

## I. Background

Section 101(a)(7) of the Mine Act requires, in part, that mandatory standards "prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure." MSHA collected evidence from the National Institute for Occupational Safety and Health's (NIOSH) Occupational Health Survey of Mining and other sources indicating that there is chemical exposure occurring in every type of mine, although every miner may not be exposed. We are concerned that miners being exposed to chemicals may not know the hazards of those chemicals or the appropriate precautions to prevent injury or illness caused by exposure to a hazardous chemical.

## II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection requirement related to Hazard Communication (HazCom). MSHA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of MSHA's functions, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address 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), to minimize the burden of the collection of information on those who are to respond.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **ADDRESSES** section of this notice or viewed on the Internet by accessing the MSHA Home page (<http://www.msha.gov>) and then choosing "Statutory and Regulatory Information" and "Federal Register Documents."

## III. Current Actions

The HazCom standard involves third-party information sharing. It requires

mine operators and/or contractors to assess the hazards of chemicals they produce or use and provide information to their miners concerning the chemicals' hazards. The mine operators and/or contractors must develop a written hazard communication program that describes how they will inform miners of chemical hazards and safe handling procedures through miner training, labeling containers of hazardous chemicals, and providing miners access to material safety data sheets (MSDSs). The purpose of the information sharing is to provide miners with the right to know the hazards and identities of the chemicals they are exposed to while working, as well as the measures they can take to protect themselves from these hazards. Through HazCom mine operators and/or contractors also have the necessary information regarding the hazards of chemicals present at their mines, so that work methods are improved or instituted to minimize exposure to these chemicals. HazCom provides miners with access to this information, so that they can take action to protect themselves.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Hazard Communication.

*OMB Number:* 1219-0133.

*Recordkeeping:* 3 years.

*Frequency:* On Occasion.

*Affected Public:* Business or other for profit.

*Cite/Reference/Form/etc:* 30 CFR part 47.

*Total Respondents:* 21,031.

*Total Responses:* 845,370.

*Average Time per Response:* 15 minutes.

*Estimated Total Burden Hours:* 203,438.

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

*Total Burden Cost (operating/maintaining):* \$496,166.

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 will also become a matter of public record.

Dated at Arlington, Virginia, this 26th day of April, 2005.

**David L. Meyer,**

*Director, Office of Administration and Management.*

[FR Doc. 05-8843 Filed 5-3-05; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR-1218-ONEW(2005)-01]

#### Survey of Automatic External Defibrillator Use in Occupational Settings; Proposed Information Collection Activity; Request for Comment

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

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

**SUMMARY:** In accordance with the Paperwork Reduction Act, OSHA is soliciting public comment on a survey addressing the usefulness and efficacy of automatic external defibrillators (AEDs) in occupational settings.

**DATES:** Comments must be submitted by the following dates: *Hard copy:* Your comments must be submitted (postmarked or received) by July 5, 2005. *Facsimile and electronic transmission:* Your comments must be received by July 5, 2005.

**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218-ONEW(2005)-01, 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 (202) 693-2350 (OSHA's TTY number is (877) 899-5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m. e.t.

*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://ecomments.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>. In addition, comments, submissions, and the ICR are available for inspection and copying at the OSHA Docket Office at the address above. You also may 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 this document.

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

#### **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 accurate.

The Office of Management and Budget (OMB) has requested that OSHA conduct a comprehensive study of the usefulness and efficacy of AEDs in occupational settings. OSHA estimates that as many as 8,700 fatal heart attacks and other fatal cardiac events might occur at workplaces annually (Ex. 3-1). Studies have shown that timely access to defibrillation units significantly increases the survival probabilities of victims of such events (Ex. 3-2). Modern technology has permitted the development of AEDs that can be effectively used by first responders with a basic level of training. In addition, there also are AEDs on the market now that require minimal or no training to operate. Moreover, the cost of AEDs has dropped significantly and this trend is anticipated to continue as their use in public, home and workplace setting increases. Based on the costs of AED equipment, associated training, and program management requirements and the potential value of the lives saved, OSHA believes the use of such equipment in establishments is cost effective from a societal perspective.

Despite the social desirability of greater penetration of AED programs in occupational settings, little quantitative information is available about current prevalence of such programs in different industrial sectors. OSHA also lacks information about factors that influenced establishments to install AED equipment and about other factors that deterred establishments from implementing AED programs.

To gather more information about AED use in occupational settings, OSHA will conduct a statistical survey of selected establishments in OSHA-regulated industrial sectors to develop statistically accurate estimates of the current prevalence of AED programs in various industrial sectors. OSHA will also develop estimates of the percentages of establishments that have considered, but not implemented such programs. Additionally, OSHA will collect information on the characteristics of AED programs and establishments (*e.g.*, size, industry, workforce age distribution, etc.) that may correlate with the presence or lack of an AED program. Finally, OSHA plans to supplement the statistical survey with extended case study interviews with selected respondents from the statistical survey. These interviews will provide in-depth, albeit qualitative, information about various factors that influence decisions on whether to implement AED programs, as well as about the circumstances that underlie the cost and effectiveness of such programs.

