

procedures and making these procedures accessible to workers; reviewing operating procedures as often as necessary and certifying the procedures annually; developing and implementing safe work practices; preparing training records; informing contract employers of known hazards and applicable provisions of the emergency action plan; maintaining a contract worker injury and illness log; establishing written procedures to maintain the integrity of and documenting inspections and tests of process equipment; providing information on permits issued for hot work operations; establishing and implementing written procedures to manage changes; preparing reports at the conclusion of incident investigations, documenting resolutions and corrective measures, and reviewing the reports with affected personnel; establishing and implementing an emergency action plan; developing a compliance audit report and certifying compliance; and disclosing information necessary to comply with the Standard to persons responsible for compiling process safety information.

## 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 requesting an adjustment increase in burden hours from 4,795,505 hours to 4,862,147 hours (a total increase of 66,642 hours). Although the number of estimated establishments and employees covered by the Standard decreased based on updated data, the estimated number of new and existing PSM processes increased, resulting in a burden hour increase.

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

*Title:* The Standard on Process Safety Management of Highly Hazardous Chemicals (29 CFR 1910.119).

*OMB Number:* 1218-0200.

*Affected Public:* Business or other for-profits; Federal Government; State, Local or Tribal Government.

*Number of Respondents:* 7,642.

*Frequency of Response:* On occasion; Annually.

*Total Responses:* 745,316.

*Average Time per Response:* Varies from three minutes to generate and maintain training records to 2,454 hours to establish and implement a management-of-change program.

*Estimated Total Burden Hours:* 4,862,147.

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

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

You may submit comments in response to this document as follows:

(1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2012-0039). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

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

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit

comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site and for assistance in using the Internet to locate docket submissions.

## V. Authority and Signature

David Michaels, Ph.D., MPH, 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. 1-2012 (77 FR 3912).

Signed at Washington, DC, on November 1, 2012.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2012-27043 Filed 11-5-12; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2012-0011]

#### Advisory Committee on Construction Safety and Health (ACCSH)

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

**ACTION:** Announcement of ACCSH and ACCSH Work Group meetings and renewal of the ACCSH Charter.

**SUMMARY:** ACCSH will meet November 29-30, 2012, in Washington, DC. In conjunction with the ACCSH meeting, ACCSH Work Groups will meet November 27-28, 2012. OSHA also announces the renewal of the ACCSH Charter for two years.

**DATES:** *ACCSH meeting:* ACCSH will meet from 8 a.m. to 4:15 p.m., Thursday, November 29, 2012, and from 8 a.m. to noon, Friday, November 30, 2012.

*ACCSH Work Group meetings:* ACCSH Work Groups will meet Tuesday and Wednesday, November 27-28, 2012. (For Work Group meeting times, see the "Work Group" schedule in the **SUPPLEMENTARY INFORMATION** section of this notice.)

*Comments, requests to speak, speaker presentations, and requests for special accommodation:* You must submit (postmark, send, transmit) comments, requests to address the ACCSH meeting, speaker presentations (written or electronic), and requests for special accommodations for the ACCSH and ACCSH Work Group meetings by November 16, 2012.

**ADDRESSES:** *ACCSH and ACCSH Work Group meetings:* ACCSH and ACCSH Work Groups will meet in Room N-3437 A-C, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

*Submission of comments, requests to speak, and speaker presentations:* You may submit comments, requests to speak at the ACCSH meeting, and speaker presentations, which you must identify by the docket number for this **Federal Register** notice (Docket No. OSHA-2012-0011), by one of the following methods:

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

*Facsimile (Fax):* If your submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693-1648; or

*Mail, hand delivery, express mail, messenger, or courier service:* You may submit your materials to the OSHA Docket Office, Docket No. OSHA-2012-0011, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2350 (TTY (877) 889-5627). The Department of Labor and OSHA's Docket Office accept deliveries (hand delivery, express mail, messenger or courier service) during normal business hours, 8:15 a.m.-4:45 p.m., e.t., weekdays.

*Requests for special accommodations:* Please submit your request for special accommodations to attend the ACCSH and ACCSH Work Group meetings to Ms. Veneta Chatmon, OSHA, Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999; email [chatmon.veneta@dol.gov](mailto:chatmon.veneta@dol.gov).

*Instructions:* Your submissions must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2012-0011). Due to security-related procedures, submissions by regular mail may experience significant delays. Please contact the OSHA Docket Office for information about security procedures for making submissions. For additional information on submitting comments, requests to speak, and speaker presentations, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OSHA will post comments, requests to speak, and speaker presentations, including any personal information you provide, without change, at <http://www.regulations.gov>. Therefore, OSHA cautions you about submitting personal

information such as Social Security numbers and birthdates.

