

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 101022, 725 17th Street, NW, Washington, DC 20503.

<p>1. Agency/Subagency originating request</p> <p style="text-align: center;">Department of Labor Occupational Safety and Health Administration</p>	<p>2. OMB control number</p> <p>a. 1218 - 0237 b. <input type="checkbox"/> None _____ (new)</p>																																		
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input checked="" type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p><i>For b-f, note item A2 of Supporting Statement instructions</i></p>	<p>4. Type of review requested (check one)</p> <p>a. <input checked="" type="checkbox"/> Regular</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by: ___/___/___</p> <p>c. <input type="checkbox"/> Delegated</p> <p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <hr/> <p>6. Requested expiration date</p> <p>a. <input checked="" type="checkbox"/> Three years from approval date?</p> <p>b. <input type="checkbox"/> Other Specify: ___ / ___ (month/ year)</p>																																		
<p>7. ADDITIONAL REQUIREMENTS FOR SPECIAL DIPPING AND COATING OPERATIONS (DIP TANKS) (29 CFR 1910.126(g)(4))</p>																																			
<p>8. Agency form number(s) (if applicable) None</p>																																			
<p>9. Keywords: Coating, Detearing, Dip Tanks, Dipping, Occupational safety and health, Safety</p>																																			
<p>10. Abstract The information collection requirement contained in the standard is to ensure that employees are aware of the safe distance to be when electrostatic paint detearing equipment is being used.</p>																																			
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households</p> <p>b. <input checked="" type="checkbox"/> Business or other for-profit</p> <p>c. <input type="checkbox"/> Not-for-profit institutions</p> <p>d. <input type="checkbox"/> Farms</p> <p>e. <input type="checkbox"/> Federal Government</p> <p>f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (Mark primary with "P" and all others that apply with "X")</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Require to obtain or retain benefits</p> <p>c. <input checked="" type="checkbox"/> Mandatory</p>																																		
<p>13. Annual reporting and recordkeeping hour burden</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">a. Number of respondents</td> <td style="text-align: right; border-bottom: 1px solid black;">1</td> </tr> <tr> <td>b. Total annual responses</td> <td style="text-align: right; border-bottom: 1px solid black;">1</td> </tr> <tr> <td>1. Percentages of these responses collected electronically</td> <td style="text-align: right; border-bottom: 1px solid black;">0%</td> </tr> <tr> <td>c. Total annual hours requested</td> <td style="text-align: right; border-bottom: 1px solid black;">1</td> </tr> <tr> <td>d. Current OMB inventory</td> <td style="text-align: right; border-bottom: 1px solid black;">1</td> </tr> <tr> <td>e. Difference</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> <tr> <td>f. Explanation of difference</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td>1. Program change</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td>2. Adjustments</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> </table>	a. Number of respondents	1	b. Total annual responses	1	1. Percentages of these responses collected electronically	0%	c. Total annual hours requested	1	d. Current OMB inventory	1	e. Difference	0	f. Explanation of difference		1. Program change		2. Adjustments	0	<p>14. Annual reporting and recordkeeping cost burden (in thousands of dollars)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">a. Total annualized capital/startup costs</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> <tr> <td>b. Total annual costs (O&M)</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> <tr> <td>c. Total annualized cost requested</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> <tr> <td>d. Current OMB inventory</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> <tr> <td>e. Difference</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> <tr> <td>f. Explanation of difference</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td>1. Program change</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td>2. Adjustment</td> <td style="text-align: right; border-bottom: 1px solid black;">0</td> </tr> </table>	a. Total annualized capital/startup costs	0	b. Total annual costs (O&M)	0	c. Total annualized cost requested	0	d. Current OMB inventory	0	e. Difference	0	f. Explanation of difference		1. Program change		2. Adjustment	0
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<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits</p> <p>b. <input type="checkbox"/> Program evaluation</p> <p>c. <input type="checkbox"/> General purpose statistics</p> <p>d. <input type="checkbox"/> Audit</p> <p>e. <input type="checkbox"/> Program planning or management</p> <p>f. <input type="checkbox"/> Research</p> <p>g. <input checked="" type="checkbox"/> Regulatory or compliance</p>	<p>16. Frequency of recordkeeping or reporting (check all that apply)</p> <p>a. <input checked="" type="checkbox"/> Recordkeeping</p> <p>b. <input checked="" type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <table style="width: 100%;"> <tr> <td>1. <input checked="" type="checkbox"/> On occasion</td> <td>2. <input type="checkbox"/> Weekly</td> <td>3. <input type="checkbox"/> Monthly</td> </tr> <tr> <td>4. <input type="checkbox"/> Quarterly</td> <td>5. <input type="checkbox"/> Semi-annually</td> <td>6. <input type="checkbox"/> Annually</td> </tr> <tr> <td>7. <input type="checkbox"/> Biennially</td> <td>8. <input type="checkbox"/> Other (describe) _____</td> <td></td> </tr> </table>	1. <input checked="" type="checkbox"/> On occasion	2. <input type="checkbox"/> Weekly	3. <input type="checkbox"/> Monthly	4. <input type="checkbox"/> Quarterly	5. <input type="checkbox"/> Semi-annually	6. <input type="checkbox"/> Annually	7. <input type="checkbox"/> Biennially	8. <input type="checkbox"/> Other (describe) _____																										
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<p>17. Statistical methods Does this information collection employ statistical methods?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>18. Agency contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: Theda Kenney</p> <p>Phone: (202) 693-2222</p>																																		

