

environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2011-0184 and Airspace Docket No. 11-ANM-4) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2011-0184 and Airspace Docket No. 11-ANM-4". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Nephi Municipal Airport, Nephi, UT. Controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS) standard instrument approach procedures at the airport, and would enhance the safety and management of aircraft operations.

Class E airspace designations are published in paragraph 6005, of FAA Order 7400.9U, dated August 18, 2010, and effective September 15, 2010, which is incorporated by reference in 14 CFR part 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes additional controlled airspace at Nephi Municipal Airport, Nephi, UT.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

#### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9U, Airspace Designations and Reporting Points, dated August 18, 2010, and effective September 15, 2010 is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### ANM UT E5 Nephi, UT [New]

Nephi Municipal Airport, Nephi, UT  
(Lat. 39°44'12" N., long. 111°52'12" W.)

That airspace extending from 700 feet above the surface within a 9.7-mile radius of the Nephi Municipal Airport; that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at lat. 40°03'00" N., long. 112°19'00" W.; lat. 39°56'00" N., long. 111°23'00" W.; lat. 39°23'00" N., long. 111°27'00" W.; lat. 39°29'00" N., long. 112°21'00" W.; lat. 39°49'00" N., long. 112°23'00" W.; thence to the point of beginning.

Issued in Seattle, Washington, on May 10, 2011.

**John Warner,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2011-11998 Filed 5-16-11; 8:45 am]

**BILLING CODE 4910-13-P**

#### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Part 1904

[Docket No. OSHA-2009-0044]

RIN 1218-AC45

#### Occupational Injury and Illness Recording and Reporting Requirements

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

**ACTION:** Notice of limited reopening of rulemaking record.

**SUMMARY:** OSHA is reopening the rulemaking record to allow interested persons, particularly small businesses, to comment on the information gathered and on issues raised during the small business teleconferences that the Agency and the Small Business Administration's Office of Advocacy (SBA Office of Advocacy) co-sponsored on April 11–12, 2011. The purpose of the teleconferences was to gather information from small businesses about their experiences recording work-related musculoskeletal disorders (MSDs) and how they believe they would be impacted by OSHA's proposed rule to revise its Recordkeeping regulations to restore a column on the OSHA 300 Log that employers would have to check if a case they already are required to record is an MSD. The record will remain open for 30 days for comment on these limited issues.

**DATES:** Comments must be submitted (postmarked, sent, received) by June 16, 2011.

**ADDRESSES:** You may submit comments using one of the following methods:

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

*Fax:* If your comments, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648; or

*Mail, hand delivery, express mail, messenger or courier:* You may submit your comments and attachments to the OSHA Docket Office, Docket Number OSHA–2009–0044, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2525 (TTY number (887) 889–5627). Deliveries (hand, express mail, messenger, courier) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., e.t.

*Instructions:* All submissions must include the docket number (Docket No. OSHA–2009–0044) or RIN number (RIN No. 1218–AC45) for this rulemaking. Because of security-related procedures, submitting comments by regular mail may result in significant delay. Please contact the OSHA Docket Office for information about security procedures for submitting comments by hand delivery, express delivery, messenger or courier service.

OSHA places all comments, including any personal information you provide,

in the public docket without change and the comments may be made available online at <http://www.regulations.gov>. Therefore, OSHA cautions you about submitting personal information such as social security numbers and birthdates. For further information on submitting comments, see the “Public Participation” heading in the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Diana Petterson, Office of Public Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1898; e-mail [petterson.diana@dol.gov](mailto:petterson.diana@dol.gov).

*For general and technical information:* Dorothy Dougherty, Director, OSHA, Directorate of Standards and Guidance, Room N–3718, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1950.

**SUPPLEMENTARY INFORMATION:**

**References and Exhibits**

This notice references documents in the public docket of this rulemaking (Docket No. OSHA–2009–0044). They are available on the Internet at <http://www.regulations.gov>, the Federal eRulemaking Portal. The referenced documents are identified as “Ex.” followed by the document number. The document number is the last sequence of numbers in the Document ID Number on <http://www.regulations.gov>. For example, the proposed rule, which is Document ID Number OSHA–2009–0044–0001 at <http://www.regulations.gov>, is Ex. 1.

