

(e) A decision to remove a provider from the approved list shall take effect upon the expiration of a provider's time to seek review from the Director or, if the provider timely seeks such review, upon the issuance of a final written decision by the Director.

(f) Notwithstanding sub-paragraph (e) of this section, a decision to remove a provider from the approved list may include, or may later be supplemented by, an interim directive, which may immediately remove a provider from the approved list. Such an interim directive may be issued if one or more of the following are specifically found:

(1) The provider made a material false statement on the application;

(2) The provider (board of directors, officer, manager, employee, counselor, or agent) has engaged in conduct that is dishonest, deceitful, fraudulent, or criminal in nature;

(3) The provider (board of directors, officer, manager, employee, counselor, or agent) has engaged in other gross misconduct that is unbecoming the provider's position as an approved provider;

(4) Revocation of the provider's license to do business in a particular state, provided the immediate removal shall apply only to the federal judicial districts within the particular state.

(g) The provider's request for review shall fully describe why the provider disagrees with the denial or removal decision, and shall be accompanied by all documents and materials that the provider wants the Director to consider in reviewing the decision. The provider shall send a copy of the request for review, and the accompanying documents and materials, to the Director by overnight courier, for delivery the next business day, and must be received by the Director within 20 calendar days of the denial or removal notice.

(h) The Director may seek additional information from any party, in the manner and to the extent the Director deems appropriate.

(i) The Director shall issue a written decision no later than 45 calendar days from the receipt of the provider's request for review, unless the provider agrees to a longer period of time or the Director extends the period. That decision shall determine whether the denial or removal decision is supported by the record and the action is an appropriate exercise of discretion, and shall adopt, modify, or reject the denial or removal decision. The Director's decision shall constitute final government agency action.

(j) In reaching a determination, the Director may specify a person to act as

a reviewing official. The reviewing official shall not be a person who was involved in the denial or removal decision. The reviewing official's duties shall be specified by the Director on a case by case basis, and may include reviewing the record, obtaining additional information from the participants, providing the Director with written recommendations, or such other duties as the Director shall prescribe in a particular case.

(k) A provider that files a request for review shall bear its own costs and expenses, including counsel fees.

Dated: June 22, 2006.

**Clifford J. White III,**

*Acting Director, Executive Office for United States Trustees.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Parts 1910, 1915, and 1926

**RIN 1218-AB45**

#### Occupational Exposure to Hexavalent Chromium; Approval of Information Collection Requirements

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

**ACTION:** Final rule; notice of Office of Management and Budget (OMB) approval of collection of information requirements.

**SUMMARY:** OSHA is announcing that the collection of information requirements contained in the Chromium (VI) standard (29 CFR parts 1910, 1915, 1917, 1918, and 1926) have been approved by OMB under the Paperwork Reduction Act of 1995. The OMB approval number is 1218-0252.

**DATES:** This final rule is effective July 5, 2006.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** OSHA published a final rule for chromium (VI) (Cr(VI)) on February 28, 2006, after determining that employees exposed to Cr(VI) are at increased risk of developing lung cancer (71 FR 10099). In addition, occupational exposure to Cr(VI) may result in asthma, and damage to the nasal passages and the

skin. The final rule becomes effective on May 30, 2006. As required by the Paperwork Reduction Act of 1995, the **Federal Register** notice for the Cr(VI) final rule stated that compliance with the collection of information requirements was not required until these requirements are approved by OMB, and the Department of Labor publishes a notice in the **Federal Register** announcing that OMB approved and assigned a control number to the Cr(VI) requirements. Under 5 CFR 1320.5(b), an agency may not conduct or sponsor a collection of information unless: (1) The collection of information displays a current valid OMB control number, and (2) the agency informs members of the public who must respond to the collection of information that they are not required to respond to the collection of information unless the agency displays a currently valid OMB control number.

On February 27, 2006, OSHA submitted the Cr(VI) information collection request for the final rule to OMB for approval in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). On March 28, 2006, OMB approved the collections of information contained in the final rule and assigned this collection OMB Control Number 1218-0252 title "Chromium (VI) Standards for General Industry (29 CFR 1910.1026), Shipyard Employment (29 CFR 1915.1026),<sup>1</sup> and Construction (29 CFR 1926.1126)." The approval for the collection expires on March 31, 2009. The approved collections of information are:

- Exposure Determination—1910.1026(d), 1915.1026(d), and 1926.1126(d).

- Paragraphs 1910.1026(d)(2), 1915.1026(d)(2), and 1926.1126(d)(2)—Scheduled monitoring option.

- Paragraphs 1910.1026(d)(3), 1915.1026(d)(3), and 1926.1126(d)(3)—Performance-oriented option.

- Paragraphs 1910.1026(d)(4), 1915.1026(d)(4), and 1926.1126(d)(4)—Employee notification of determination results.

- Regulated Areas—1910.1026(e). Paragraphs 1910.1026(e)(2)—Demarcation.