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8 (b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collections of information, that the certification covers:

- (a) Is necessary for proper performance of the agency's functions and has practical utility;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b)(3)
 - (h) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
 - (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the Instructions);
- (i) It uses effective and efficient statistical survey methodology; and,
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Agency Clearance Officer	Date
Todd R. Owen, OSHA Clearance Officer	
Signature of Senior Departmental Official or Designee	Date
Ira L. Mills, Departmental Clearance Officer	

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENT OF THE
STANDARD ON DIPPING AND COATING OPERATIONS
(DIP TANKS) (29 CFR 1910.126(g)(4))¹
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NUMBER 1218-0237 (May 2007)**

JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Occupational Safety and Health Act's (OSH Act) main objective is to "assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources" (29 U.S.C. 651). To achieve this objective, the OSH Act specifically authorizes "the development and promulgation of occupational safety and health standards" (29 U.S.C. 651). In addition, the OSH Act specifies that "[e]ach employer shall make, keep and preserve, and make available to the Secretary . . . such records . . . as the Secretary . . . may prescribe by regulation as necessary or appropriate for the enforcement of this Act . . ." (29 U.S.C. 657).

Under the authority granted by the OSH Act, the Occupational Safety and Health Administration (OSHA) published a Standard on Dipping and Coating Operations (Dip Tanks) (the "Standard"). Section 1910.126(g)(4) is to ensure that employers make employees aware of the minimum distance between goods being electrostatically deteared. Items 2 and 12 below list and describe the specific information collection requirement of the Standard.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection.

Dipping and Coating Operations (Dip Tanks) (§ 1910.126(g)(4))

As specified in paragraph (g)(4), employers must conspicuously post on a sign the minimum safe distance of at least twice the sparking distance between goods being electrostatically deteared and the electrodes or conductors of the electrostatic equipment.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

¹The purpose of this supporting statement is to analyze and describe the burden hours and costs associated with the provision of the Standard that contains a paperwork requirement, and does not provide information or guidance on how to comply with or to enforce the Standard.

Employers may use improved information technology when establishing and maintaining the required record. OSHA wrote the paperwork requirement of the Standard in performance-oriented language, i.e., in terms of what data to collect, not how to collect the data.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The requirements to collect and maintain information are specific to each employer involved, and no other source or agency duplicates the requirement or can make the required information available to OSHA (i.e., the required information is available only from employers).

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The information collection requirement of the Standard does not have a significant impact on a substantial number of small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The information collection frequencies specified by the Standard are the minimum frequencies necessary to ensure that employers inform employees of the minimum safe sparking distance between goods being electrostatically deteared and the electrodes or conductors of the electrostatic equipment.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist that require employers to collect information in the manner or using the procedures described in this item.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years, even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on March 15, 2007 (72 FR 12201, Docket No. OSHA-2007-0014) requesting public comment on its proposal to extend the Office of Management and Budget's approval of the information collection requirements found in the Standard on Dipping and Coating Operations (Dip Tanks) (29 CFR 1910.126). This notice was part of a preclearance consultation program that provided the general public and government agencies with an opportunity to comment. The Agency received no comments in response to its notice..

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

The Agency will not provide payments or gifts to the respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The paperwork requirement in the Standard does not require the collection of confidential information.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reason why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The paperwork requirement in the Standard does not require the collection of sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10)**

of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.

- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead the cost should be included in Item 13.

Burden Hour and Cost Determinations

Displaying the Minimum Safe Distance (§ 1910.126 (g)(4))

This provision requires the employer to determine how far away goods being electrostatically deteared should be separated from electrodes or conductors. This distance is called the “safe distance.” This minimum distance must be displayed conspicuously on a sign located near the equipment.

OSHA has determined that where electrostatic equipment is being used, the information has already been ascertained and that the “safe distance” has been displayed on a sign in a permanent manner. The Agency does not believe that this equipment is currently being manufactured or used due to changes in technology. OSHA does not believe there is any burden associated with the information collection requirement in the provision and is, therefore, estimating **zero burden hours and no cost to the employer**.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

Costs under this Item for complying with this Standard are included under those costs in Item 12.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

There are no costs to the Federal Government because new technology has eliminated the need to manufacture or use electrostatic paint detearing equipment.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 per OMB Form 83-I.

There are no program changes or adjustments to Items 13 or 14 of the OMB Form 83-I.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project,

including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

OSHA will not publish the information collected under the Standard.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be appropriate.

OSHA is not seeking such approval. There are no forms on which to display the expiration for the information collection requirement.

18. Explain each exception to the certification statement identified in Item 19 per "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

OSHA is not seeking an exception to the certification statement in item 19.

SEC. 2. Congressional Findings and Purpose

29 USC 651

(a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources --

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions; (2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health; affecting the OSH Act since its passage in 1970 through January 1, 2004.

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

SEC. 8. Inspections, Investigations, and Recordkeeping

(a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized -- 29 USC 657

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) (1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health and Human Services, such records regarding his activities relating to this Act as the Secretary, in cooperation with the Secretary of Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

(2) The Secretary, in cooperation with the Secretary of Health and Human Services, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(3) The Secretary, in cooperation with the Secretary of Health and Human Services, shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information obtained by the Secretary, the Secretary of Health and Human Services, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(f) (1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees

or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g) (1) The Secretary and Secretary of Health and Human Services are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health and Human Services shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

(h) The Secretary shall not use the results of enforcement activities, such as the number of citations issued or penalties assessed, to evaluate employees directly involved in enforcement activities under this Act or to impose quotas or goals with regard to the results of such activities.

Pub. L. 105-198 added subsection (h).

§ 1910.126

29 CFR Ch. XVII (7-1-05 Edition)

must be from a safe and accessible location.

(4) You must ensure that automatic pumps are used when gravity flow from the bottom drain is impractical.

(d) When must my conveyor system shut down automatically? If your conveyor system is used with a dip tank, the system must shut down automatically:

(1) If there is a fire; or

(2) If the ventilation rate drops below what is required by paragraph (b) of § 1910.124.

(e) What ignition and fuel sources must be controlled? (1) In each vapor area and any adjacent area, you must ensure that:

(i) All electrical wiring and equipment conform to the applicable hazardous (classified)-area requirements of subpart S of this part (except as specifically permitted in paragraph (g) of § 1910.126); and

(ii) There are no flames, spark-producing devices, or other surfaces that are hot enough to ignite vapors.

(2) You must ensure that any portable container used to add liquid to the tank is electrically bonded to the dip tank and positively grounded to prevent static electrical sparks or arcs.

