

those circumstances or uses and including appropriate transitional provisions. Where the Secretary finds that substitutes for ——— exist, the determination of their suitability shall include consideration of the availability, practicability, relative degree of hazard, and economic consequences of the substitutes.)

(The preceding paragraph 1990.151(c) on permissible exposure limit provisions is for Category I Potential Carcinogens. Worker exposure to Category II Potential Carcinogens will be reduced as appropriate and consistent with the statutory requirements on a case-by-case basis in the individual rulemaking proceedings. Any permissible exposure level so established shall be met primarily through engineering and work practice controls. See § 1990.142(a)(3).)

9. Section 1990.152 is amended by revising paragraphs (c)(1) and (c)(2) as follows:

§ 1990.152 Model emergency temporary standard pursuant to section 6(c) of the Act.

(c) *Permissible exposure limits.* —(1) *Inhalation.* (i) *Time-weighted average limit (TWA).* Within (insert appropriate time) from the effective date of this emergency temporary standard, the employer shall assure that no employee is exposed to an airborne concentration of ——— in excess of: (insert appropriate exposure limit representing the lowest feasible level which is reasonably necessary or appropriate to eliminate significant risk that can be complied with immediately) as an eight (8)-hour time-weight average.

(ii) *Ceiling limit.* (If appropriate.) The employer shall assure that no employee is exposed to an airborne concentration of ——— in excess of: (insert appropriate exposure limit representing the lowest feasible level which is reasonably necessary or appropriate to eliminate significant risk that can be complied with immediately) as averaged over any: (insert appropriate time period) during the working day.

(2) *Dermal and eye exposure.* (If appropriate.)

(i) Within (insert appropriate time period) of the effective date of this section, the employer shall (if eye exposure to ——— does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse effects of eye exposure to ———, if any. If eye exposure creates a risk of cancer, insert exposure level or criteria which

represent the lowest feasible level of eye exposure to ——— which is reasonably necessary or appropriate to eliminate significant risk.)

(ii) Within (insert appropriate time period) of the effective date of this section, the employer shall (if skin exposure to ——— does not create a risk of cancer, insert exposure level or criteria which will prevent other adverse health effects of skin exposure to ——— if any. If skin exposure creates a risk of cancer, insert exposure level or criteria which represents the lowest feasible level of skin exposure to ——— which is reasonably necessary to appropriate to eliminate significant risk).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405, 442, and 483

Conditions of Participation for Skilled Nursing and Intermediate Care Facilities

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Withdrawal of Secretarial approval.

SUMMARY: On July 14, 1980, we published a notice of proposed rulemaking which would have revised the standards skilled nursing and intermediate care facilities must meet in order to participate in the Medicare or Medicaid programs. By the end of the 90-day comment period, which had been extended due to interest in the regulation, we had received over 3500 comments.

In December, 1980, Congress enacted Pub. L. 96-536, which specifically prohibits the expenditure of funds by the Department for the publication, implementation, or enforcement of the proposed regulation unless and until certain conditions were met.

On January 19, 1981, former Secretary Harris approved one portion of the regulation dealing with patients' rights. However, since one of the conditions set by Congress had not been fulfilled, *viz.*, receipt of the final report of the General Accounting Office concerning the impact of the proposed regulation, the regulation signed by Secretary Harris could not be issued.

Because this regulation may have considerable impact on both consumers

and providers of health care, we have decided not to issue the regulation, or any portion thereof, until we have an opportunity to evaluate further all comments received, and the economic impact of the regulation as a whole. For this reason, we have withdrawn Secretarial approval of that section of the regulation approved January 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. J. Richard Lenehan, Jr., (301) 594-7651.

(Catalog of Federal Domestic Assistance Program; No. 13.714—Medical Assistance Program; No. 13.773—Medicare-Hospital Insurance; No. 13.774—Medicare-Supplementary Medical Insurance)

Dated: January 21, 1981.

Paul Willging,

Acting Administrator, Health Care Financing Administration.

Approved: January 21, 1981.

Donald S. Fredrickson,

Acting Secretary.

[FR Doc. 81-2731 Filed 1-22-81; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5893]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Ansonia, New Haven County, Connecticut, previously published at 45 FR 59600 on September 10, 1980.

EFFECTIVE DATE: January 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for