each of the other parties to the proceeding. Within 5 days after the filing of objections, or such additional time as the regional director may allow, the party filing objections shall furnish to the regional director the evidence available to it to support the objections.

* * * * *

Dated: Washington, D.C., November 29, 1982, by direction of the Board.

National Labor Relations Board.

John C. Truesdale,

Executive Secretary.

[FR Doc. 82-32950 Filed 12-2-82; 8:45 am]

BILLING CODE 7545-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004G]

Occupational Exposure To Lead; Administrative Stay of Compliance Plan

AGENCY: Occupational Safety and Health Administration (Labor).

ACTION: Administrative stay.

SUMMARY: OSHA is administratively staying paragraphs (e)(3)(ii) (B) and (E) of the lead standard (§ 1910.1025) for the primary and secondary lead smelting industries and the battery manufacturing industry. The outcome of OSHA's current reconsideration of the lead standard may render unnecessary some or all of the expenditures required by these provisions. A stay pending the reconsideration would prevent such wasteful expenditures without adversely affecting worker health.

DATE: Effective December 3, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3641, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-8148.

SUPPLEMENTARY INFORMATION: The lead standard (29 CFR 1910.1025) requires, among other things, that employers establish and implement a written compliance program to reduce employee exposures to or below the permissible exposure limit (or the interim level) by means of engineering and work practice controls in accordance with the implementation schedule found in paragraph (e)(1) of the standard (§ 1910.1025(e)(3)(i)).

For three industries, the primary and secondary smelting of lead and battery manufacturing, the written compliance plan was to have been completed and available to the Agency by June 29, 1982. The original standard required a much earlier startup date which was delayed by successive judicial stays pending appellate litigation. *(United Steelworkers of America* v. *Marshall,* 647 F. 2d 1189 (1980), *cert. denied,* 101 S. Ct. 3148 (1981).)

The purpose of the written plan is summarized in the November 14, 1978, preamble to the lead standard (43 FR 52952):

> This plan is required primarily to promote systematic and rational compliance by employers and to assist OSHA in its enforcement function by enabling compliance personnel to monitor employers' compliance activities. (p. 52991).

In order to comply with this requirement, an employer would need to conduct an industrial hygiene survey, including environmental sampling, to identify sources of lead exposure and then devise methods to reduce exposure to within permissible limits. Such a plan must include certain costly elements such as a description of the specific means that will be employed to achieve compliance with the permissible exposure limit, including engineering plans and studies and a detailed schedule for implementation of the program with documentation such as copies of purchase orders for equipment, construction contracts, etc.

Obviously, completion of these elements involves development of extensive information about specific means of implementing engineering controls. It also necessitates the expenditure of substantial monies to obtain the information through engineering studies, and the likely contractual obligation of even larger sums for construction and implementation of engineering controls under the provisions of paragraphs (e)(3)(ii) (B) and (E).

OSHA is currently undertaking a thorough reconsideration of the lead standard which will be directed, among other objectives, at improving the cost-effectiveness of the standard and at reevaluating the feasibility of the standard in some industries. If an outcome of this reconsideration is a modification in the mix of engineering controls and personal protective equipment required to meet the permissible exposure limit, or a conclusion that the 50 $\mu g/m^3$ level is not feasible for some industries through the use of engineering controls alone, such action would clearly result in major changes in the employers' compliance programs.

Several representatives of the primary and secondary smelting and battery manufacturing industries petitioned OSHA to issue an administrative stay of paragraphs (e)(3) and (r)(7) (B) and (C) pending the outcome of the reconsideration of the lead standard. Petitioners argued that without such relief they would be compelled to make substantial expenditures to undertake projects which OSHA's decision following reconsideration of the lead standard may render totally unnecessary. Petitioners argued that it is inefficient and wasteful to require employers to expend a significant amount of their limited resources in an attempt to comply with requirements which may never be applicable. Petitioners further pointed out that with respect to some other industries the Agency has already recognized the type of inequities and waste that, absent a stay, would occur. In the Revised Supplemental Statement published December 11, 1981 (46 FR 60758, at 60761) the Agency stated, "If prior to such a reconsideration affected employers are required to implement the policies being reexamined, the purposes of any resulting agency action may be frustrated."