(3) You must ensure that a heating system that is used in a drying operation and could cause ignition:

(i) Is installed in accordance with NFPA 86A-1969, Standard for Ovens and Furnaces (which is incorporated by reference in § 1910.6 of this part);

(ii) Has adequate mechanical ventilation that operates before and during the drying operation; and

(iii) Shuts down automatically if any ventilating fan fails to maintain adequate ventilation.

(4) You also must ensure that:

(i) All vapor areas are free of combustible debris and as free as practicable of combustible stock;

(ii) Rags and other material contaminated with liquids from dipping or coating operations are placed in approved waste cans immediately after use; and

(iii) Waste can contents are properly disposed of at the end of each shift.

(5) You must prohibit smoking in a vapor area and must post a readily

visible "No Smoking" sign near each dip tank.

(f) What fire protection must I provide? (1) You must provide the fire protection required by this paragraph (f) for:

(i) Any dip tank having a capacity of at least 150 gallons (568 L) or a liquid surface area of at least 4 feet² (0.38 m²); and

(ii) Any hardening or tempering tank having a capacity of at least 500 gallons (1893 L) or a liquid surface area of at least 25 feet² (2.37 m²).

(2) For every vapor area, you must provide:

(i) Manual fire extinguishers that are suitable for flammable and combustible liquid fires and that conform to the requirements of § 1910.157; and

(ii) An automatic fire-extinguishing system that conforms to the requirements of subpart L of this part.

(3) You may substitute a cover that is closed by an approved automatic device for the automatic fire-extinguishing system if the cover:

(i) Can also be activated manually;

(ii) Is noncombustible or tin-clad, with the enclosing metal applied with locked joints; and

(iii) Is kept closed when the dip tank is not in use.

(g) To what temperature may I heat a liquid in a dip tank? You must maintain the temperature of the liquid in a dip tank:

(1) Below the liquid's boiling point; and

(2) At least 100 °F (37.8 °C) below the liquid's autoignition temperature.

§ 1910.126 Additional requirements for special dipping and coating operations.

In addition to the requirements in §§ 1910.123 through 1910.125, you must comply with any requirement in this section that applies to your operation.

(a) What additional requirements apply to hardening or tempering tanks?

(1) You must ensure that hardening or tempering tanks:

(i) Are located as far as practicable from furnaces;

(ii) Are on noncombustible flooring; and

(iii) Have noncombustible hoods and vents (or equivalent devices) for venting to the outside. For this purpose, vent ducts must be treated as flues and kept away from combustible materials, particularly roofs.

(2) You must equip each tank with an alarm that will sound if the temperature of the liquid comes within 50 °F (10 °C) of its flashpoint (the alarm set point).

(3) When practicable, you must also provide each tank with a limit switch to shut down the conveyor supplying work to the tank.

(4) If the temperature of the liquid can exceed the alarm set point, you must equip the tank with a circulating cooling system.

(5) If the tank has a bottom drain, the bottom drain may be combined with the oil-circulating system.

(6) You must not use air under pressure when you fill the dip tank or agitate the liquid in the dip tank.

(b) What additional requirements apply to flow coating? (1) You must use a direct low-pressure pumping system or a 10-gallon (38 L) or smaller gravity tank to supply the paint for flow coating. In case of fire, an approved heat-actuated device must shut down the pumping system.

(2) You must ensure that the piping is substantial and rigidly supported.

(c) What additional requirements apply to roll coating, roll spreading, or roll impregnating? When these operations use a flammable or combustible liquid that has a flashpoint below 140 °F (60 °C), you must prevent sparking of static electricity by:

(1) Bonding and grounding all metallic parts (including rotating parts) and installing static collectors; or

(2) Maintaining a conductive atmosphere (for example, one with a high relative humidity) in the vapor area.

(d) What additional requirements apply to vapor degreasing tanks? (1) You must ensure that the condenser or vapor-level thermostat keeps the vapor level at least 36 inches (91 cm) or one-half the tank width, whichever is less, below the top of the vapor degreasing tank.

(2) When you use gas as a fuel to heat the tank liquid, you must prevent solvent vapors from entering the air-fuel

mixture. To do this, you must make the combustion chamber airtight (except for the flue opening).

