

Jr., Director, Division of Policy, Planning and Program Development, OFCCP, Room C-3325, 200 Constitution Avenue, NW., Washington, DC 20210. Receipt of submissions will not be acknowledged, except that the sender may request confirmation of receipt by calling OFCCP at (202) 693-0102 (voice), or (202) 693-1308 (TTY).

**FOR FURTHER INFORMATION CONTACT:** Joseph DuBray, Jr., Director, Division of Policy, Planning and Program Development, OFCCP, Room C-3325, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 693-0102 (voice), or (202) 693-1308 (TTY). Copies of this notice in alternative formats may be obtained by calling (202) 693-0102 (voice), or (202) 693-1308 (TTY). The alternative formats available are large print, electronic file on computer disk, and audiotape. The Notice is available on the Internet at <http://www.dol.gov/esa>.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of November 16, 2004 (69 FR 67246), the Department published a Notice entitled, "Interpreting Nondiscrimination Requirements of Executive Order 11246 With Respect to Systemic Compensation Discrimination." Interested persons were invited to submit comments on or before December 16, 2004. Because several interested parties requested additional time to develop comments, and in light of the intervening Thanksgiving holiday, the Department has decided to extend the comment period until January 19, 2005.

Signed at Washington, DC this 8th day of December, 2004.

**Victoria A. Lipnic,**

*Assistant Secretary for the Employment Standards Administration.*

**Charles E. James, Sr.,**

*Deputy Assistant Secretary for Federal Contract Compliance.*

[FR Doc. 04-27288 Filed 12-13-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Office of Federal Contract Compliance Programs

#### Guidelines for Self-Evaluation of Compensation Practices for Compliance With Nondiscrimination Requirements of Executive Order 11246 With Respect to Systemic Compensation Discrimination; Extension of Comment Period

**AGENCY:** Office of Federal Contract Compliance Programs, Employment

Standards Administration, Department of Labor.

**ACTION:** Notice of proposed guidelines for self-evaluation of compensation practices for compliance with Executive Order 11246 with respect to systemic compensation discrimination; extension of comment period.

**SUMMARY:** This document extends the period for comments on the Notice published on November 16, 2004 (69 FR 67252), regarding proposed guidelines for self-evaluation of compensation practices for compliance with Executive Order 11246 with respect to systemic compensation discrimination. The comment period, which was to expire on December 16, 2004, is extended to January 19, 2005.

**DATES:** Comments on the Notice published on November 16, 2004 (69 FR 67252) must be submitted by the following dates: Hard copy: your comments must be postmarked by January 19, 2005; facsimile: your comments must be sent by January 19, 2005; electronic mail: your comments must be sent by January 19, 2005.

**ADDRESSES:** Comments should be submitted to Joseph DuBray, Jr., Director, Division of Policy, Planning and Program Development, OFCCP. Electronic mail is the preferred method for submittal of comments. Comments by electronic mail must be clearly identified as pertaining to the notice of guidelines for self-evaluation of compensation practices for compliance with nondiscrimination requirements of Executive Order 11246 with respect to systemic compensation discrimination, and sent to [ofccp-public@dol.gov](mailto:ofccp-public@dol.gov). As a convenience to commenters, public comments transmitted by facsimile (FAX) machine will be accepted. The telephone number of the FAX receiver is (202) 693-1304. To assure access to the FAX equipment, only public comments of six or fewer pages will be accepted via FAX transmittal. Where necessary, hard copies of comments, clearly identified as pertaining to the notice of guidelines for self-evaluation of compensation practices for compliance with nondiscrimination requirements of Executive Order 11246 with respect to systemic compensation discrimination, may also be delivered to Joseph DuBray, Jr., Director, Division of Policy, Planning and Program Development, OFCCP, Room C-3325, 200 Constitution Avenue, NW., Washington, DC 20210. Receipt of submissions will not be acknowledged, except that the sender may request confirmation of receipt by calling

OFCCP at (202) 693-0102 (voice), or (202) 693-1308 (TTY).

**FOR FURTHER INFORMATION CONTACT:** Joseph DuBray, Jr., Director, Division of Policy, Planning and Program Development, OFCCP, Room C-3325, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 693-0102 (voice), or (202) 693-1308 (TTY). Copies of this notice in alternative formats may be obtained by calling (202) 693-0102 (voice), or (202) 693-1308 (TTY). The alternative formats available are large print, electronic file on computer disk, and audiotape. The Notice is available on the Internet at <http://www.dol.gov/esa>.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of November 16, 2004 (69 FR 67252), the Department published a Notice entitled, "Guidelines for Self-Evaluation of Compensation Practices for Compliance With Nondiscrimination Requirements of Executive Order 11246 With Respect to Systemic Compensation Discrimination." Interested persons were invited to submit comments on or before December 16, 2004. Because several interested parties requested additional time to develop comments, and in light of the intervening Thanksgiving holiday, the Department has decided to extend the comment period until January 19, 2005.