Petitioners argued that the imposition of such a stay would not adversely affect the health of employees whose blood lead levels have recently been, and continue to be, reduced by a combination of control methods and hygiene practices which will remain in effect pending the reconsideration. As currently in force, the OSHA standard requires that the PEL of 50 $\mu g/m^3$ be achieved through some combination of engineering, work practice and respiratory protection controls.

In view of OSHA's reconsideration of the lead standard, which may affect the provisions of the standard with respect to the use of engineering controls, the agency agreed that to require the expenditure of substantial resources to establish a comprehensive compliance program under the existing standard would not be appropriate and should be deferred pending the outcome of the reconsideration. Therefore, on June 18, 1982, OSHA proposed to stay the requirements of 29 CFR 1910.1025(e)(3)(ii) (B) and (E), which would require costly engineering plans and studies as well as detailed compliance schedules with specific evidence that the schedule is being implemented (47 FR 26960). The proposed stay covered the primary and secondary lead smelting industries and

battery manufacturing. Interested parties were given until July 19, 1982 to file comments on the proposed stay. In order not to frustrate the very purposes of this rulemaking the effective date of the relevant sections was deferred until November 15, 1982 (47 FR 26557, June 18, 1982; 47 FR 40410, September 14, 1982).

In response to the proposed stay, OSHA has received comments from six industry commenters and one international union. The six include the five petitioners who had requested to stay plus Amax Lead Company of Missouri. All arguments that were made in their petitions were reasserted. One commenter revised an earlier cost estimate for engineering plan requirements in battery manufacturing from $33 million to $15 million (Ex. 541–1, 542–3). The Battery Council International (BCI) also stated that the battery manufacturing industry is "struggling" and that in the last two years 18 plants have closed or are on layoff affecting 2500 jobs (Ex. 542–9). Several industry commenters, however, challenged OSHA's preliminary conclusion that the stay should be limited to paragraphs 1910.1025 (e)(3)(ii) (B) and (E) and that the more general requirements for a compliance plan contained in subparagraphs (A), (C), (D), (F), (G) and (H) should continue in effect. The Agency stated at 47 FR 26561 that the general requirements would "encourage the development of general options and strategies for compliance," and would "assist both the industry and OSHA in realistically assessing methods for eventual compliance." OSHA further concluded that such a plan, without the detailed engineering studies, compliance schedules and evidence of implementation, required by subparagraphs (B) and (E), would not involve significant resource commitments.

All six of the relevant industry commenters shared the view that the stay should be expanded from just subparagraphs (B) and (E) to include (C). Subparagraph (C), provides that the compliance plan shall include:

> A report of the technology considered in meeting the permissible exposure limit.

Industry commenters offered several reasons to stay this provision. One commenter argued that it is illogical to require a report of the technology considered to meet the PEL when OSHA has recognized that there may not be a feasible means to meet the PEL (Ex. 542–6). Another argues that the provisions of subparagraph (C) duplicate those in subparagraph (B) and should be stayed for the same reasons that subparagraph (B) should be stayed (Ex. 542–4). ASARCO stated that subparagraph (C) presupposes the existence of technology to meet the PEL (Ex. 542–1) but that in fact no such technology exists. St. Joe argues that subparagraph (C) is oriented towards controls for the current standard and would be inappropriate if the standard were changed (Ex. 542–7). Finally, AMAX argues that subparagraph (C) should be stayed since it may prove impossible to satisfy. They further argue that preparation of such a report "would require a company to retain consultants and develop information which could be very time-consuming, complex and expensive * * *" (Ex. 542–2).

OSHA's view of the practical effect of subparagraph (C) remaining as an element of a written compliance plan is quite different from the views presented by these industry commenters. In order to participate meaningfully in the reconsideration of the lead standard, employers in these industries must have knowledge of certain facts concerning the circumstances of exposure in their respective workplaces. These circumstances are reflected in the elements of § 1910.1025(e)(3)(ii) that have not been stayed and are in effect now—subparagraphs (A), (C), (D), (F), (G), and (H). OSHA views the "report of technology considered" requirement of subparagraph (C) to be distinct from subparagraph (B), which requires a description of the "specific means" to be employed including substantiating engineering plans and studies. The information contained in subparagraphs (A), (D), (F) and (G) is readily ascertainable by the employer and is in all likelihood already in writing and in his possession. Upon reviewing this information subparagraph (C) requires the employer to assess what kind of technology could be implemented to reduce employee exposure to lead. Consideration of improving maintenance of existing controls, adding hoods, changing the air-flow rate on existing ventilation, building clean air pulpits or even a conclusion that the employer is not aware of additional technology that could be feasibly employed are examples of what could satisfy subparagraph (C). OSHA is staying the parts of the compliance plan which could require the expenditures of large sums for studies and proof of implementation. Complying with the written compliance plan provisions, as stayed, on the other hand, does not require letting of contracts to develop information or engineering studies. Nor does it require a positive finding of technology that can feasibly meet the current PEL. Rather, compliance can be achieved by an employer making a good faith effort to obtain and commit to paper the information requested and then, on the basis of this information and the employer's experience in the industry, making a general finding of what technology he would consider implementing. OSHA therefore rejects the requests by industry to include subparagraph (C) within the scope of the stay.

Some commenters suggested covering more industries. As discussed more fully in the Revised Supplemental Statement of Reasons, Amendment of Final Rule at 46 FR 60757 (December 11, 1981), the lead industries may be divided into three groups: (1) Those ten industries for which feasibility of the standard was upheld by the D.C. Circuit, or the "non-remand" industries; (2) those thirty-nine remand industries for which the earlier feasibility findings were reaffirmed by OSHA, or the "reaffirmed remand" industries; and (3) those nine industries for which the feasibility is being reconsidered by OSHA, or the "new remand" industries. All of the provisions of the lead standard are in effect for the non-remand industries, with the exception of the deferral of effective date for § 1910.1025(e)(3)(ii) (B) and (E) mentioned above and a provision in Table II—the respirator selection table (*see* 44 FR 5446). For the reaffirmed remand and the new remand industries, however, the stay of § 1910.1025(e)(1), issued by the D.C. Circuit on August 15, 1980 (647 F.2d at 1311), remains in effect. This is a key section of the standard which requires achievement of the PEL through the use of feasible engineering and work practice controls. Until the court lifts the stay on this provision OSHA will treat the order as tantamount to a stay of § 1910.1025(e)(3) as well, based on the logic that if the engineering requirements are stayed the written compliance plans must also be stayed. Furthermore, since the new remand industries are currently part of the reconsideration and OSHA has specifically requested the court to remand the record for further administrative proceedings (*see* Secretary of Labor's Motion to Remand, dated December 10, 1981 at pp. 1–2), no obligations for the new remand industries under § 1910.1025(e)(3) would occur if the court's stay were lifted pending the outcome of the reconsideration.

With respect to the non-remand industries, one commenter argues that "common sense dictates" that the proposed administrative stay cover all non-remand industries, not just primary and secondary smelting of lead and the

battery manufacturing industries. OSHA concludes, however, that the record does not support expanding the stay to these additional industries. These industries did not originally request a stay and did not submit any evidence supporting their need for a stay. Therefore, the administrative stay will cover only the petitioners, namely the primary and secondary smelting industries and the battery manufacturing industry.

The sole commenter objecting to the proposed stay was the United Steelworkers of America. The Steelworkers' primary legal challenge is that OSHA has no authority to issue an administrative stay since nowhere in §§ 6(b) and 8(g) of the Occupational Safety and Health Act, § 553 of the Administrative Procedure Act, or the procedural regulations of OSHA standard setting (29 CFR Part 1911) does there appear any specific reference to "administrative stays" *per se*. OSHA must reject this argument as without merit. Section 6(b) of the Act grants the power to "by rule promulgate, modify, or revoke any occupational safety or health standard" and section 8(g)(2) grants the power to "prescribe such rules and regulations as [the Agency] may deem necessary." The broad discretionary powers of rulemaking granted OSHA by this authority inherently include the lesser power of staying the specific application of a standard. Furthermore, section 6(e), which requires that the rationale for agency actions related to rulemaking be published in the **Federal Register**, specifically lists granting any "extension of time" as an agency action. Implicitly, therefore section 6(e) recognizes OSHA authority to extend the time, i.e. to stay the effective date, of its standards.

Finally, OSHA concludes that the factual assertions and arguments made by the Steelworkers are unfounded and without merit. These include the arguments that OSHA was being misled by industry, that industry had already conducted the costly studies to comply with the 200 $\mu g/m^3$ PEL and that, in essence the stay would halt all engineering controls in the affected industries. OSHA believes that the factual presentation by industry appears reasonable and that the Steelworkers have not presented adequate evidence to the contrary. As stated above, regardless of what studies were conducted to comply with the $\mu g/m^3$ PEL, the implementation of subparagraphs (B) and (E) for the lower PEL of 50 $\mu g/m^3$ would clearly involve the expenditure of substantial sums. The Steelworkers' argument that the stay would halt all engineering controls in affected industries is unclear and unaccompanied by supporting data.