(3) The flue must be made of corrosion-resistant material, and it must extend to the outside. You must install a draft diverter if mechanical exhaust is used on the flue.

(4) You must not allow the temperature of the heating element to cause a solvent or mixture to decompose or to generate an excessive amount of vapor.

(e) What additional requirements apply to cyanide tanks? You must ensure that cyanide tanks have a dike or other safeguard to prevent cyanide from mixing with an acid if a dip tank fails.

(f) What additional requirements apply to spray cleaning tanks and spray degreasing tanks? If you spray a liquid in the air over an open-surface cleaning or degreasing tank, you must control the spraying to the extent feasible by:

(1) Enclosing the spraying operation; and

(2) Using mechanical ventilation to provide enough inward air velocity to prevent the spray from leaving the vapor area.

(g) What additional requirements apply to electrostatic paint detearing?

(1) You must use only approved electrostatic equipment in paint-detearing operations. Electrodes in such equipment must be substantial, rigidly supported, permanently located, and effectively insulated from ground by nonporous, noncombustible, clean, dry insulators.

(2) You must use conveyors to support any goods being paint deteared.

(3) You must ensure that goods being electrostatically deteared are not manually handled.

(4) Between goods being electrostatically deteared and the electrodes or conductors of the electrostatic equipment, you must maintain a minimum distance of twice the sparking distance. This minimum distance must be displayed conspicuously on a sign located near the equipment.

(5) You must ensure that the electrostatic equipment has automatic controls that immediately disconnect the power supply to the high-voltage transformer and signal the operator if:

§ 1910.132

29 CFR Ch. XVII (7–1–05 Edition)

(i) Ventilation or the conveyors fail to operate;

(ii) A ground (or imminent ground) occurs anywhere in the high-voltage system; or

(iii) Goods being electrostatically deteared come within twice the sparking distance of the electrodes or conductors of the equipment.

(6) You must use fences, rails, or guards, made of conducting material and adequately grounded, to separate paint-deteared operations from storage areas and from personnel.

(7) To protect paint-deteared operations from fire, you must have in place:

(i) Automatic sprinklers; or

(ii) An automatic fire-extinguishing system conforming to the requirements of subpart L of this part.

(8) To collect paint deposits, you must:

(i) Provide drip plates and screens; and

(ii) Clean these plates and screens in a safe location.

Subpart I—Personal Protective Equipment

AUTHORITY: Sections 4, 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Section 107, Contract Work Hours and Safety Standards Act (the Construction Safety Act; 40 U.S.C. 333); Section 41, Longshore and Harbor Worker's Compensation Act (33 U.S.C. 941); and Secretary of Labor's Order Nos. 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2002 (67 FR 65008), as applicable.

Sections 29 CFR 1910.132, 1910.134, and 1910.138 also issued under 29 CFR part 1911.

Sections 29 CFR 1910.133, 1910.135, and 1910.136 also issued under 29 CFR part 1911 and 5 U.S.C. 553.

§ 1910.132 General requirements.

(a) *Application.* Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irri-

tants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) *Employee-owned equipment.* Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) *Design.* All personal protective equipment shall be of safe design and construction for the work to be performed.

(d) *Hazard assessment and equipment selection.* (1) The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall:

(i) Select, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment;

(ii) Communicate selection decisions to each affected employee; and,

(iii) Select PPE that properly fits each affected employee.

NOTE: Non-mandatory Appendix B contains an example of procedures that would comply with the requirement for a hazard assessment.

(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

(e) *Defective and damaged equipment.* Defective or damaged personal protective equipment shall not be used.

(f) *Training.* (1) The employer shall provide training to each employee who is required by this section to use PPE. Each such employee shall be trained to know at least the following:

(i) When PPE is necessary;

(ii) What PPE is necessary;

(iii) How to properly don, doff, adjust, and wear PPE;

(iv) The limitations of the PPE; and,

notifications disclosing all changes in membership.

On May 27, 2003, Semiconductor Test Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 17, 2003 (68 FR 35913).

The last notification was filed with the Department on October 25, 2006. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 22, 2006 (71 FR 67643).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 07-1200 Filed 3-14-07; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Safety Standards for Underground Coal Mine Ventilation—Belt Entry Used as an Intake Air Course To Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to 30 CFR Sections 75.350, 75.351, 75.352 and 75.371.

DATES: Submit comments on or before May 14, 2007.

ADDRESSES: Send comments to, Debbie Ferraro, Management Services Division, 1100 Wilson Boulevard, Room 2171,

Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via Internet E-mail to *Ferraro.Debbie@DOL.GOV*. Ms. Ferraro can be reached at (202) 693-9821 (voice), or (202) 693-9801 (facsimile).

FOR FURTHER INFORMATION CONTACT: The employee listed in the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION:

I. Background

The Safety Standards for Underground Coal Mine Ventilation—Belt Entry rule provides safety requirements for the use of the conveyor belt entry as a ventilation intake to course fresh air to working sections and areas where mechanized mining equipment is being installed or removed in mines with three or more entries. This rule is a voluntary standard. If the mine operators choose to use belt air to ventilate working places, the provisions will maintain the level of safety in underground mines while allowing them to implement advances in mining atmospheric monitoring technology. This rule offers alternate provisions that mine operators need to follow if they want to use belt air to ventilate working sections.

II. Desired Focus of Comments

MSHA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and then choosing "Statutory and Regulatory

Information" and "**Federal Register Documents.**"

III. Current Actions

This request for collection of information from mine operators that elect to use belt air to ventilate working sections and areas where mechanized equipment is being installed or removed will be used by coal mine supervisors and employees, State mine inspectors, and Federal mine inspectors. The information will provide insight into the hazardous conditions that have been encountered and those that may be encountered. The records of inspections greatly assist those who use them in making decisions that will ultimately affect the safety and health of miners working in belt air mines.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Safety Standards for Underground Coal Mine Ventilation—Belt Entry Used as an Intake Air Course to Ventilate Working Sections and Areas Where Mechanized Mining Equipment Is Being Installed or Removed.

OMB Number: 1219-0138.

Frequency: On Occasion.

Affected Public: Business or other for-profit.

Respondents: 45.

Total Burden Hours: 9758.

Total Burden Cost (operating/maintaining): \$87,137.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 9th day of March, 2007.

David L. Meyer,

Director, Office of Administration and Management.

[FR Doc. E7-4723 Filed 3-14-07; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2007-0014]

Standard on Additional Requirements for Special Dipping and Coating Operations (Dip Tanks); Extension of the Office of Management and Budget's Approval of Information Collection (Paperwork) Requirement

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

ACTION: Request for public comment.

SUMMARY: OSHA solicits public comment concerning its proposal to extend OMB approval of the information collection requirement specified in its standard on Additional Requirements for Special Dipping and Coating Operations (Dip Tanks) (29 CFR 1910.126(g)(4)). The provision is to ensure that employers make employees aware of the minimum distance between goods being electrostatically deteared.

DATES: Comments must be submitted (postmarked, sent, or received) by May 14, 2007.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA-2007-0014, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the ICR (OSHA Docket No. OSHA-2007-0014). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection

and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The standard on Additional Requirements for Special Dipping and Coating Operations, 29 CFR 1910.126(g)(4), requires employers to post a conspicuous sign near each piece of electrostatic deteading equipment that notifies employees of the minimum safe distance they must maintain between goods undergoing electrostatic deteading and the electrodes or conductors of the equipment used in the process. Doing so reduces the likelihood of igniting the explosive chemicals used in electrostatic deteading operations.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirement is necessary for the proper performance of the Agency's functions to protect employees,

including whether the information is useful;

- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirement, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirement contained in the Standard on Additional Requirements for Special Dipping and Coating Operations (Dip Tanks) (29 CFR 1910.126(g)(4)). The Agency is requesting to retain its previous burden hour estimate of 1 hour. The Agency will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB.

Type of Review: Extension of currently approved information collection requirement.

Title: Standard on Additional Requirements for Special Dipping and Coating Operations (Dip Tanks) (29 CFR 1910.126).

