

## § 83.19

(e) A new designation of the Secretary under this section will take effect 30 calendar days after the date on which the report of the Secretary under paragraph (d) of this section is submitted to Congress, unless Congress takes an action that reverses or expedites the designation. Such new designations and related congressional actions will be further reported by the Secretary pursuant to paragraphs (d) and (e) of § 83.17.

[70 FR 75953, Dec. 22, 2005]

### § 83.19 How can the Secretary cancel or modify a final decision to add a class of employees to the Cohort?

(a) The Secretary can cancel a final decision to add a class to the Cohort, or can modify a final decision to reduce the scope of a class added by the Secretary, if HHS obtains records relevant to radiation exposures of members of the class that enable NIOSH to estimate the radiation doses incurred by individual members of the class through dose reconstructions conducted under the requirements of 42 CFR part 82.

(b) Before canceling a final decision to add a class or modifying a final decision to reduce the scope of a class, the Secretary intends to follow evaluation procedures that are substantially similar to those described in this part for adding a class of employees to the Cohort. The procedures will include the following:

(1) Publication of a notice in the FEDERAL REGISTER informing the public of the intent of the Secretary to review the final decision on the basis of new information and describing procedures for this review;

(2) An analysis by NIOSH of the utility of the new information for conducting dose reconstructions under 42 CFR part 82; the analysis will be performed consistently with the requirements for analysis of a petition by NIOSH under §§ 83.13(c)(1) and (2), and 83.13(c)(2) and (3);

(3) A recommendation by the Board to the Secretary as to whether or not the Secretary should cancel or modify his final decision that added the class to the Cohort, based upon a review by the Board of the NIOSH analysis under paragraph (b)(2) of this section and any

## 42 CFR Ch. I (10–1–10 Edition)

other relevant information considered by the Board;

(4) An opportunity for members of the class to contest a proposed decision to cancel or modify the prior final decision that added the class to the Cohort, including a reasonable and timely effort by the Secretary to notify members of the class of this opportunity; and

(5) Publication in the FEDERAL REGISTER of a final decision to cancel or modify the prior final decision that added the class to the Cohort.

[69 FR 30780, May 28, 2004. Redesignated at 70 FR 75953, Dec. 22, 2005]

## PART 84—APPROVAL OF RESPIRATORY PROTECTIVE DEVICES

### Subpart A—General Provisions

Sec.

84.1 Purpose.

84.2 Definitions.

84.3 Respirators for mine rescue or other emergency use in mines.

### Subpart B—Application for Approval

84.10 Application procedures.

84.11 Contents of application.

84.12 Delivery of respirators and components by applicant; requirements.

### Subpart C—Fees

84.20 Examination, inspection, and testing of complete respirator assemblies; fees.

84.21 Examination, inspection, and testing of respirator components or subassemblies; fees.

84.22 Unlisted fees; additional fees; payment by applicant prior to approval.

### Subpart D—Approval and Disapproval

84.30 Certificates of approval; scope of approval.

84.31 Certificates of approval; contents.

84.32 Notice of disapproval.

84.33 Approval labels and markings; approval of contents; use.

84.34 Revocation of certificates of approval.

84.35 Changes or modifications of approved respirators; issuance of modification of certificate of approval.

84.36 Delivery of changed or modified approved respirator.

### Subpart E—Quality Control

84.40 Quality control plans; filing requirements.

84.41 Quality control plans; contents.