- Respiratory Protection—1910.1026(g), 1915.1026(f), and 1926.1126(f).

- Paragraphs 1910.1026(g)(2), 1915.1026(f)(2), and 1926.1126(f)(2)—Respiratory protection program (in accordance with 29 CFR 1910.134).

<sup>1</sup> The standard for shipyard employment also applies to marine terminals (29 CFR part 1917) and longshoring (29 CFR part 1918).

- Protective Work Clothing and Equipment—1910.1026(h), 1915.1026(g), and 1926.1126(g). Paragraph 1910.1026(h)(2), 1915.1026(g)(2), and 1926.1126(g)(2)—Warning labels for bags or containers used to store Cr(VI)-contaminated protective clothing. Paragraphs 1910.1026(h)(3), 1915.1026(g)(3), and 1926.1126(g)(3)—Informing laundry contractors about the potentially harmful effects of exposure of Cr(VI).
  - Housekeeping—1910.1026(j). Paragraph 1910.1026(j)(3)(ii)—Labeling bags or containers of waste, scrap, debris, and any other materials contaminated with Cr(VI).
    - Medical Surveillance—1910.1026(k), 1915.1026(i), and 1926.1126(i).<sup>2</sup> Paragraphs 1910.1026(k)(1), 1915.1026(i)(1), and 1926.1126(i)(1)—General. Paragraphs 1910.1026(k)(2); 1915.1026(i)(2), and 1926.1126(i)(2)—Frequency. Paragraphs 1910.1026(k)(3); 1915.1026(i)(3); and 1926.1126(i)(3)—Contents of examination. Paragraphs 1910.1026(k)(4), 1915.1026(i)(4) and 1926.1126(i)(4)—Information provided to the physician or other licensed health care professional (PLHCP). Paragraphs 1910.1026(k)(5), 1915.1026(i)(5), and 1926.1126(i)(5)—PLHCP’s written medical opinion.
      - Communication of Chromium (VI) Hazards to Employees—1910.1026(l), 1915.1026(j), and 1926.1126(j). Paragraphs 1910.1026(l)(2), 1915.1026(j)(2), and 1926.1126(j)(2)—Employee information and training.
        - Recordkeeping—1910.1026(m), 1915.1026(k), and 1926.1126(k).

<sup>2</sup>The Supporting Statement submitted to OMB identifies these information collections as follows:

*Initial medical examination*—paragraphs 1910.1026(k)(1)(i)(A), (k)(3)(i), and (k)(3)(ii); 1915.1026(i)(1)(i)(A), (i)(3)(i), and (i)(3)(ii); and 1926.1126(i)(1)(i)(A), (i)(3)(i), and (i)(3)(ii).

*Annual medical examination*—paragraphs 1910.1026(k)(2)(ii), (k)(3)(i), and (k)(3)(ii); 1915.1026(i)(2)(ii), (i)(3)(i), and (i)(3)(ii); and 1926.1126(i)(2)(ii), (i)(3)(i), and (i)(3)(ii).

*Initial medical examination with additional tests*—paragraphs 1910.1026(k)(1)(i)(B) and (k)(3)(i)–(k)(3)(iii); 1915.1026(i)(1)(i)(B) and (i)(3)(i)–(i)(3)(iii); and 1926.1126(i)(1)(i)(B) and (i)(3)(i)–(i)(3)(iii).

*Annual medical examination with additional tests*—paragraphs 1910.1026(k)(2)(ii) and (k)(3)(i)–(k)(3)(iii); 1915.1026(i)(2)(ii) and (i)(3)(i)–(i)(3)(iii); and 1926.1126(i)(2)(ii) and (i)(3)(i)–(i)(3)(iii).

*Medical examination after initial assignment*—paragraphs 1910.1026(k)(2)(i), (k)(3)(i), and (k)(3)(ii); 1915.1026(i)(2)(i), (i)(3)(i), and (i)(3)(ii); and 1926.1126(i)(2)(i), (i)(3)(i), and (i)(3)(ii).

*Medical examination at termination of employment*—paragraphs 1910.1026(k)(2)(vi) and (k)(3)(i)–(k)(3)(iii); 1915.1026(i)(2)(vi) and (i)(3)(i)–(i)(3)(iii); and 1926.1126(i)(2)(vi) and (i)(3)(i)–(i)(3)(iii).

- Paragraphs 1910.1026(m)(1), 1915.1026(k)(1), and 1926.1126(k)(1)—Air monitoring data. Paragraphs 1910.1026(m)(2), 1915.1026(k)(2), and 1926.1126(k)(2)—Historical monitoring data. Paragraphs 1910.1026(m)(3), 1915.1026(k)(3), and 1926.1126(k)(3)—Objective data. Paragraphs 1910.1026(m)(4), 1915.1026(k)(4), and 1926.1126(k)(4)—Medical surveillance.