In light of the above and based on the entire record OSHA finds that compliance with §§ 1910.1025(e)(3)(ii) (B) and (E) by the primary and secondary smelters of lead and the manufacturers of batteries would be a costly exercise that could later prove unnecessary as a result of OSHA's reconsideration of the lead standard. Accordingly, a stay of these provisions is hereby issued for these industries pending the outcome of the reconsideration. OSHA also believes that the development of more general compliance plans, which will necessitate an evaluation by employers of their current operations and available data and encourage the development of general options and strategies for compliance, is not premature, will assist both the industry and OSHA in realistically assessing methods for eventual compliance, and will not involve significant resource commitments. Additionally, it is noted that the stay does not affect the required PEL of 50 $\mu g/m^3$ currently being enforced by OSHA. Industry has been required for over three years to meet the PEL by a combination of engineering, work practice and respiratory protection controls. OSHA has much evidence that over this period worker blood leads have declined significantly and continue to decline. Therefore worker protection will not be adversely affected by this stay.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washington, D.C. 20210. It is issued pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act (84 Stat. 1593, 1599, 29 U.S.C. 655, 657), 5 U.S.C. 553, Secretary's Order No. 8–76 (41 FR 25059), and 29 CFR Part 1911.

Accordingly, § 1910.1025(e)(3)(ii) (B) and (E) are stayed for the primary and secondary smelting industries and the battery manufacturing industry effective December 3, 1982.

Signed at Washington, D.C. this 29th day of November 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82-32948 Filed 12-2-82; 8:45 am]

BILLING CODE 4510-26-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Disease Subject To Presumptive Service Connection

AGENCY: Veterans Administration.

ACTION: Final regulation amendment.

SUMMARY: We have amended the regulation on diseases subject to presumptive service connection in order to emphasize a long established VA (Veterans Administration) policy that service connection shall be granted for certain chronic, tropical, and prisoner of war related diseases when all prerequisites have been met. The reason for this change is that the current regulatory language could be perceived as allowing some discretion in granting service-connection. Since this would be a misinterpretion of the rules and contrary to policy, the language is being appropriately amended.

EFFECTIVE DATE: November 10, 1982.

FOR FURTHER INFORMATION CONTACT: Robert M. White (202) 389–3005.

SUPPLEMENTARY INFORMATION: Pub. L. 97–37 amended 38 U.S.C. 312(b) concerning presumptive service-connection for certain diseases related to the POW (prisoner of war) experience. Because this section clearly stated that it was subject to the provisions of 38 U.S.C. 313 concerning rebuttable presumptions, and because all other prerequisites were noted, the imperative "shall" was used in directing the grant of service-connection for the stated diseases. However, 38 CFR 3.309(c) used the more permissive "may" in directing the grant of service-connection because the rebuttable presumption provisions of 38 CFR 3.307 were not incorporated by reference. The Advisory Committee on Former Prisoners of War has expressed concern that the regulation may be misinterpreted as allowing some discretion in the granting of service-connection when all prerequisites have been met. For the same reason the word "may" was used in directing the grant of presumptive service-connection for certain chronic and tropical diseases under 38 CFR 3.309 (a) and (b), whereas 38 U.S.C. 312(a) used the imperative "shall." We are in agreement with the Advisory Committee's recommendation that a minor, nonsubstantive amendment to the regulatory language would remove the possibility of misinterpretation of these rules and more clearly emphasize VA policy and the intent of the law.

In order to implement this recommendation we have amended 38 CFR 3.309 (a), (b), and (c) to incorporate by reference the rebuttable presumption provisions of 38 CFR 3.307 and to more forcefully direct the granting of service-connection. As amended, 38 CFR 3.309 will contain all necessary prerequisites for granting presumptive service-connection for the stated diseases and will imperatively direct that grant when the specified prerequisites are satisfied.

