and to obtain quarterly wage information for each individual for the previous eight quarters. This information is then forwarded to the Social Security Administration so that the cases may be included in the normal validation process to determine whether individuals are receiving SSI benefits to which they are not entitled.

The validation process takes place at the SSA district offices and SSA Integrity Staff regional and central offices. Where a determination of improper payment occurs the SSI benefit is terminated or adjusted appropriately. All cases where there is sufficient evidence of fraud are referred to the appropriate U.S. attorneys for investigation and prosecution. All cases where fraud has been determined, whether prosecuted or declined by the U.S. attorneys, are referred to the appropriate Federal agencies employing the individuals involved in the fradulent activity. It is expected that the Federal agencies will pursue the application of administrative sanctions in accordance with their established prodecures.

In addition to the disclosures provided for under the routine uses, disclosures from this system of records may be made in accordance with the following disclosure provisions of the Privacy Act (5 U.S.C. 522a(b)):

To those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

As required by the Freedom of Information Act;

To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure, notification is transmitted to the last known address of such individual;

To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

Pursuant to the order of a court of competent jurisdiction.

Dated: October 13, 1978.

LEONARD D. SCHAEFFER,
*Assistant Secretary for Management and Budget.*

09-90-0078

**System Name:**

SSI/SCS Temporary Matching File, HEW/OS/OIG.

**Security Classification:**

None.

**System Location:**

Office of the Inspector General, DHEW, Room 2111, SSA Annex, Baltimore, Md. 21235.

**Categories of individuals covered by the system:**

All Federal employees covered under Civil Service Commission Central Personnel Data File (CPDF) who are also included in the Supplementary Security Income (SSI) file of the Social Security Administration.

**Categories of records in the system:**

Civil Service Commission Central Personnel Data File extract including name of employee, date of birth, Social Security Number, work status, pay grade and duty station, and Supplementary Security Income Record File data including names, Social Security Number, address, SSI application data, disability data, income and resource data and payment data used in the administration of the SSI program.

**Authority for maintenance of the system:**

Pub. L. 94-505.

**Routine uses of records maintained in the system, including categories of users and the purposes of such uses:**

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement records or other pertinent records, such as current licenses, if necessary to obtain a record relevant

to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, tne letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

A record from this system may be disclosed as a "routine use" to a Federal, State, or local agency maintaining pertinent records if necessary to obtain a record relevant to a Department decision concerning the determination of initial or continuing eligibility for program benefits.

**Policies and practices for storing, retrieving, accessing, retrieving, and disposing of records in the system:**

**Storage:**

The records are stored on computer tape files and computer printed listings.

**Retrievability:**

The records are retrieved by computer using Social Security Number as the principal matching criterion. We disclose the records within the Department to the Social Security Administration for investigation and redetermination of SSI benefits.

**Safeguards:**

Direct access is restricted to authorized staff members of the Office of the Inspector General. Access within HEW is limited to those employees who are directly involved in the matching program on a need-to-know basis. Computer files and printed listing are maintained in security type safes or lock bar file cabinets. They are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HEW Information Processing Standards, HEW ADP Systems Manual, Part 6, "ADP Systems Security Policy". All computer tapes are password protected prohibiting unauthorized access.

**Retention and disposal:**

In instances of computer matching of files, only those records which meet predetermined criteria are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes will be returned within 60 days. All records obtained as a result of the matching program will be degaussed as soon as possible within 6 months except for those records which are necessary to the completion of pending law enforcement activities or administrative activities of the matching program. Paper listings will be either shreded or burned.

**System Manager(s) and address:**

Inspector General/Deputy Inspector General, Room 5262, North Building, U.S. Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

**Notification procedure:**

Contact: Privacy Act Coordinator, Department of Health, Education, and Welfare, Office of the Inspector General, Room 5545, North Building, 330 Independence Avenue SW., Washington, D.C. 20201.

**Record access procedures:**

Same as notification procedure. Requestors should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulation (45 CFR, Section 5b.5(a)(2)).

**Contesting Record procedures:**

Contact the official at the address specified under notification procedure above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7)).

**Record source categories:**

Records are furnished from the Central Personnel Data File (CPDF) maintained by the U.S. Civil Service Commission and from the Supplemental Security Income Record (SSR) maintained by the Social Security Administration, Department of Health, Education, and Welfare.

**Systems exempted from certain provisions of the Act:**

None.

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