

- 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 submission of responses.

AGENCY: Occupational Safety and Health Administration.

Type of Review: Extension of currently approved collection.

Title: Occupational Safety and Health State Plan Information.

OMB Number: 1218-0247.

Frequency: On occasion; Quarterly; and Annually.

Type of Response: Reporting.

Affected Public: State, Local, or Tribal Government.

Number of Respondents: 27.

Number of Annual Responses: 1,240.

Estimated Time Per Response: Varies from one hour to respond to an information survey to 80 hours to document State annual performance goals.

Total Burden Hours: 10,522.

Total Annualized capital/startup costs: \$0.

Total Annual Costs (operating/maintaining systems or purchasing services): \$0.

Description: Section 18 of the Occupational Safety and Health Act of 1970 (the Act) encourages the States to assume responsibility for the development and enforcement of State occupational safety and health standards through the vehicle of an approved State plan. Absent a plan approved by the Occupational Safety and Health Administration (OSHA), States are preempted from asserting jurisdiction over any occupational safety and health issue with respect to which a Federal standard has been promulgated. Section 18 establishes the basic criteria for State plan approval; provides for the exercise of concurrent Federal enforcement jurisdiction after initial plan approval until such time as the State has demonstrated that it is meeting the approval criteria in actual operation (final State Plan approval), at which point Federal enforcement jurisdiction may be relinquished; provides that State standards and enforcement must be, and continue to be, "at least as effective" as the Federal program including any changes thereto; and requires OSHA to make a continuing evaluation of the manner in which the State is implementing its program and to take action to withdraw

plan approval should there be a failure to substantially comply with any provision of the State plan.

OSHA promulgated a series of regulations between 1970 and 1977 implementing the provisions of section 18 of the Act. 29 CFR 1953 was revised in 2002.

- 29 CFR part 1902, State Plans for the Development and Enforcement of State Standards.

- 29 CFR part 1952, Approved State Plans for Enforcement of State Standards.

- 29 CFR part 1953, Changes to State Plans.

- 29 CFR part 1954, Procedures for the Evaluation and Monitoring of Approved State Plans.

- 29 CFR part 1955, Procedures for Withdrawal of Approval of State Plans.

- 29 CFR part 1956, State Plans for the Development and Enforcement of State Standards Applicable to State and Local Government Employees in States without Approved Private Employee Plans.

The requirements for State submissions on the structure and performance of their OSHA-approved State Plan, as established by the various State Plan regulations, are necessary to provide OSHA with sufficient information to assure that the State plan provides a program of standards and enforcement and voluntary compliance to employers and employees in that State that is "at least as effective" as the Federal OSHA program and thus warrants continued Federal approval and funding.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. E5-6824 Filed 12-2-05; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Summary of Decisions Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101 of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor (Secretary) may allow the modification of the

application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Final decisions on these petitions are based on the petitioner's statements, comments and information submitted by interested persons, and a field investigation of the conditions at the mine. As designee of the Secretary, we have granted or partially granted the requests for modification listed below. In some instances, the decisions are conditioned upon compliance with stipulations stated in the decision. The term FR Notice appears in the list of affirmative decisions below. The term refers to the **Federal Register** volume and page where we published a notice of the filing of the petition for modification.

FOR FURTHER INFORMATION CONTACT:

Petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations, and Variances, MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. For further information contact Barbara Barron at 202-693-9447.

Dated at Arlington, Virginia, this 27th day of November, 2005.

Rebecca J. Smith,

Acting Director, Office of Standards, Regulations, and Variances.

Affirmative Decisions on Petitions for Modification

Docket No.: M-2005-044-C.

FR Notice: 70 FR 39800.

Petitioner: Andalex Resources, Inc.

Regulation Affected: 30 CFR 75.1100-2(e)(2)

Summary of Findings: The petitioner's proposal is to use two multi-purpose dry chemical portable fire extinguishers with at least a minimum capacity of 10 pounds of dry power at each temporary and permanent electrical installation. This is considered an acceptable alternative method for the Aberdeen Mine (MSHA I.D. No. 42-02028). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher required in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the Aberdeen Mine with conditions.

Docket No.: M-2004-046-C.

FR Notice: 70 FR 42102.

Petitioner: Genwal Resources, Inc.

Regulation Affected: 30 CFR 75.1100-2(e)(2).

Summary of Findings: The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR 75.1100-1(e). This is considered an acceptable alternative method for the Crandall Canyon Mine MSHA I.D. No. 42-01715). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the Crandall Canyon Mine with conditions.

Docket No.: M-2005-047-C.

FR Notice: 70 FR 42102.

Petitioner: West Ridge Resources, Inc.

Regulation Affected: 30 CFR 75.1100-2(e)(2).

Summary of Findings: The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR 75.1100-1(e). This is considered an acceptable alternative method for the West Ridge Mine (MSHA I.D. No. 42-02233). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the West Ridge Mine with conditions.

Docket No.: M-2005-048-C.

FR Notice: 70 FR 42102.

Petitioner: Genwal Resources, Inc.

Regulation Affected: 30 CFR 75.1100-2(e)(2).

Summary of Findings: The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR

75.1100-1(e). This is considered an acceptable alternative method for the South Crandall Canyon Mine (MSHA I.D. No. 42-02356). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the South Crandall Canyon Mine with conditions.

Docket No.: M-2005-049-C.

FR Notice: 70 FR 42102.

Petitioner: Andalex Resources, Inc.

Regulation Affected: 30 CFR 75.1100-2(e)(2).

Summary of Findings: The petitioner's proposal is to use two portable fire extinguishers, or one extinguisher at each temporary electrical installation with at least twice the minimum capacity for a portable fire extinguisher required in 30 CFR 75.1100-1(e). This is considered an acceptable alternative method for the Pinnacle Mine (MSHA I.D. No. 42-01474). The petition for modification is granted for temporary electrical installations, provided that petitioner maintains two portable fire extinguishers having at least the minimum capacity specified for a portable fire extinguisher in 30 CFR 75.1100-1(e) or one portable fire extinguisher with twice the minimum capacity specified in 30 CFR 75.1100-1(e) at each of the temporary electrical installations at the Pinnacle Mine with conditions.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL1-88]

MET Laboratories, Inc., Expansion of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the Occupational Safety and Health Administration's final decision expanding the recognition of MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

DATES: The expansion of recognition becomes effective on December 5, 2005.

FOR FURTHER INFORMATION CONTACT:

Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3653, Washington, DC 20210, or phone (202) 693-2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of MET Laboratories, Inc., (MET) as a Nationally Recognized Testing Laboratory (NRTL). MET's expansion covers the use of additional test standards. OSHA's current scope of recognition for MET may be found in the following informational Web page: <http://www.osha.gov/dts/otpca/nrtl/met.html>.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products "properly certified"¹ by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL, which details its scope of recognition. These pages can be accessed from our Web site at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

¹ Properly certified means, in part, that the product is labeled or marked with the NRTL's "registered" certification mark (i.e., the mark the NRTL uses for its NRTL work) and that the product certification falls within the scope of recognition of the NRTL.