Since this amendment makes no substantive change, but rather clarifies and emphasizes the VA's policy regarding presumptive service-connection for certain disabilities under stated conditions, it falls within the "general statements of policy" exception under 38 CFR 1.12, and prior publication for public notice and comment is not necessary. These changes merely restate current policy in a form more consonant with the provisions of law. For this reason these amendments are not subject to the Regulatory Flexibility Act, 5 U.S.C 601–612.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these regulation changes, in themselves, are nonmajor for the following reasons:

(1) They will not have an effect on the economy of $100 million on more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program number is 64.109)

Approved: November 10, 1982.

By direction of the Administration.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 3—ADJUDICATION

The Veterans Administration is amending 38 CFR Part 3 as follows:

The introductory portion of § 3.309 paragraphs (a), (b) and (c) are revised as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases shall be granted service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after January 1, 1947, provided the rebuttable presumption provisions of § 3.307 are also satisfied.

* * * * *

(b) *Tropical diseases.* The following diseases shall be granted service connection as a result of tropical service, although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 or § 3.308 following service in a period of war or following peacetime service, provided the rebuttable presumption provisions of § 3.307 are also satisfied.

* * * * *

(c) *Diseases specific as to former prisoners of war.* If a veteran is: (1) A former prisoner of war and; (2) as such was interned or detained for not less than 30 days, the following diseases shall be service-connected if manifest to a degree of 10 percent or more at any time after discharge or release from active military, naval, or air service even though there is no record of such disease during service, provided the rebuttable presumption provisions of § 3.307 are also satisfied.

* * * * *

[FR Doc. 82-33036 Filed 12-2-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62015D TSH-FRL 2256-1]

Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; correction.

SUMMARY: This Notice corrects an inadvertent error in 40 CFR 761.3(11) of the final rule on the use of polychlorinated biphenyls (PCBs) in electrical equipment, which was published in the **Federal Register** of August 25, 1982 (47 FR 37342). Section 761.3(11) of the final rule indicates that food or feed additives including food packaging materials are included in the definition of "human food and animal feed." EPA did not intend to include food packaging materials in this definition. Accordingly, the Agency issues this correction of the final rule.

EFFECTIVE DATE: December 3, 1982.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: In the Federal Register of August 25, 1982 (47 FR 37342), EPA issued final amendments to the rule governing use of PCBs in electrical equipment. These amendments include use authorizations for PCBs in electrical equipment with certain conditions to reduce risk. Included among the conditions are the following provisions: (1) That PCB Transformers and Large PCB Capacitors are prohibited after October 1, 1985, and October 1, 1988, respectively, if they "pose an exposure risk to food or feed," and (2) that PCB Transformers that pose such an exposure risk are also subject to weekly inspection requirements. Section 761.3(11) of the rule contains the following explanation of the phrase "posing an exposure risk to food or feed":

> EPA considers human food or animal feed to include items regulated by the U.S. Department of Agriculture or the Food and Drug Administration as human food or animal feed; this includes additives.

Following publication of the final use rule, several trade associations for the food packaging material industry requested clarification of the term "additive." In particular, these trade associations requested that EPA clarify its previously stated intent that establishments which manufacture food packaging materials do not "pose an exposure risk to food or feed." These associations are concerned that the reference in § 761.3(11) to "additives" regulated by the U.S. Department of Agriculture or the Food and Drug Administration (FDA) might be interpreted to include "indirect additives" including food packaging materials. These associations contend that, in contrast to the manufacture of "direct additives," the manufacture of "indirect additives" (e.g., food packaging materials) does not pose an exposure risk to human food or animal feed.

The question was raised in comments on the proposed rule. EPA intended that the reference to "additives" in § 761.3(ll) of the final rule should be limited to "direct additives" (e.g., food preservatives) under regulations of the

Food and Drug Administration at 21 CFR Part 172. This intent is confirmed by statements in an Agency document entitled "Support Document for the Electrical Equipment Rule: Response to Comments," contained in the rulemaking record. In Unit IV.D. of that document, EPA responded that manufacturers of food packaging materials are not subject to the requirement for increased inspection frequency unless food or feed products are present in the facility and the PCBs discharged from the electrical equipment have a potential pathway to contaminate this food or feed.

List of Subjects in 40 CFR Part 761

Hazardous materials, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements, Environmental protection.

Dated: November 19, 1982.

Edwin L. Johnson,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 761—[AMENDED]

Therefore, 40 CFR 761.3(ll) is revised to read as follows:

§ 761.3 Definitions.