**Background**

On January 29, 2010, OSHA proposed to revise its Occupational Injury and Illness Recording and Reporting (Recordkeeping) regulation to restore a column to the OSHA 300 Log that employers would have to check if a case they already are required to record under the existing Recordkeeping rule is an MSD (Ex. 1; 75 FR 4728 (1/29/2010)). The proposed rule would not change the existing Recordkeeping requirements about when and under what circumstances employers must record work-related injuries and illnesses. Under the existing Recordkeeping rule (66 FR 5916 (1/19/2001)) employers already must determine whether a case is recordable; that is, whether the case meets the definition of “injury or illness,” is a new case, is work-related, and meets at least one of the recording criteria (e.g., involves days away from work, restricted work, or medical

treatment beyond first aid). The only additional requirement the proposed rule would impose is for employers to mark the MSD column box on the OSHA 300 Log if a case they have already recorded meets the definition of an MSD. The proposed rule would define an MSD, for recordkeeping purposes only, as a disorder of the muscles, nerves, tendons, ligaments, joints, cartilage or spinal discs that was not caused by a slip, trip, fall, motor vehicle accident or similar accident (Proposed § 1904.12(b)(1); Ex. 1; 75 FR 4740).

OSHA's revised 2001 Recordkeeping rule included an MSD column, but that provision never became effective and was deleted in 2003 (68 FR 38601 (6/30/2003)). In proposing to restore the MSD column, OSHA explained:

After further consideration and analysis, OSHA believes that the MSD column would provide valuable information for maintaining complete and accurate national occupational injury and illness statistics; assist OSHA in targeting its inspection, outreach, guidance, and enforcement efforts to address MSDs; and provide easily identifiable information at the establishment level that will be useful for both employers and employees (75 FR 4731).

In the proposed rule, OSHA estimated that 1.505 million recordable MSDs were expected to occur annually among the 1.542 million affected establishments. Therefore, the economic impact of the proposed rule on any affected establishment would be quite small (75 FR 4737). OSHA estimated the annualized costs of the proposed rule would be \$1.379 million per year for all affected establishments combined (\$4 per establishment the first year and 67 cents in future years). The costs represent the time that establishments would need to become familiar with the rule (5 minutes per establishment the first year) and to determine if the recordable case meets the MSD definition and check the MSD column (1 minute per MSD annually).

OSHA provided 60 days for stakeholders to submit comments on the proposed rule (75 FR 10738 (3/9/2010)), consistent with Executive Orders 12866 and 13563 (58 FR 51735; 76 FR 3821). OSHA also held a public meeting on March 9, 2010, to allow stakeholders to make oral presentations and question the Agency about the proposed rule. The transcript of the public meeting is in the public docket of this rulemaking (Ex. 56).

See the notice of proposed rulemaking (OSHA–2009–0044–0001) for additional information on the events leading to this rulemaking and the history of the 2001 Recordkeeping rulemaking as well as a detailed explanation of the proposed

MSD column provision, OSHA's reasons for proposing to restore the MSD column and the estimated economic impacts (Ex. 1; 75 FR 4728).

### Small Business Teleconferences

On January 25, 2011, OSHA announced that the Agency had decided to seek additional input from small businesses on the impact of the proposal through outreach in partnership with the SBA Office of Advocacy and, therefore, was temporarily withdrawing the proposed rule from review by the Office of Management and Budget. On March 23, 2011, OSHA announced that, together with the SBA Office of Advocacy, the Agency would hold three teleconferences on April 11–12, 2011 to reach out to small businesses. The purpose of the teleconferences was to gather information from small businesses about their current recordkeeping practices, including their experiences recording work-related MSDs, and the impact they believe the proposal would have on them. OSHA also provided the following information about the teleconferences:

- OSHA and the SBA Office of Advocacy would select the small business participants for the teleconferences;
- The public would be invited to listen to the teleconferences, but only selected small businesses could participate;
- In advance of the teleconferences, OSHA would provide participants with background information on the proposed rule and a list of questions and issues for discussion;
- The teleconferences would not be electronically recorded or transcribed;
- OSHA staff would take notes during the teleconferences and prepare a summary report that would not identify the source of specific comments;
- Small business participants also could send written comments following the teleconferences; and
- After the teleconferences, OSHA would reopen the rulemaking record for the limited purpose of allowing interested persons, particularly small business, to comment on the teleconferences and the issues raised by the participants (Summary of Comments from the Small Business Teleconferences on OSHA's Proposed Rule on MSD Recordkeeping Requirements, Ex. 0139).

Sixteen small businesses, with employment ranging from about 10 to more than 400 employees, participated in the three teleconferences (Summary of Comments from the Small Business Teleconferences on OSHA's Proposed Rule on MSD Recordkeeping

Requirements, Appendix A, Ex. 0139). In addition, dozens of interested persons listened to the teleconferences in person or by telephone.

