

NORTH CAROLINA DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Chapter 7

CFR Revision 162

Subchapter 7F

Field Information System

OMB Control Numbers Under the Paperwork Reduction Act

Subpart A, 29 CFR Parts 1910 and 1926 – General

Final Rule

DISCUSSION:

On April 8, 1998, OSHA issued a final rule announcing that the Office of Management and Budget (OMB) has extended its approval for a number of information collection requirements in OSHA's health standards. This final rule codified the OMB approval numbers and announced the effective dates of these approvals.

ACTION:

The April 8, 1998, OMB approvals were adopted verbatim with an effective date of October 8, 1998 and affect the following standards: noise (29 CFR 1910.95); asbestos in construction (29 CFR 1926.1101); access to employee exposure and medical records (29 CFR 1910.1020); formaldehyde (29 CFR 1910.1048); lead in general industry (29 CFR 1910.1025); bloodborne pathogens (29 CFR 1910.1030); ionizing radiation (29 CFR 1910.1096); lead in construction (29 CFR 1926.62); and asbestos in general industry (29 CFR 1910.1001). A copy of the referenced *Federal Register* is attached.

11/19/98

Signed on Original

Date of Signature

Robert K. Andrews, Jr.
Director

Filing Date: October 8, 1998

NC Effective Date: October 8, 1998

Number: 13 NCAC 7F.0101

Administration Order 7400.9E, *Airspace Designations and Reporting Points*, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000 Class D airspace areas.

* * * * *

AWS AR D Fayetteville (Springdale), Northwest Arkansas Regional Airport, AR [New]

Fayetteville (Springdale), Northwest Arkansas Regional Airport, AR (Lat. 36°18'55"N, long 094°18'25"W.)

That airspace extending upward from the surface to and including 3,800 feet MSL within a 4.4-mile radius of Northwest Arkansas Regional Airport.

This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on March 19, 1998.

Albert L. Viselli,
Acting Manager, Air Traffic Division,
Southwest Region.

[FR Doc. 98-9210 Filed 4-7-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR 1910 and 1926

Office of Management and Budget Control Numbers Under the Paperwork Reduction Act

AGENCY: Occupational Safety and Health Administration.

ACTION: Final rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that the Office of Management and Budget (OMB) has

extended its approval for a number of information collection requirements in OSHA's health standards. OSHA sought approval under the Paperwork Reduction Act of 1995, and, as required by that Act, is announcing the approval numbers and expiration dates for those requirements. OSHA is also correcting the approval number for one collection and correcting the citation number for two collections.

DATES: This rule is effective April 8, 1998.

FOR FURTHER INFORMATION CONTACT: Adrian Corsey, Directorate of Health Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3718, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 219-7075 extension 105.

SUPPLEMENTARY INFORMATION: The following chart lists the collections of information requirements in the health standards that have been approved by OMB recently.

| OMB control No. | Standard citation | Standard | Expiration date |
|-----------------|-------------------|---|-----------------|
| 1218-0048 | 1910.95 | Noise | 11/30/2000 |
| 1218-0065 | 1910.1020 | Access to Employee Exposure and Medical Records | 11/30/2000 |
| 1218-0092 | 1910.1025 | Lead in General Industry | 1/31/2001 |
| 1218-0103 | 1910.1096 | Ionizing Radiation | 9/30/2000 |
| 1218-0133 | 1910.1001 | Asbestos in General Industry | 1/31/2001 |
| 1218-0134 | 1926.1101 | Asbestos in Construction | 12/31/2000 |
| 1218-0145 | 1910.1048 | Formaldehyde | 11/30/2000 |
| 1218-0180 | 1910.1030 | Bloodborne Pathogens | 11/30/2000 |
| 1218-0189 | 1926.62 | Lead in Construction | 11/30/2000 |
| 1218-0195 | 1915.1001 | Asbestos in Shipyards | 12/31/2000 |

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), OSHA provided a period of public comment on all of the collections and submitted a request for OMB approval. OMB renewed its approval for the collections of information under their existing approval number as shown above. OSHA is also correcting two errors in its tables at § 1910.8 which lists OMB approval numbers for collections of information in the general industry and an error in the table in § 1926.5 which lists OMB approval numbers for collections of information in the construction industry. Specifically, § 1910.20 and § 1910.96 should be listed as § 1910.1020 and § 1910.1096, respectively, and the control number assigned to the collection at § 1926.1101 is 1218-0134. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless the collection display's a valid OMB control number.

List of Subjects in 29 CFR Parts 1910 and 1926

Occupational safety and health, Reporting and recordkeeping requirements.

Authority and Signature

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed on the 31st day of March, 1998.

Charles N. Jeffress,
Assistant Secretary of Labor.

Accordingly, the Occupational Safety and Health Administration amends 29 CFR parts 1910 and 1926 as set forth below.

