

- 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.

**III. Current Action**

The BLS uses the Annual Refiling Survey (ARS) forms to gather industrial and geographical data on business establishments. The revised ARS forms are designed to verify and update NAICS codes, geographical information, and multiple worksite information.

*Type of Review:* Revision of a currently approved collection.

*Agency:* Bureau of Labor Statistics.

*Title:* Annual Refiling Survey.

*OMB Number:* 1220-0032.

*Affected Public:* Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal government; State, local, or tribal government.

*Total Respondents:* 2,272,998.

*Frequency:* Annually.

*Total Responses:* 2,272,998.

Form	Total respondents	Frequency	Total responses	Average time per response	Estimated total burden (hours)
3023-NVS .....	2,092,708	Once .....	2,092,708	.083	173,695
3023-NVM .....	37,334	Once .....	37,334	.25	9,334
3023-NCA .....	142,956	Once .....	142,956	.167	23,874
Totals .....	2,272,998	.....	2,272,998		206,903

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

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 also will become a matter of public record.

Signed at Washington, DC this 1st day of May 2001.

**W. Stuart Rust, Jr.,**

Chief, Division of Management Systems, Bureau of Labor Statistics.

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. ICR-1218-0121(2001)]

**Powered Platforms for Building Maintenance (29 CFR 1910.66); Extension of the Office of Management and Budget's (OMB) Approval of Information-Collection (Paperwork) Requirements**

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

**ACTION:** Notice of an opportunity for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request to decrease and extend the information-collection requirements specified in the

standard on Powered Platforms for Building Maintenance (29 CFR 1910.66). **DATES:** Submit written comments on or before July 6, 2001.

**ADDRESSES:** Submit written comments to the Docket Office, Docket No. ICR-1218-0121(2001), OSHA, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693-1648.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney, Directorate of Safety Standards Programs, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2222. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified by the standard on Powered Platforms for Building Maintenance is available for inspection and copying in the Docket Office, or by requesting a copy from Theda Kenney at (202) 693-2222 or Todd Owen at (202) 693-2444. For electronic copies of the ICR, contact OSHA on the Internet at <http://www.osha.gov/comp-links.html>, and select "Information Collection Requests."

**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 (PRA-95) (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 correct.

Paragraph (e)(9) of the § 1910.66 (hereafter, the "Standard") requires that employers develop and implement a written emergency-action plan for each type of powered-platform operation. The plan must explain the emergency procedures that employees are to follow if they encounter a disruption of the power supply, equipment failure, and other emergency. Prior to operating a powered platform, employers must notify employees how they can inform themselves about alarm systems and emergency-escape routes, and emergency procedures that pertain to the building on which they will be working. Employers are to review with each employee those parts of the emergency-action plan that the employee must know to ensure their protection during an emergency; these reviews must occur when the employee receives an initial assignment involving a powered-platform operation and after the employer revises the emergency-action plan.

According to paragraph (f)(5)(i)(C), employers must affix a load-rating plate to a conspicuous location and on each suspended unit that states the unit's

weight and its rated load capacity. Paragraph (f)(5)(ii)(N) requires employers to mount each emergency electric-operating device in a secured compartment and label the device with instructions for its use. After installing a suspension wire rope, paragraphs (f)(7)(vi) and (f)(7)(vii) mandate that employers attach a corrosion-resistant tag with specified information to one of the wire-rope fastenings if the rope is to remain at one location. In addition, paragraph (f)(7)(viii) requires employers who resocket a wire rope to either stamp specified information on the original tag or put that information on a supplemental tag and attach it to the fastening.

Paragraphs (g)(2)(i) and (g)(2)(ii) require that building owners, at least annually, have a competent person: inspect the supporting structures of their buildings; inspect and, if necessary, test the components of the powered platforms, including control systems; inspect/test components subject to wear (e.g., wire ropes, bearings, gears, and governors); and certify these inspections and tests. Under paragraph (g)(2)(iii), building owners must maintain and, on request, disclose to OSHA a written certification record of these inspections/tests; this record must include the date of the inspection/test, the signature of the competent person who performed it, and the number/identifier of the building support structure and equipment inspected/tested.

Paragraph (g)(3)(i) mandates that building owners use a competent person to inspect and, if necessary, test each powered-platform facility according to the manufacturer's recommendations every 30 days, or prior to use if the work cycle is less than 30 days. Under paragraph (g)(2)(iii), building owners must maintain and, on request, disclose to the Agency a written certification record of these inspections/tests; this record is to include the date of the inspection/test, the signature of the competent person who performed it, and the number/identifier of the powered-platform facility inspected/tested.

According to paragraph (g)(5)(iii), building owners must have suspension wire ropes thoroughly inspected for a number of specified conditions by a competent person once a month, or before placing the wire ropes into service if the ropes are inactive for 30 days or longer. Paragraph (g)(5)(v) requires building owners to maintain and, on request, disclose to OSHA a written certification record of these monthly inspections; this record must consist of the date of the inspection, the

signature of the competent person who performed it, and the number/identifier of the wire rope inspected.

Paragraph (i)(1)(iv) requires employers to develop written work procedures for the operation, safe use, and inspection of powered platforms, and to provide these procedures to their employees for training purposes. In meeting these requirements, an employer may use pictorial methods and operating manuals supplied by the manufacturers of the system components. In addition, paragraph (i)(1)(ii) mandates that employers train employees in: Recognizing safety hazards associated with their work tasks and developing measures to prevent these hazards; general recognition and prevention of safety hazards associated with the operation of powered platforms, including the powered platforms they operate; the emergency-action plan and work procedures developed under paragraphs (e)(9) and (i)(1)(iv), respectively; and the inspection, maintenance, use, and performance of their personal fall-arrest system. On completion of this training, paragraph (i)(1)(v) specifies that employers must prepare a written certification that includes the identity of the employee trained, the signature of the employer or the trainer, and the date the employee completed the training. In addition, the employer must maintain an employee's training certificate for the duration of their employment and, on request, make it available to OSHA.

Emergency-action plans allow employers and employees to anticipate, and effectively respond to, emergencies that may arise during powered-platform operations. Affixing load-rating plates to suspended units, instructions to emergency electric-operating devices, and tags to wire-rope fasteners prevent workplace accidents by providing information to employers and employees regarding the conditions under which they can safely operate these system components. Requiring building owners to establish and maintain written certification of inspections and testing conducted on the supporting structures of buildings, powered-platform systems, and suspension wire ropes provides employers and employees with assurance that they can operate safely from the buildings using equipment that is in safe operating condition. The training requirements increase employee safety by allowing them to develop the skills and knowledge necessary to effectively operate, use, and inspect powered platforms, recognize and prevent safety hazards associated with platform operation,

respond appropriately under emergency conditions, and maintain and use their fall-protection arrest system. Training certification permits employers to review the training provided to their employees, thereby ensuring that the employees received the necessary training. In addition, the paperwork requirements specified by the Standard provide the most efficient means for an OSHA compliance officer to determine whether or not employers and building owners are providing the required notification, certification, and training.

## II. Special Issues for Comment

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

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, 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 proposing to decrease the existing burden-hour estimate, and to extend OMB approval, of the collection-of-information requirements specified in the Standard. In this regard, the Agency is proposing to decrease the current burden-hour estimate from 246,498 hours to 119,497 hours, a total reduction of 127,001 hours. OSHA will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of these information-collection requirements.

*Type of Review:* Extension of a currently-approved information-collection requirement.

*Title:* Powered Platforms for Building Maintenance (29 CFR 1910.66).

*OMB Number:* 1218-0121.

*Affected Public:* Business or other for-profit, not-for-profit institutions; Federal government; State, local or tribal governments.

*Number of Respondents:* 900.

*Frequency of Response:* Annually; monthly; occasionally.

*Average Time per Response:* Varies from 1 minute (0.02 hour) (to maintain a training record) to 10 hours (to inspect/test building-support structures and the components of a powered platform).

*Estimated Total Burden Hours:*  
119,497 hours.

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

#### IV. Authority and Signature

R. Davis Layne, Acting 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) and Secretary of Labor's Order No. 3-2000 (65 FR 50017).

Signed at Washington, DC on May 1st, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary of Labor.*

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## NUCLEAR REGULATORY COMMISSION

[50-305]

### Nuclear Management Company, LLC; Kewaunee Nuclear Power Plant; Exemption

#### 1.0 Background

Nuclear Management Company, LLC (the licensee) is the holder of Facility Operating License No. DPR-43, which authorizes operation of the Kewaunee Nuclear Power Plant (KNPP). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor located on the licensee's KNPP site in Kewaunee County, Wisconsin.

#### 2.0 Request

By letter dated June 7, 1999, as supplemented February 4, September 26, December 18, 2000, and March 12, 2001, Wisconsin Public Service Corporation (WPSC) proposed three exemptions and a license amendment which affect the licensing basis of the KNPP reactor pressure vessel (RPV). Subsequently, WPSC was succeeded by Nuclear Management Company, LLC (NMC), as the licensed operator of the KNPP. By letter dated October 5, 2000, NMC (the licensee) requested the Nuclear Regulatory Commission (NRC) staff continue to process and disposition licensing actions previously docketed and requested by WPSC. By letter dated December 18, 2000, the licensee withdrew the license amendment.

The three exemptions requested by the licensee address portions of the

following regulations: (1) Appendix G to 10 CFR Part 50, which sets forth fracture toughness requirements for ferritic materials of the reactor coolant pressure boundary of light water nuclear power reactors to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime; (2) 10 CFR 50.61, which sets forth fracture toughness requirements for protection against pressurized thermal shock (PTS) events; and (3) Appendix H to 10 CFR Part 50, which requires the establishment of a RPV material surveillance program.

The licensee requested an exemption from Appendix G to 10 CFR Part 50 to replace the required use of the existing Charpy V-notch and drop weight-based methodology and allow the use an alternate methodology to incorporate the use of fracture toughness test data for evaluating the integrity of the KNPP RPV circumferential beltline weld based on the use of the 1997 Edition of American Society for Testing and Materials (ASTM) Standard Test Method E 1921 (E 1921-97) and American Society for Mechanical Engineering (ASME) Code Case N-629. The exemption is required since Appendix G to 10 CFR Part 50, through reference to Appendix G to Section XI of the ASME Code pursuant to 10 CFR 50.55(a), requires the use of a methodology based on Charpy V-notch and drop weight data.

The licensee requested an exemption from 10 CFR 50.61 to use an alternate methodology to allow the use of fracture toughness test data for evaluating the integrity of the KNPP RPV circumferential beltline weld based on the use of the 1997 Edition of ASTM E 1921-97 and ASME Code Case N-629. The exemption is required since the methodology for evaluating RPV material fracture toughness in 10 CFR 50.61 requires the use of the Charpy V-notch and drop weight data for establishing the PTS reference temperature (RT<sub>PTS</sub>).

The licensee requested an exemption from Appendix H to 10 CFR Part 50 to modify the basis for the KNPP RPV surveillance program to allow the acquisition and use of fracture toughness data instead of the Charpy V-notch impact testing required by Appendix H to 10 CFR Part 50. The exemption is required since Appendix H to 10 CFR Part 50 does not address the testing of surveillance specimens for

direct measurement of fracture toughness.

#### 3.0 Discussion

10 CFR 50.12(a)(2)(ii) enables the Commission to grant exemptions from the requirements of Part 50 when special circumstances are present such that application of the regulation in the particular circumstances would not serve the underlying purpose of the rule, or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of Appendix G to 10 CFR Part 50 is to set forth fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of light water nuclear power reactors to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime.

The methodology underlying the requirements of Appendix G to 10 CFR Part 50 is based on the use of Charpy V-notch and drop weight data. The licensee proposes to replace the use of the existing Charpy V-notch and drop weight-based methodology by a fracture toughness-based methodology to demonstrate compliance with Appendix G to 10 CFR Part 50. The NRC staff has concluded that the exemption is justified based on the licensee utilizing the fracture toughness methodology specified in Appendix A of the NRC staff safety evaluation (SE), dated May 1, 2001. The use of the methodology specified in Appendix A of the NRC staff SE will ensure that P-T limits developed for the KNPP RPV will continue to be based on an adequately conservative estimate of RPV material properties and ensure that the pressure-retaining components of the reactor coolant pressure boundary retain adequate margins of safety during any condition of normal operation, including anticipated operational occurrences. Also, when additional fracture toughness data relevant to the evaluation of the KNPP RPV circumferential weld is acquired as part of the KNPP surveillance program, this data must be incorporated into the evaluation of the KNPP RPV using the methodology of Appendix A of the NRC staff SE. With these conditions, which were agreed to by licensee letter, dated March 12, 2001, the licensee's requested exemption from the use of the Charpy V-notch and drop weight-based methodology required by Appendix G to 10 CFR Part 50 may be granted in accordance with 10 CFR 50.12(ii) in that