OSHA has prepared a summary of the participants' comments during the teleconferences and has placed the summary in the public docket for this rulemaking (Summary of Comments from the Small Business Teleconferences on OSHA's Proposed Rule on MSD Recordkeeping Requirements, Ex. 0139). The document summarizes the topics the participants discussed, including their current recordkeeping practices, how they determine the work-relatedness of MSDs, how the participants believe the proposed rule would change their recordkeeping practices, benefits of the proposed rule, and other issues the participants raised. The summary document also includes the list of teleconference participants (Summary of Comments from the Small Business Teleconferences on OSHA's Proposed Rule on MSD Recordkeeping Requirements Appendix A, Ex. 0139) and the background materials and list of discussion issues that OSHA provided to the small business participants (Summary of Comments from the Small Business Teleconferences on OSHA's Proposed Rule on MSD Recordkeeping Requirements, Appendix B, Ex. 0139). The background materials contain information on the proposed and existing recordkeeping requirements, the need for the proposed rule, updated cost estimates of the proposed rule and economic impacts on small businesses, and OSHA's existing recordkeeping forms. Interested persons may read and download the summary and appendices at Docket Number OSHA–2009–0044 at <http://www.regulations.gov>. The summary and appendices also are available on OSHA's Web page at <http://www.osha.gov>.

### Public Participation

OSHA invites comment, particularly from small businesses, on the small business teleconferences by the participants. Interested persons must submit comments by June 16, 2011.

You may submit comments and attachments by one of the following methods: (1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by fax; or (3) by hard copy. All submissions must identify the Agency name and the OSHA docket number (Docket No. OSHA–2009–0044) or RIN number (RIN No. 1218–AC45) for this rulemaking. You may supplement electronic comments by uploading attachments electronically. If, instead, you wish to

submit a hard copy of the attachments, you must submit those materials to the OSHA Docket Office (see **ADDRESSES** section). The additional materials must clearly identify your electronic comments by name, date, and docket number, so OSHA can attach them to your submission.

Because of security-related procedures, the use of regular mail may cause a significant delay in the receipt of submissions. 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).

### Access to Docket

Comments in response to this **Federal Register** notice are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions individuals about submitting personal information such as social security numbers and birthdates. Exhibits referenced in this **Federal Register** notice also are posted at <http://www.regulations.gov>. Although all rulemaking documents are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through that Web page. All comments and exhibits, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information about using <http://www.regulations.gov> to submit comments and access the rulemaking docket is available on that Web page. Contact the OSHA Docket Office for information about materials not available through that Web page and for assistance in using the Internet to locate docket documents in the rulemaking docket.

Electronic copies of this **Federal Register** notice and the proposed rule are available at <http://www.regulations.gov>. This notice, the summary of the small business teleconferences, the proposed rule, news releases and other relevant information also are available at OSHA's Web page at <http://www.osha.gov>. For specific information about OSHA's Recordkeeping rule, go the Recordkeeping page on OSHA's Web page.

OSHA will carefully review and evaluate the comments, information, and data received in during this limited reopening as well as all other information in the rulemaking record, to determine how to proceed.

## Authority and Signature

This document was prepared under the direction of David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under Sections 8 and 24 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 673), the Administrative Procedures Act (5 U.S.C. 553), and Secretary of Labor's Order No. 4-2010 (75 FR 55355 (9/10/2010)).

Signed at Washington, DC, on May 11, 2011.

### David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2011-11965 Filed 5-16-11; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket No. USCG-2010-1016]

RIN 1625-AA00

#### Safety Zone: Ohio River Mile 355.5 to 356.5 Portsmouth, OH

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a safety zone in the Ohio Valley Captain of the Port Zone on the Ohio River in Portsmouth, OH. This safety zone is proposed to begin at mile 355.5 and end at mile 356.5, extending the entire width of the river. This Safety Zone is intended to protect persons and vessels from the potential safety hazards associated with the Civic Forum Fireworks Display, which occurs annually. This safety zone is proposed to become a permanent final rule.

**DATES:** Comments and related material must be received by the Coast Guard on or before June 16, 2011.

**ADDRESSES:** You may submit comments identified by docket number USCG-2010-1016 using any one of the following methods:

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except

Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or e-mail Petty Officer Marcell Rogoza, Marine Safety Unit Huntington Coast Guard; telephone 304-733-0198 extension 2137, e-mail

[Marcelli.A.Rogoza@uscg.mil](mailto:Marcelli.A.Rogoza@uscg.mil). If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

#### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include any personal information you have provided.

#### Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG-2010-1016), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via <http://www.regulations.gov>) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via <http://www.regulations.gov>, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG-2010-1016" in the "Keyword"

box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

#### Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG-2010-1016" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

#### Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

#### Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before March 27, 2011 using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Petty Officer Marcell Rogoza at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.