Signed at Washington, DC this 8th day of December, 2004.

**Victoria A. Lipnic,**

*Assistant Secretary for the Employment Standards Administration.*

**Charles E. James, Sr.,**

*Deputy Assistant Secretary for Federal Contract Compliance.*

[FR Doc. 04-27289 Filed 12-13-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR-1218-0067/(2005)]

#### Underground Construction Standard; 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:** Request for comment.

**SUMMARY:** OSHA solicits comments concerning its proposal to extend OMB approval of the Information Collection Requirements contained in the Underground Construction Standard (29

CFR part 1926.800). This standard contains information collection requirements for posting warning signs and notices, certifying inspection records for hoists, and developing and maintaining records for air-quality tests.

**DATES:** Comments must be submitted by the following dates:

*Hard copy:* Your comments must be submitted (postmarked or received) by February 14, 2005.

*Facsimile and electronic transmissions:* Your comments must be received by February 14, 2005.

**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218+0067(2005), by any of the following methods:

*Regular mail, express delivery, hand delivery and messenger service:* Submit your comments and attachments to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone 9202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and Department of Labor hours at 8:15 a.m. to 4:45 p.m., ET.

*Facsimile:* If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Electronic:* You may submit comments through the Internet at <http://ecommments.osha.gov>. Follow instructions on the OSHA Web page for submitting comments.

*Docket:* For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR) (containing the Supporting Statement, OMB 83-I Form, and attachments), go to OSHA's Web page at <http://www.OSHA.gov>. Comments, submissions, and the ICR are available for inspection and copying at the OSHA Docket Office at the address above. You may also contact Todd Owen at the address below to obtain a copy of the ICR.

(For additional information on submitting comments, please see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section of the document.)

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

**SUPPLEMENTARY INFORMATION:**

### 1. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments and supporting materials in response to this notice by (1) hard copy, (2) fax transmission (facsimile), or (3) electronically through the OSHA Web page. Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions posted on OSHA's Web page are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance using the Web page to locate docket submissions.

Electronic copies of this **Federal Register** notice as well as other relevant documents are available on OSHA's Web page.

### II. 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 accurate. The Occupational Safety and Health Act of 1970 (the 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).

*Posting warning signs or notices.* Seven paragraphs in the Underground Construction Standard ("the Standard") require employers to post warning signs or notices during underground construction; these paragraphs are (b)(3), (i)(3), (j)(1)(vi)(A), (m)(2)(ii),

(o)(2), (q)(11), and (t)(1)(iv)(B). The warning signs and notices required by these paragraphs enable employers to effectively alert employees to the presence of hazards or potential hazards at the job site, thereby preventing employee exposure to hazards or potential hazards associated with underground construction that could cause death or serious harm.

*Certification inspection records for hoist.* Paragraph (t)(i)(xxi) of the Standard requires employers to inspect and load test hoists when they install them, and at least annually thereafter; they must also inspect and load test a hoist after making any repairs or alterations to it that affect its structural integrity, and after tripping a safety device on the hoist. Employers must also prepare a certification record of each inspection and load test that includes specified information, and maintain the most recent certification record until they complete the construction project.

Establishing and maintaining a written record of the most recent inspection and load test alerts equipment mechanics to problems identified during the inspection. Prior to returning the equipment to service, employers can review the records to ensure that the mechanics performed the necessary repairs and maintenance. Accordingly, by using only equipment that is in safe working order, employers will prevent severe injury and death to the equipment operators and other employees who work near the equipment. In addition, these records provide the most efficient means for OSHA compliance officers to determine that an employer performed the required inspections and load tests, thereby assuring that the equipment is safe to operate.

*Developing and maintaining records for air-quality tests.* Paragraph (j)(3) of the Standard mandates that employers develop records for air-quality tests performed under paragraph (j), including air-quality tests required by paragraphs (j)(1)(ii)(A) through (j)(1)(iii)(A), (j)(1)(iii)(B), (j)(1)(iii)(C), (j)(1)(iii)(D), (j)(1)(iv), (j)(1)(v)(A), (j)(1)(v)(B), and (j)(2)(i) through (j)(2)(v). Paragraph (j) also requires that air-quality records include specified information, and that employers maintain the records until the underground-construction project is complete; they must also make the records available to OSHA compliance officers on request.

