

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket Nos. 95N-0245 and 94P-0110]

RIN 0910-AA59

Food Labeling; Statement of Identity, Nutrition Labeling and Ingredient Labeling of Dietary Supplements; Compliance Policy Guide, Revocation; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of September 23, 1997 (62 FR 49826). The final rule amended the food labeling regulations to establish requirements for the identification of dietary supplements and for their nutrition labeling and ingredient labeling in response to the Dietary Supplement Health and Education Act of 1994 (the DSHEA). The document was published with several inadvertent editorial errors. This document corrects those errors.

DATES: The regulation is effective March 23, 1999.

FOR FURTHER INFORMATION CONTACT: Susan Thompson, Center for Food Safety and Applied Nutrition (HFS-165), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-5587.

In FR Doc. No. 97-24739, appearing on page 49826 in the **Federal Register** of Tuesday, September 23, 1997, the following corrections are made:

1. On page 49829, in the first column, in the last sentence of the first paragraph, add “§ 101.36(b)(2).” after the word “modifying”.
2. On page 49833, in the first column, in the third paragraph, in the second line from the bottom, “or” is corrected to read “for”.
3. On page 49840, in the third column, in the first full paragraph, in the eleventh line, add “514” after “U.S.”.

§ 101.12 [Corrected]

4. On page 49848, § 101.12 *Reference amounts customarily consumed per eating occasion* is corrected in paragraph (b), Table 2, under the subheading “Miscellaneous category”, by adding seven asterisks above the entry for Dietary supplements.

Dated: December 9, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218-AA95

Methylene Chloride; Partial Stay

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

ACTION: Final rule; partial stay of start-up dates for compliance.

SUMMARY: The Occupational Safety and Health Administration (OSHA) has received a motion for reconsideration of certain provisions of its standard regulating occupational exposure to methylene chloride, 62 FR 1494 (Jan. 10, 1997). The motion, filed jointly by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW; the Halogenated Solvents Industry Alliance, Inc., and others, requests, among other things, extensions of the current start-up dates for installation of engineering controls and use of respiratory protection for certain employers. It also requests an interim stay of those compliance dates pending OSHA's ruling on the motion for reconsideration.

OSHA has preliminarily evaluated the motion for reconsideration and, based on that evaluation, finds good cause to grant in part the movants' request for an interim stay of the start-up dates. Accordingly, for those employers subject to the motion who would otherwise need to use respiratory protection or install engineering controls on or before April 10, 1998, OSHA is hereby delaying until August 31, 1998 the requirement to use respiratory protection to achieve the 8-hour TWA PEL, and to December 10, 1998 the requirement to achieve the 8-hour TWA PEL and the STEL through engineering controls.

DATES: The effective date of this partial stay is December 18, 1997. Under the stay, the start-up date for certain employers to use respiratory protection to achieve the 8-hour TWA PEL is August 31, 1998, and the start-up date for certain employers to install

engineering controls is December 10, 1998.

FOR FURTHER INFORMATION CONTACT: Bonnie Friedman, Director, OSHA Office of Public Affairs, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW, Washington, DC 20210, telephone (202) 219-8151.

SUPPLEMENTARY INFORMATION: OSHA published a new methylene chloride (MC) standard on January 10, 1997 (62 FR 1494). The standard establishes an 8-hour time-weighted-average permissible exposure limit (8-hour TWA PEL) for MC of 25 per million (ppm). It also sets a short term exposure limit (STEL) of 125 ppm averaged over a 15 minute period. Employers must achieve the 8-hour TWA PEL and the STEL, to the extent feasible, by engineering and work practice controls. If such controls are unable to achieve the exposure limits, and during the time they are being implemented, employers must use respirators to protect employees against excessive MC exposure.

The methylene chloride standard establishes different start-up dates for employers in different size categories. It requires compliance with the engineering control requirement by April 10, 2000 for employers with fewer than 20 employees; April 10, 1999 for polyurethane foam manufacturers with 20 to 99 employees; and April 10, 1998 for all other employers. As originally published, compliance with the requirement for respiratory protection was required by April 10, 1998 for employers with fewer than 20 employees; January 5, 1998 for polyurethane foam manufacturers with 20 to 99 employees; and October 7, 1997 for all other employers. OSHA subsequently extended certain start-up dates, including the requirement for all other employers to use respiratory protection, to December 21, 1997. (62 FR 54382, Oct. 20, 1997).

On November 24, 1997, OSHA received a joint motion for reconsideration of certain aspects of the standard from the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW; the Halogenated Solvents Industry Alliance, Inc.; Benco Sales, Inc.; Brock Woodcraft; Masters Magic Products, Inc.; Bassco Foam, Inc; and Tupelo Foam Sales, Inc. Among other things, the movants ask that the compliance dates for installation of engineering controls and use of respiratory protection to achieve the 8-hour TWA PEL be extended for employers who use methylene chloride in certain specific applications. Those applications are polyurethane foam