PART 1910—[AMENDED]

1. The authority citation for Subpart A of part 1910 continues to read as follows:

Authority: Secs. 4, 6, 8 of the 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.

Section 1910.7 and 1910.8 also issued under 29 CFR part 1911.

§ 1910.8 [AMENDED]

2. In § 1910.8, the table is amended by removing 1910.20 and 1910.96 and adding the following entries in numerical order, to read as follows:

§ 1910.8 OMB control numbers under the Paperwork Reduction Act.

| | |
|-----------------|-----------|
| * * * * * | |
| 1910.1020 | 1218-0065 |
| 1910.1096 | 1218-0103 |
| * * * * * | |

PART 1926—[AMENDED]

1. The authority citation for Subpart A of part 1926 continues to read as follows:

Authority: Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

§ 1926.5 [Amended]

2. In § 1926.5, the table is amended to correct the control number for the entry at 1926.1101 to read as follows:

1926.11011218-0134.

[FR Doc. 98-9058 Filed 4-7-98; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

[SPATS No. IL-089-FOR]

Illinois Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Illinois regulatory program (hereinafter referred to as the "Illinois program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Illinois requested that OSM reconsider two regulations disapproved in a previously proposed amendment to the Illinois program and submitted explanatory information in support of its request. These regulations concern the determination of revegetation success for non-contiguous surface disturbance areas less than or equal to four acres. The additional explanatory information is intended to clarify the regulations by providing an interpretation statement and specifying procedures and evaluation criteria that would be used in the implementation of the regulations. The amendment is intended to improve operational efficiency.

EFFECTIVE DATE: April 8, 1998.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204-1521, Telephone: (317) 226-6700.

SUPPLEMENTARY INFORMATION:

- I. Background on the Illinois Program
- II. Submission of the Proposed Amendment

III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, **Federal Register** (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

By letter dated February 3, 1995 (Administrative Record No. IL-1615), Illinois submitted a proposed amendment to its program pursuant to SMCRA. OSM announced receipt of the proposed amendment in the February 27, 1995, **Federal Register** (60 FR 19522). The public comment period ended March 29, 1995. A public hearing was requested, and it was held on March 24, 1995. OSM identified concerns relating to the proposed amendment, and notified Illinois of these concerns by letters dated April 28 and August 3, 1995 (Administrative Record Nos. IL-1649 and IL-1660, respectively). By letter dated November 1, 1995 (Administrative Record No. IL-1663), Illinois responded to OSM's concerns by submitting revisions to its proposed amendment. OSM reopened the public comment period in the December 5, 1995, **Federal Register** (60 FR 62229). The public comment period closed on January 4, 1996. OSM approved the proposed amendment with certain exceptions and additional requirements on May 29, 1996 (61 FR 26801). The exceptions were the Director's decision not to approve some of the proposed regulations. This amendment addresses two of those regulations.

II. Submission of the Proposed Amendment

By letter dated August 5, 1997 (Administrative Record No. IL-1670), the Illinois Department of Natural Resources, Office of Mines and Minerals (OMM) requested that OSM reconsider its May 29, 1996, decision not to approve Illinois' regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F). Illinois resubmitted the regulations with an interpretation statement, program procedures, and evaluation criteria for implementation of them. These regulations concern the determination of revegetation success for non-contiguous, surface disturbance areas

less than or equal to four acres. By letters dated September 26 and November 3, 1997 (Administrative Record Nos. IL-1671 and IL-1672), OMM provided additional explanatory information to clarify the procedures and evaluation criteria that would be used in the implementation of the proposed regulations.

Based upon its request for reconsideration and the additional explanatory information submitted by Illinois, OSM reopened the public comment period in the December 23, 1997, **Federal Register** (62 FR 67014). The public comment period closed on January 7, 1998.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

Illinois proposed the following regulatory language at 62 IAC 1816.116(a)(3)(F) for surface coal mining and 62 IAC 1817.116(a)(3)(F) for underground coal mining.

Non-contiguous areas less than or equal to four acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

Illinois' proposal would exclude non-contiguous, surface disturbance areas of less than or equal to four acres from productivity testing to prove revegetation success. In OSM's May 29, 1996, decision not to approve Illinois' regulations at 62 IAC 1816.116(a)(3)(F) and 1817.116(a)(3)(F), the practicality of excluding the need to test for revegetation success for small areas such as signs, boreholes, power poles, and other small and minimally disturbed areas was recognized. OSM explained that in order for it to approve this type of proposal, Illinois would need to provide additional language that would more closely correlate the maximum acreage to the types of activities which would qualify for the exemption. Also, Illinois would need to provide additional language as to what would constitute a satisfactory demonstration of minimum disturbance, achievement of original capability, and achievement of postmining land use. As discussed below, OMM provided additional information to meet each of OSM's conditions for reconsideration of