*Authority and Signature*

Edwin G. Foulke, Jr., 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).

**List of Subjects in 29 CFR Parts 1910, 1915, and 1926**

Occupational safety and health, Reporting and recordkeeping requirements.

Signed at Washington, DC, on June 19, 2006.

**Edwin G. Foulke, Jr.,**  
*Assistant Secretary.*

**Amendments to Standards**

- For the reasons stated in the preamble to this final rule, the Occupational Safety and Health Administration amends 29 CFR parts 1910, 1915, and 1926 to read as follows:

**PART 1910—[AMENDED]**

**Subpart A—[Amended]**

- 1. Revise the authority citation for subpart A to read as follows:

**Authority:** Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), and 5–2002 (67 FR 65008), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9 a, 5 U.S.C. 553; Public Law 106–113 (113 Stat. 1501A–222); and OMB Circular A–25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

- 2. Amend § 1910.8 by adding to the table contained therein the entry “1910.1026” in the proper numerical sequence as follows:

**§ 1910.8 OMB control numbers under the Paperwork Reduction Act.**

\* \* \* \* \*

	29 CFR citation	OMB control No.
	* * *	* * *
1910.1026 .....		1218–0252
	* * *	* * *

**PART 1915—[AMENDED]**

- 3. Revise the authority citation for part 1915 to read as follows:

**Authority:** Section 41, Longshore and Harbor Workers’ Compensation Act (33 U.S.C. 941); sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), and 5–2002 (67 FR 65008), as applicable.

Sections 1915.120 and 1915.152 also issued under 29 CFR part 1911.

Section 1915.1001 also issued under 5 U.S.C. 553.

**Subpart A—[Amended]**

- 4. Amend § 1915.8 by adding to the table contained therein the entry “1915.1026” in the proper numerical sequence as follows:

**§ 1915.8 OMB control numbers under the Paperwork Reduction Act.**

\* \* \* \* \*

	29 CFR citation	OMB control No.
	* * *	* * *
1915.1026 .....		1218–0252
	* * *	* * *

**PART 1926—[AMENDED]**

**Subpart A—[Amended]**

- 5. Revise the authority citation for subpart A to read as follows:

**Authority:** Section 3704 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 et seq.); sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor’s Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), and 5–2002 (67 FR 65008), as applicable; and 29 CFR part 1911.

- 6. Amend § 1926.5 by adding to the table contained therein the entry “1926.1126” in the proper numerical sequence as follows:

**§ 1926.5 OMB control numbers under the Paperwork Reduction Act.**

\* \* \* \* \*

29 CFR citation	OMB control No.
* * *	* * *
1926.1126 .....	1218-0252
* * *	* * *

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09-06-056]

RIN 1625-AA00

#### Safety Zone; French Festival Fireworks, St. Lawrence River, Cape Vincent, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone encompassing portions of the navigable waters on the St. Lawrence River on July 8, 2006 for the French Festival Fireworks. This safety zone is necessary to ensure the safety of spectators and vessels from the hazards associated with fireworks displays. This safety zone is intended to restrict vessel traffic from a portion of the St. Lawrence River, Cape Vincent, NY.

**DATES:** This rule is effective from 9:30 p.m. (local) through 10:30 p.m. (local) on July 8, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket [CGD09-06-056] and are available for inspection or copying at: U.S. Coast Guard Sector Buffalo, 1 Fuhrmann Blvd, Buffalo, New York 14203, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LT Tracy Wirth, U.S. Coast Guard Sector Buffalo Buffalo, at (716) 843-9573.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for

making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

#### Background and Purpose

Temporary safety zones are necessary to ensure the safety of vessels and spectators from the hazards associated with fireworks displays. Based on recent accidents that have occurred in other Captain of the Port zones, and the explosive hazard of fireworks, the Captain of the Port Buffalo has determined fireworks launches in close proximity to watercraft pose significant risks to public safety and property. The likely combination of large numbers of recreational vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the locations of the launch platforms will help ensure the safety of persons and property at these events and help minimize the associated risk.

The safety zone consists of all navigable waters of the St. Lawrence River within an 500 foot radius around the fireworks launch platform located at 44°07'53" N, 076°20'02" W. All Geographic coordinates are North American Datum of 1983 (NAD 83). The size of this zone was determined using the National Fire Prevention Association guidelines and local knowledge concerning wind, waves, and currents.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or his designated on-scene patrol representative. The designated on-scene patrol representative will be the patrol commander. Entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs

and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security (DHS).

This determination is based on the minimal time that vessels will be restricted from the zone, and therefore minor if any impacts to Mariners.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule would have a significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of commercial vessels intending to transit or anchor in the activated safety zone.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reason: This safety zone is only in effect from 9:30 p.m. (local) until 10:30 p.m. (local) on the day of the event.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact U.S. Coast Guard Sector Buffalo (see **ADDRESSES**.)

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture