

FAP 8B4562 (62 FR 60095, November 6, 1997). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

Any person who will be adversely affected by this regulation may at any time on or before July 29, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any

particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Soffritti, M., C. Maltoni, F. Maffei, and R. Biaggi, "Formaldehyde: An Experimental Multipotential Carcinogen," *Toxicology and Industrial Health*, vol. 5, No. 5: 699-730, 1989.
2. Til, H. P., R. A. Woutersen, V. J. Feron, V. H. M. Hollanders, H. E. Falke, and J. J. Clary, "Two-Year Drinking Water Study of Formaldehyde in Rats,"

Food Chemical Toxicology, vol. 27, No. 2, pp. 77-87, 1989.

3. Memorandum of Conference concerning "Formaldehyde;" Meeting of the Cancer Assessment Committee, FDA, April 24, 1991, and March 4, 1993.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.2010 is amended in the table in paragraph (b) by alphabetically adding a new entry under the headings "Substances" and "Limitations" to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

*	*	*	*	*
(b) * * *				

Substances	Limitations
<p>* * * * *</p> <p>1,6-Hexanediamine, <i>N,N</i>-bis(2,2,6,6-tetramethyl-4-piperidiny)-, polymers with morpholine-2,4,6-trichloro-1,3,5-triazine reaction products, methylated (CAS Reg. No. 193098-40-7).</p> <p>* * * * *</p>	<p>* * * * *</p> <p>For use only as a stabilizer at levels not to exceed 0.3 percent by weight of olefin polymers complying with § 177.1520(c) of this chapter. The finished polymers are to contact food only under conditions of use C, D, E, F, and G, as described in Table 2 of § 176.170(c) of this chapter. Provided that the finished food-contact articles have a volume of at least 18.9 liters (5 gallons).</p> <p>* * * * *</p>

Dated: June 19, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98-17144 Filed 6-26-98; 8:45 am]

BILLING CODE 4160-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Chapter V

[Docket No. FR-4254-N-03]

HUD Disaster Recovery Initiative

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice of disaster recovery funds availability and waivers; clarification.

SUMMARY: The 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters required publication of a Notice governing use of such funds in conjunction with any program administered by the Federal Emergency Management Agency (FEMA) for buyouts of structures in disaster areas. HUD published a Notice on September 8, 1997 (62 FR 47344) that described the policies and procedures applicable to the HUD Disaster Recovery Initiative. This Notice clarifies the timing of the reports HUD expects to receive on the use of HUD Disaster Recovery Initiative

grant funds. This Notice also clarifies the citizen participation certifications and notifies grantees of a statutory restriction on waivers related to funds used as the non-Federal cost-share for U.S. Army Corps of Engineers projects. **EFFECTIVE DATE:** June 29, 1998. **FOR FURTHER INFORMATION CONTACT:** Jan C. Oppen, Senior Program Officer, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7286, 451 Seventh Street, SW, Washington, DC 20410; telephone number (202) 708-3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339. FAX inquiries may be sent to Mr. Oppen at (202) 401-2044. (Except for the

"800" number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: On September 8, 1997 (62 FR 47344), HUD published a Notice describing the policies and procedures applicable to the HUD Disaster Recovery Initiative, in accordance with the requirements of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including those in Bosnia (Pub. L. 105-18; approved June 12, 1997). HUD's Disaster Recovery Initiative helps communities that are affected by disasters and that receive Presidential declarations. When other agencies cannot assist, HUD steps in with funding for recovery activities—providing the glue that holds together the sometimes disconnected pieces of disaster recovery.

HUD is issuing this Notice to clarify the provisions of the September 8, 1997 Notice regarding the timing of the submission to HUD of necessary reports. The items included in this Notice replace the indicated portions in the September 8, 1997 Notice and add additional information. All other paragraphs of the September 8, 1997 Notice are unaffected. This Notice simplifies the requirement for an annual report and clarifies requirements for the statutorily required quarterly reports. HUD is retaining the annual financial reconciliation and benefit elements of the annual report, but is shifting them from a separate annual report into every fourth quarterly report. To the extent possible, HUD will automate the quarterly reports and the annual reconciliation and benefit calculation.

This Notice also clarifies the citizen participation requirements, eliminating an unintended source of confusion in the September 8, 1997 Notice, which required a grantee to certify it was following the citizen participation plan required at part 91, although it also stated slightly different requirements. This portion of the Notice may have resulted in a conflict or confusion for some grantees (especially those that included procedures in their citizen participation plan in case of a Federally declared disaster). This Notice changes the requirement from certifying to the part 91 citizen participation plan, to certifying to the plan required at section I.E.7.b. of the Notice.