**FOR FURTHER INFORMATION CONTACT:**

*For press inquiries:* Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999; email [meilinger.francis@dol.gov](mailto:meilinger.francis@dol.gov).

*For general information about ACCSH and ACCSH meetings:* Mr. Damon Bonneau, OSHA Directorate of Construction, Room N-3468, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2020; email [bonneau.damon@dol.gov](mailto:bonneau.damon@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**ACCSH Meeting**

ACCSH will meet November 29-30, 2012, in Washington, DC. The meeting is open to the public.

ACCSH advises the Secretary of Labor (Secretary) and Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions under the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 3701 *et seq.*) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*) (see also 29 CFR 1911.10 and 1912.3).

The tentative agenda for this meeting includes:

- Assistant Secretary's Agency update and remarks;
- Directorate of Construction update on rulemaking projects;
- Discussion on the Request for Information on Reinforced Concrete/Post Tensioning and Backing Operations;
- National Institute for Occupational Safety and Health (NIOSH) update;
- Discussion of on-line training issues;
- Standards Improvement Project (SIP) IV rulemaking update;
- Presentation on OSHA Information System (OIS);
- ACCSH and ACCSH Work Group reports and administration; and
- Public comment period.

OSHA transcribes ACCSH meetings and prepares detailed minutes of meetings. OSHA places the transcript and minutes in the public docket for the meeting. The docket also includes ACCSH Work Group reports, speaker presentations, comments, and other materials submitted to ACCSH.

**Work Group Meetings**

In conjunction with the ACCSH meeting, the following ACCSH Work Groups will meet November 27, 2012:

- Health Hazards, Emerging Issues and Prevention through Design: Noon to 2 p.m.
  - Diversity/Multilingual/Women in Construction: 2:15 to 4:15 p.m.
- The following ACCSH Work Groups will meet November 28, 2012:
- Training and Outreach: 8 to 10 a.m.
  - Injury and Illness Prevention Programs: 10:15 a.m. to 12:15 p.m.
  - Backing Operations: 1:15 to 3:15 p.m.

ACCSH Work Group meetings are open to the public. For additional information on ACCSH Work Group meetings or participating in them, please contact Mr. Bonneau or look on the ACCSH page on OSHA's Web page at <http://www.osha.gov>.

**Public Participation, Submissions, and Access to Public Record**

*ACCSH and ACCSH Work Group meetings:* All ACCSH and ACCSH Work Group meetings are open to the public. Individuals attending meetings at the U.S. Department of Labor must enter the building at the visitors' entrance, 3rd and C Streets NW., and pass through building security. Attendees must have valid government-issued photo identification to enter the building. For additional information about building security measures for attending the ACCSH and ACCSH Work Group meetings, please contact Ms. Chatmon (see **ADDRESSES** section). Please submit your request for special accommodations to attend the ACCSH and ACCSH Work Group meetings to Ms. Chatmon.

*Submission of comments:* You may submit comments using one of the methods in the **ADDRESSES** section. Your submissions must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2012-0011). OSHA will provide copies of submissions to ACCSH members.

Because of security-related procedures, submissions by regular mail may experience significant delays. For information about security procedures for submitting materials by hand delivery, express mail, and messenger or courier service, contact the OSHA Docket Office (see **ADDRESSES** section).

*Requests to speak and speaker presentations:* If you wish to address ACCSH at their meeting you must submit your request to speak, as well as your written or electronic presentation (e.g., PowerPoint), by November 16, 2012, using one of the methods listed in

the **ADDRESSES** section. Your request must state:

- The amount of time requested to speak;
- The interest you represent (e.g., business, organization, affiliation), if any; and
- A brief outline of the presentation. PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2003 and other Microsoft Office 2003 formats.

Alternately, at the ACCSH meeting, you may request to address ACCSH briefly by signing the public-comment request sheet and listing the topic(s) you will address. You also must provide 20 hard copies of any materials, written or electronic, you want to present to ACCSH.

The ACCSH Chair may grant requests to address ACCSH as time and circumstances permit. The Chair will give preference to individuals who submitted speaker requests and presentations by November 16, 2012.