OMB Number: 1218-0237.

Affected Public: Business or other for-profit.

Number of Respondents: 0.

Frequency of Recordkeeping: On occasion.

Total Responses: 1.

Average Time Per Response: 0.

Estimated Total Burden Hours: 1.

Estimated Cost (Operation and Maintenance): \$0.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows:

(1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (OSHA Docket No. OSHA-2007-0014). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional

materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. This document as well as news releases and other relevant information also are available at OSHA's webpage at <http://www.osha.gov>.

V. Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC, on March 9, 2007.

Edwin G. Foulke, Jr.

Assistant Secretary of Labor.

[FR Doc. E7-4702 Filed 3-14-07; 8:45 am]

BILLING CODE 4510-26-P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting; Notice

TIME AND DATE: 9:30 a.m., Tuesday, March 20, 2007. (The time of this meeting has changed to 12:30 p.m.)
PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.
STATUS: The two items are open to the public.

MATTERS TO BE CONSIDERED:

7870: *Railroad Accident Report—Collision Of Two CN Freight Trains, Anding, Mississippi, July 10, 2005 (DCA-05-MR-011).*

7834A: *Marine Accident Brief and Safety Recommendation Letter—Fire on Board U.S. Small Passenger Vessel Massachusetts, Boston Harbor, Massachusetts, June 12, 2006.*

NEWS MEDIA CONTACT: Telephone: (202) 314-6100. Individuals requesting specific accommodations should contact Chris Bisett at (202) 314-6305 by Friday, March 16, 2007.

The public may view the meeting via live or archived Webcast by accessing a link under "News & Events" on the NTSB home page at <http://www.nts.gov>.

FOR FURTHER INFORMATION CONTACT:

Vicky D' Onofrio, (202) 314-6410.

Dated: March 13, 2007.

Candi R. Bing,

Federal Register Alternate Liaison Officer.

[FR Doc. 07-1283 Filed 3-13-07; 12:38 pm]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1257]

Notice of License Renewal Request of AREVA NP, Richland, WA, and Opportunity To Request a Hearing

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of license renewal application, and opportunity to request a hearing.

DATES: A request for a hearing must be filed by May 14, 2007.

FOR FURTHER INFORMATION CONTACT:

Merritt Baker, Project Manager, Fuel Facility Licensing Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.
Telephone: (301) 415-6155; *fax number:* (301) 415-5955; *e-mail:* mnb@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated October 24, 2006, a license renewal application from AREVA NP, Inc. (AREVA), requesting renewal of License No. SNM-1227 at its Richland fuel fabrication facility located in Richland, Washington. License No. SNM-1227 authorizes the licensee to possess and use special nuclear material for the manufacture of fuel for nuclear power plants.

The Richland facility has been licensed by the Atomic Energy Commission and its successor, the NRC, to manufacture low-enriched uranium fuel for nuclear power plants. The license was renewed in 1996 for a period of 10 years, expiring on November 30, 2006. By applications dated October 24 and December 13, 2006, AREVA requested renewal of their license for a period of 40 years. The NRC will review the license renewal application for compliance with applicable sections of regulations in Title 10 of the Code of Federal Regulations (10 CFR)—Energy, Chapter I—Nuclear Regulatory Commission. The license renewal application included an Environmental Report, which the NRC will review and use to prepare an environmental assessment to assist in the NRC's determination on the license renewal application, as required by 10 CFR Part 51, Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions, and the National Environmental Policy Act.

An NRC administrative review, documented in a letter to AREVA dated February 7, 2007, (ML070320061) found the application acceptable to begin a technical review. Because AREVA filed the application for renewal not less than 30 days before the expiration of the date stated in the existing license, the existing license will not expire until the Commission makes a final determination on the renewal application, in accordance with the timely renewal provision of 10 CFR 70.38(a)(1). If the NRC approves the renewal application, the approval will be documented in NRC License No. SNM-1227. However, before approving the proposed renewal, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended, and NRC's regulations. These findings will be documented in a Safety Evaluation Report and an Environmental Assessment and/or an Environmental Impact Statement.