Maintaining records of air-quality tests allow employers to document atmospheric hazards, and to ascertain the effectiveness of controls (especially

ventilation) and implement additional controls if necessary. Accordingly, these requirements prevent serious injury and death to employees who work on underground-construction projects. In addition, these records provide an efficient means for employees to evaluate the accuracy and effectiveness of an employer's exposure-reduction program, and for OSHA compliance officers to determine that employers performed the required tests and implemented appropriate controls.

### III. 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 cost) 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 of employers who must comply; for example, by using automated or other technological information-collection and transmission techniques.

### IV. Proposed Actions

OSHA is proposing to extend the information collection requirements in the Underground Construction Standard (29 CFR part 1926.800). The Agency 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 contained in the Standard.

*Type of Review:* Extension of currently approved information collection requirements.

*Title:* Underground Construction (29 CFR part 1926.800).

*OMB Number:* 1218-0067.

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

*Number of Respondents:* 323.

*Frequency of Response:* Varies from recording air-quality tests twice per shift to posting a warning sign or notice once every two years.

*Average Time per Response:* Varies from 30 seconds to read and record air-quality test results to one hour to inspect, load test, and complete and maintain a certification record for a hoist.

*Estimated Total Burden Hours:* 57,464.

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

### V. Authority and Signature

John L. Henshaw, 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).

Dated: Signed at Washington, DC on December 7, 2004.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 04-27352 Filed 12-13-04; 8:45 am]

**BILLING CODE 4510-26-M**

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## NATIONAL LABOR RELATIONS BOARD

[53 FR 10305]

### Merger of Regional Offices

**AGENCY:** National Labor Relations Board.

**ACTION:** Final notice.

Notice of change in status of the Milwaukee Regional Office to Subregional Office (Subregion 30) of the Minneapolis Regional Office and transfer of supervision over the Des Moines Resident Office from the Minneapolis Regional Office to the Kansas City Regional Office.

**SUMMARY:** The National Labor Relations Board is reorganizing the structure of its office in Milwaukee, Wisconsin to restructure it from a Regional Office to a subregion of the Minneapolis Regional Office. As part of this reorganization, the supervision of the Des Moines Resident Office will be transferred from the Minneapolis Regional Office to the Kansas City Regional Office. The National Labor Relations Board is revising its Statement of Organization and Functions accordingly.

**SUPPLEMENTARY INFORMATION:** The National Labor Relations Board has decided to restructure the status of the Agency's Milwaukee office from a Regional Office to a Subregion of the Minneapolis Regional Office and to transfer supervision of the Des Moines Resident Office from the Minneapolis Regional Office to the Kansas City Regional Office. These change are prompted by a decline in unfair labor practice and representation case filings in the Minneapolis and Milwaukee offices and a desire to equalize caseload and case management responsibilities in the three contiguous NLRB regions.

Twenty-four comments were received in response to the notice of proposed merger published in the **Federal Register** on June 2, 2004. Those comments exclusively addressed the merger of Region 18 (Minneapolis) and Region 30 (Milwaukee). Each of the comments opposed the action proposed. The reasons advanced by the comments can be summarized as follows:

1. Access by Wisconsin practitioners to the Regional Director deciding their cases will be impeded and representatives will lose their ability to advocate directly to the Regional Director.

2. The addition of Milwaukee's caseload to Region 18 will create overload and slow down case decisions.

3. Combining the offices to save the cost of a Regional Director salary is not sufficient to justify the change and will be offset by such costs as travel between the offices and transportation of files.

4. Insofar as the proposal is based upon a decline in case intake in Region 30, that decline is transient and case intake will increase in the future.

5. Having a smaller office absorb a larger office seems justified only because the Milwaukee Regional Director position is currently vacant, not a logical rationale for a decision to reorganize.

6. There are other small offices (Regions 11 (Winston-Salem), 15 (New Orleans) and 34 (Hartford)) that are not being consolidated.

7. The merger will have a deleterious effect on promotional opportunities and the morale and retention of Milwaukee employees.

The comments received were carefully considered. The Board (Chairman Robert J. Battista and Members Peter C. Schaumber and Ronald Meisburg; Members Liebman and Walsh dissenting) has approved the merger and restructuring set forth in the proposed notice of merger. The Board majority has confidence that the concerns raised by the comments will be addressed productively and successfully by the staffs of the Minneapolis and Milwaukee offices with the cooperation of the management-labor bar and the labor-relations communities in the State of Wisconsin. The Board majority also noted that similar concerns have been successfully addressed in other prior restructuring efforts; advances in technology have made communication far easier and will allow the Regional Director in Minneapolis to establish and maintain close relations with the Milwaukee Office and stakeholders of the Agency in Wisconsin; that the increased size of the case intake of the