OSHA has conducted a thorough search and review of existing studies and other literature about AED use. Only limited information is available about AED use in occupational settings, although substantial literature exists addressing AED use in public settings. In addition, OSHA found little direct evidence about AED cost-effectiveness in the workplace. Collection of information sought by OSHA from establishments concerning the use of automatic external defibrillators in occupational settings will include:

1. Profile information, including industry, type of operation, number of employees, age distribution of employees, presence of safety or health professionals on staff, and experience with sudden cardiac events.
2. Characteristics of AED programs in place, including number of units, number of employees trained, type and frequency of training, and percentage of workforce protected by AEDs.
3. Factors influencing decisions whether to invest in AED equipment or implement an AED program, including experience with sudden cardiac events, role of marketing by AED manufacturers, costs of AED equipment, costs of training, cost of maintenance, and liability concerns.
4. Frequency of use of AED units and their effectiveness in cases of employee heart attacks or other sudden cardiac events.
5. In-depth interviews on issues identified with respect to Topics 2, 3,

and 4 will be conducted during post-survey case study interviews.

OSHA plans to use this information, first, to identify the occupational settings in which AEDs are most cost-effective. Second, OSHA will use the survey results to identify barriers to expanding AED use and to help design effective outreach programs to encourage establishments to install AED equipment. Without this survey, OSHA will lack information about the current prevalence of AED programs in occupational settings. The Agency will also lack information on the characteristics of establishments with and without AED programs and about the factors that have influenced establishments' decisions whether to implement AED programs. Without this knowledge, OSHA will have difficulty determining the efficacy of different strategies that might be used to encourage the implementation of workplace AED programs such as developing outreach and promotion programs.

The proposed collection of information consists of a two-stage statistical survey of at least 1,000 establishments in OSHA-regulated industries that have 100 or more employees. In the first stage, OSHA will survey establishments from the universe population to gather baseline profile information and to screen for establishments that either (1) have an AED program in place, or (2) have considered implementing an AED program but have not done so. In the second stage, screened respondents will be asked questions specific to which group their establishment belongs (*i.e.*, currently has an AED program or considered but has not implemented such a program).

As an adjunct to the statistical survey, OSHA plans to conduct as many as 36 in-depth case study interviews with selected volunteers among respondents in both the groups that do and do not have AED programs. These open-ended interviews will permit OSHA to gather detailed qualitative information about key issues pertaining to the implementation, cost, and effectiveness of AED programs and factors deterring implementation of such programs.

##### **II. Proposed Actions**

OSHA is requesting OMB approval of the collection of information (paperwork) requirements contained in the Survey of Automatic External Defibrillators. The Agency will summarize the comments submitted in response to this notice and will include this summary in its request to OMB to

approve these collections of information requirements.

### III. Special Issues for Comments

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 collection; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

### IV. 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, a significant delay may occur in receiving 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 submissions by express delivery, hand delivery and courier 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. Submissions become part of the public record, therefore, private information such as social security numbers should not be submitted.

*Type of Review:* New  
*Title:* Survey of Automatic External Defibrillator use in Occupational Settings.

*OMB Number:* 1218-0NEW-1.  
*Affected Public:* Business or other for-profits.

*Number of Respondents:* 4,000.  
*Frequency:* One time.

*Average Time per Response:* Varies from 2 minutes (.03 hour) for a non-response rate to 30 minutes for some establishments to participate in a follow-up case study.

*Estimated Total Burden Hours:* 551.  
*Estimated Cost (Operation and Maintenance):* \$0.

### V. Authority and Signature

Jonathan L. Snare, 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 *et seq.*), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed in Washington, DC, on April 26, 2005.

**Jonathan L. Snare,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 05-8824 Filed 5-3-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

[Administrative Order No. ]

#### Special Industry Committee for All Industries in American Samoa; Appointment; Convention; Hearing

1. Pursuant to sections 5 and 6(a) (3) of the Fair Labor Standards Act (FLSA) of 1938, as amended (29 U.S.C. 205, 206(a) (3)), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and 29 CFR part 511, I hereby appoint special Industry Committee No. 26 for American Samoa.

2. Pursuant to sections 5, 6(a) (3) and 8 of the FLSA, as amended (29 U.S.C. 205, 206(a) (3), and 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR part 511, I hereby:

(a) Convene the above-appointed industry committee;

(b) Refer to the industry committee the question of the minimum rate or rates for all industries in American Samoa to be paid under section 6(a)(3) of the FLSA, as amended; and,

(c) Give notice of the hearing to be held by the committee at the time and place indicated.

The industry committee shall investigate conditions in such industries and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the FLSA.

The committee shall meet in executive session to commence its

investigation at 9 a.m. and begin its public hearing at 11 a.m. on June 20, 2005, in Pago Pago, American Samoa.

3. The rate or rates recommended by the committee shall not exceed the rate prescribed by section 6(a) or 6(b) of the FLSA, as amended by the Fair Labor Standards Act Amendments of 1996, of \$5.15 an hour effective September 1, 1997.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industries that it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industries, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of American Samoa.

4. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR 511.10, that will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following:

(a) Competitive conditions as affected by transportation, living and production costs;

(b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and

(c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

5. Prior to the hearing, the Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report