*Public docket of the ACCSH meeting:* OSHA places comments, requests to speak, and speaker presentations, including any personal information you provide, in the public docket of this ACCSH meeting without change, and those documents may be available online at <http://www.regulations.gov>. Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates. OSHA also places the meeting transcript, meeting minutes, documents presented at the ACCSH meeting, Work Group reports, and other documents pertaining to the ACCSH and ACCSH Work Group meetings in the public docket. These documents are available online at <http://www.regulations.gov>.

*Access to the public record of ACCSH and ACCSH Work Group meetings:* To read or download documents in the public docket of these ACCSH and ACCSH Work Group meetings, go to Docket No. OSHA-2012-0011 at <http://www.regulations.gov>. All documents in the public record for these meetings are listed in the <http://www.regulations.gov> index; however, some documents (e.g., copyrighted materials) are not publicly available through that Web page. All documents in the public record, including materials not available through <http://www.regulations.gov>, are available for inspection and copying in the OSHA Docket Office (see **ADDRESSES** section). Please contact the OSHA Docket Office for assistance in making submissions to, or obtaining materials from, the public docket.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as

well as news releases and other relevant information, also are available on the OSHA Web page at <http://www.osha.gov>.

#### **Announcement of ACCSH Charter Renewal**

The Secretary has renewed the ACCSH Charter, which will expire two years from the day the charter is filed.

To read or download a copy of the new ACCSH Charter, go to Docket No. OSHA-2012-0011 at <http://www.regulations.gov>. The Charter also is available on the ACCSH page on OSHA's Web page at <http://www.osha.gov>, and at the OSHA Docket Office (see **ADDRESSES** section). In addition, the Charter may be viewed or downloaded at the FACA database at <http://www.fido.gov>.

#### **Authority and Signature**

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by Section 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), Section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) 40 U.S.C. 3704, 5 U.S.C. App. 2, 29 CFR parts 1911 and 1912, 41 CFR part 102, and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on October 31, 2012.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2012-26980 Filed 11-5-12; 8:45 am]

**BILLING CODE 4510-26-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2012-0265; Dockets No. 50-003, 50-247, and 50-286; License Nos. DPR-5, DPR-26, and DPR-64]**

### **In the Matter of Entergy Nuclear Operations, Inc.; Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC; Indian Point Nuclear Generating, Units 1, 2, and 3; Director's Decision**

#### **I. Introduction**

By electronic transmission dated March 28, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML110890871), Eric T. Schneiderman, Attorney General for the State of New York, the Petitioner, submitted a petition under section 2.206 of Title 10 of the *Code of Federal Regulations* (10

CFR), "Requests for Action under This Subpart," to Mr. R. W. Borchardt, Executive Director for Operations, U.S. Nuclear Regulatory Commission (NRC, or the Commission). The Petitioner requested that the NRC take enforcement action to correct alleged noncompliance with fire protection regulations at Indian Point Nuclear Generating, Units 1, 2, and 3.

#### *Actions Requested*

The Petitioner asked the NRC to take immediate action and issue an Order requiring the following actions regarding Indian Point Nuclear Generating, Units 1, 2, and 3:

- Identify the violations of paragraphs F and G of Section III of Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," to 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," which exist as of the date of the petition (March 28, 2011) at Indian Point Units 1, 2, and 3.
- Compel Entergy Nuclear Operations, Inc. (Entergy, or the licensee), and its affiliates to comply on or before September 20, 2011, with the requirements in paragraphs F and G for all fire zones in Indian Point Units 2 and 3, and any Indian Point Unit 1 fire zone or system, structure, or component that Indian Point Units 2 and 3 rely upon.

- Convene an evidentiary hearing before the Commission to adjudicate the violation of paragraphs F and G at Indian Point Units 1, 2, and 3, by Entergy and its affiliates.

As the basis for the request, the Petitioner stated, in part, the following:

- The Petitioner noted that the NRC's fire safety regulations found in 10 CFR 50.48(b) and Appendix R to 10 CFR Part 50 have been in effect since 1980 and the Indian Point reactors still do not comply with the prescriptive requirements.

- The Petitioner cited the population centers adjacent to the Indian Point facility and the associated consequences of a major fire and radiological release at Indian Point. According to the Petitioner, more than 17 million people live within 50 miles of the Indian Point site, which has the highest surrounding population of any operating reactor site in the country. The Petitioner also notes that Indian Point is located within 5 miles of the New Croton Reservoir in Westchester County, which provides drinking water for New York City.

- The Petitioner noted that Indian Point was built before the NRC or its predecessor, the Atomic Energy Commission, developed siting criteria. The Petitioner questioned if the