This Notice also notifies grantees of a statutory restriction on waivers related to funds used as the non-Federal cost-share for U.S. Army Corps of Engineers projects.

Accordingly, FR Doc. 97-23752, the HUD Disaster Recovery Initiative Notice of disaster recovery funds availability and waivers, published in the **Federal**

Register on September 8, 1997 (62 FR 47344), is amended as follows:

1. On page 47345, in column 3, in section I.E. entitled "*Submission Requirements*", paragraph 3.e. is revised to read as follows:

I. Empowering Communities for Recovery

* * * * *

E. Submission Requirements

* * * * *

3. The city or county grantee must describe monitoring standards and procedures pursuant to § 91.230 and include certifications pursuant to:

* * * * *

e. Section I.E.7.b. of this Notice (Citizen participation);

* * * * *

2. On page 47346, in column 1, in section I.E. entitled "*Submission Requirements*", paragraph 6.f. is revised to read as follows:

I. Empowering Communities for Recovery

* * * * *

E. Submission Requirements

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6. The State grantee must describe monitoring standards and procedures pursuant to § 91.330 and include certifications pursuant to:

* * * * *

f. Section I.E.7.b. of this Notice (Citizen participation);

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3. On page 47348, in column 3, in section I.H. entitled "*Ineligible Activities*", a new paragraph 3. is added at the end (after section I.H.2.c.), to read as follows:

I. Empowering Communities for Recovery

* * * * *

H. Ineligible Activities

* * * * *

3. The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105-65, approved October 27, 1997; 111 Stat. 1344, 1358) prohibits HUD from granting a waiver for the use of more than \$100,000 in HUD Disaster Recovery funds for the non-Federal cost-share of a U.S. Army Corps of Engineers project, except for a levee project at Devils Lake, North Dakota. Thus, for funds in excess of \$100,000, the proviso prohibits HUD from granting a waiver for relief from various program requirements, if the funds used for that activity will also be used to meet the non-federal cost-share for a Corps

project. In contrast, the use of HUD Disaster Recovery funds for payment of the non-Federal cost-share required by a Federal grant-in-aid program has long been authorized by section 105(a)(9) of the Housing and Community Development Act of 1974, and therefore no waiver is required just to make matching eligible. This prohibition applies only to HUD Disaster Recovery funding in the foregoing appropriation law and such funding in prior appropriation laws.

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4. On page 47351, in columns 2 and 3, section II.A. entitled "*Program Administrative, Recordkeeping and Reporting Requirements*" is revised to read as follows:

II. Ensuring the Public Trust

A. Program Administrative Recordkeeping and Reporting Requirements

The program administrative requirements at §§ 570.489-570.492 for States and at §§ 570.500-570.513 for cities and counties, which are not otherwise waived, shall apply, except that, with respect to reporting:

1. States must submit a Performance Evaluation Report (PER) pursuant to 24 CFR 91.520, separately for the HUD Disaster Recovery Initiative, similar in all other respects to that which is required for the CDBG program regulated at 24 CFR part 570. HUD will compile this PER for the HUD Disaster Recovery Initiative from the quarterly reports submitted under paragraph 3 below, except that, with the final quarterly report submitted prior to grant closeout, States must also include with the PER a special narrative that discusses how the States assured that activities met the requirements of this Notice with respect to the buyout of structures in a disaster area.

2. Cities and counties must submit a Performance Report for the HUD Disaster Recovery Initiative in accordance with 24 CFR 91.520. This Performance Report will be compiled by HUD from the quarterly reports submitted under paragraph 3 below. The final quarterly report submitted prior to grant closeout also must include a special narrative that discusses how the city or county assured that activities met the requirements of this Notice with respect to the buyout of structures in a disaster area.

3. Congress has required that quarterly reports be submitted on all disbursements and use of funds for or associated with buyouts. HUD must also receive reporting information for program management purposes.