* * * * *

(ll) "Posing an exposure risk to food or feed" means being in any location where human food or animal feed products could be exposed to PCBs released from a PCB Item. A PCB Item poses an exposure risk to food or feed if PCBs released in any way from the PCB Item have a potential pathway to human food or animal feed. EPA considers human food or animal feed to include items regulated by the U.S. Department of Agriculture or the Food and Drug Administration as human food or animal feed; this includes direct additives. Food or feed is excluded from this definition if it is used or stored in private homes.

(Sec. 6(e) Toxic Substances Control Act (15 U.S.C. 2605))

[FR Doc. 82-33030 Filed 12-2-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Parts 57 and 58

Grants for Educational Assistance to Individuals From Disadvantaged Backgrounds, Nursing Special Project Grants and Public Health Traineeships

AGENCY: Public Health Service, HHS.

ACTION: Amendments to final regulations.

SUMMARY: These amendments conform provisions in 42 CFR Part 57, Subpart S—Educational Assistance to Individuals From Disadvantaged Backgrounds; Subpart T—Nursing Special Project Grants and 42 CFR Part 58, Subpart C—Grants for Public Health Traineeships for Students in Schools of Public Health and in other Graduate Public Health Programs to the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 and Pub. L. 94–241 which changed the status of the Northern Mariana Islands from a territory to a commonwealth.

EFFECTIVE DATE: These technical changes made to conform the regulations to legislative amendments were effective August 13, 1981, except for the definition of State in 42 CFR 57.1802 and 42 CFR 58.202 which was effective March 24, 1976. The addition to 42 CFR 57.1906(a) is effective December 3, 1982.

FOR FURTHER INFORMATION CONTACT: Sarah J. Silsbee, Chief, Program Coordination Branch, Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 4–22, 3700 East-West Highway, Hyattsville, Maryland 20782, (301–436–7458).

SUPPLEMENTARY INFORMATION: These amendments change the following health professions regulations primarily to implement provisions of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35:

42 CFR Part 57

Subpart S—Educational Assistance to Individuals From Disadvantaged Backgrounds

This rule amends the regulations implementing educational assistance to individuals from disadvantaged backgrounds to:

(1) Revise the definition of "Health Professions Schools" to comply with the new accreditation definition in Pub. L. 97–35.

(2) Revise the definition of "School of Allied Health" to comply with the new statutory definition in Pub. L. 97–35.

(3) Add "the Commonwealth of" to the title of "the Northern Mariana Islands" to comply with Pub. L. 94–241, which changed the status of "the Northern Mariana Islands" from "a territory" to "a Commonwealth".

(4) Stipulate that not less than 80 percent of the funds appropriated in any fiscal year shall be obligated for grants to institutions of higher education and not more than 5 percent may be obligated for grants having the primary purpose of informing individuals about the existence and general nature of health careers, according to the amendment made by Pub. L. 97–35.

(5) Delete reference to former implementing legislation (Section 798 of the Public Health Service Act) since there is no longer authorization for this section.

Subpart T—Nursing Special Project Grants

In conformance with Pub. L. 97–35 this rule amends the regulations implementing grants for Nursing Special Projects to repeal authority for projects to facilitate mergers or other cooperative arrangements among hospitals and academic institutions, for new nurse training programs or research in nursing education, for curriculum improvement, and for short-term in-service training for aides and orderlies, except that an entity which received assistance in one of these areas for fiscal year 1981 can receive one additional grant or contract for phase-out.

In addition, an explanatory note has been added to § 57.1906 (a) to apprise applicants that the Secretary may announce special funding preferences from time-to-time through a notice published in the **Federal Register.**

42 CFR Part 58

Subpart C—Public Health Traineeships

This rule amends the regulations implementing grants for public health traineeships to: revise the definition of "school of public health" to reference the new statutory accreditation standards; add "the Commonwealth of" to the title of "Northern Mariana Islands" to comply with Pub. L. 94–241, which changed the status of "the Northern Mariana Islands" from " a territory" to "a Commonwealth"; remove the word "postbaccalaureate" from the regulations and replace it with "baccalaureate" to allow individuals who have received a baccalaureate degree to be eligible for these traineeships.

Regulatory Flexibility Act and Executive Order 12291

The Department of Health and Human Services has determined that these final rules will not significantly impact on small business and therefore do not require preparation of a Regulatory Flexibility Analysis under the Regulatory Flexibility Act, Pub. L. 96–354.