Therefore, each grantee must submit a quarterly report, as HUD prescribes, no later than 30 days following each calendar quarter, beginning after the first full calendar quarter after grant award and continuing until all funds have been expended and that expenditure reported. Each quarterly report will include information on the project name, activity, location, national objective, funds budgeted and expended, non-HUD Disaster Recovery Initiative Federal source and funds, numbers of properties and housing units, and numbers of low- and moderate-income households. Annually (i.e., with every fourth submission), the report shall include a financial reconciliation of funds budgeted and expended, and calculation of the overall percent of benefit to low- and moderate-income persons (unless waived). HUD is seeking approval from OMB for any new information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

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Dated: June 19, 1998.

Saul Ramirez,

Assistant Secretary for Community Planning and Development.

[FR Doc. 98-17273 Filed 6-26-98; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration, Labor

29 CFR Parts 1915 and 1926

RIN 1218-AB25

Occupational Exposure to Asbestos

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This document revises the Construction and Shipyard standards regulating occupational exposure to asbestos to conform the standards to the Court of Appeals decision in *Asbestos Information Association/North America v. Reich*, 117 F. 3d 891 (5th Cir. July 24, 1997). The Court vacated the construction and shipyard standards insofar as they regulate asbestos-containing roof cements, mastics and coatings. The court's decision did not affect the general industry asbestos standard, and that standard is not being changed.

DATES: Effective on July 24, 1997.

FOR FURTHER INFORMATION CONTACT: John Martonik, Acting Director, Directorate of

Safety Standards Programs, Room N-3605, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone (202) 219-8061.

SUPPLEMENTARY INFORMATION:

Background

On August 10, 1994, the Occupational Safety and Health Administration published final standards (59 FR 40964, 29 CFR 1910.1001, 1915.1001, and 1926.1101), regarding occupational asbestos exposure. On June 29, 1995, OSHA issued amendments (60 FR 33974, 29 CFR 1915.1001 and 1926.1101) to correct and clarify various provisions of the construction and shipyard employment standards.

The Asbestos Information Association/North American (AIA/NA) petitioned for review of the construction and maritime standards' requirements for work practices, training, and hazard communication for asphalt roof cements, coatings and mastics which contain asbestos. In *Asbestos Information Association/North America v. Reich*, 117 F. 3d 891 (5th Cir. July 24, 1997), the court vacated the standards insofar as they regulate these materials.

Need for Correction

OSHA is amending sections 1915.1001 and 1926.1101 to conform the regulations to the court's decision. OSHA is adding a statement to paragraph (a) in both standards to state that the standard does not apply to asbestos-containing asphalt roof cements, coatings and mastics. In paragraph (g)(12) in the maritime standard and in paragraph (g)(11) of the construction standard covering alternative work practices, OSHA is deleting references to roofing cements, mastics and coatings. Section 1910.1001 remains unchanged.

OSHA is required to make these corrections to conform the standard to the court's decision. Because OSHA has no discretion in the matter, notice and opportunity for public comment are not necessary.

List of Subjects

29 CFR Part 1915

Asbestos, Hazardous substances, Longshore and harbor workers, Occupational safety and health, Vessels.

29 CFR Part 1926

Asbestos, Construction industry, Hazardous substances, Occupational safety and health.

Signed at Washington, D.C., this 22nd day of June, 1998.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

Accordingly, 29 CFR Parts 1915 and 1926 are corrected by making the following correcting amendments:

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

1. The authority citation for 29 CFR part 1915 is revised to read as follows:

Authority: Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable; 29 CFR part 1911.

Section 1915.100 also issued under Section 29, Hazardous Materials Transportation Uniform Safety Act of 1990 (49 U.S.C. 1801-1819) and 5 U.S.C. 553.

Subpart Z—Toxic and Hazardous Substances

2. In § 1915.1001, add paragraph (a)(8) and revise paragraph (g)(12) introductory text to read as follows:

§ 1915.1001 Asbestos.

(a) *Scope and application.* * * *

* * * * *

(8) This section does not apply to asbestos-containing asphalt roof cements, coatings and mastics.

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(g) *Methods of compliance* * * *

* * * * *

(12) *Alternative methods of compliance for installation, removal, repair, and maintenance of certain roofing and pipeline coating materials.* Notwithstanding any other provision of this section, an employer who complies with all provisions of this paragraph (g)(12) when installing, removing, repairing, or maintaining intact pipeline asphaltic wrap, or roof flashings which contain asbestos fibers encapsulated or coated by bituminous or resinous compounds shall be deemed to be in compliance with this section. If an employer does not comply with all provisions of this paragraph (g)(12) or if during the course of the job the material does not remain intact, the provisions of paragraph (g)(8) of this section apply instead of this paragraph (g)(12).

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