

### G. Inspections, Tests, and Accident Prevention

1. Ballard must initiate and maintain a program of frequent and regular inspections of the TBM's hyperbaric equipment and support systems (such as temperature control, illumination, ventilation, and fire-prevention and fire-suppression systems), and hyperbaric work areas, as required under 29 CFR 1926.20(b)(2), including:

(a) Developing a set of checklists to be used by a competent person in conducting weekly inspections of hyperbaric equipment and work areas; and

(b) Ensuring that a competent person conducts daily visual checks and weekly inspections of the TBM.

2. Removing any equipment that is found to constitute a safety hazard until Ballard corrects the hazardous condition and has the correction approved by a qualified person.

3. Ballard must maintain records of all tests and inspections of the TBM, as well as associated corrective actions and repairs, at the job site for the duration of the tunneling project and for 90 days after the final project report is submitted to OSHA.

### H. Compression and Decompression

Ballard must consult with its attending physician concerning the need for special compression or decompression exposures appropriate for CAWs not acclimated to hyperbaric exposure.

### I. Recordkeeping

In addition to completing OSHA Form 301 Injury and Illness Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses, Ballard must maintain records of:

1. The date, times (*e.g.*, time compression started, time spent compressing, time performing intervention, time spent decompressing), and pressure for each hyperbaric intervention.

2. The names of all supervisors and DMTs involved for each intervention.

3. The name of each individual worker exposed to hyperbaric pressure and the decompression protocols and results for each worker.

4. The total number of interventions and the amount of hyperbaric work time at each pressure.

5. The results of the post-intervention physical assessment of each CAW for signs and symptoms of decompression illness, barotrauma, nitrogen narcosis, oxygen toxicity or other health effects associated with work in compressed air for each hyperbaric intervention.

### J. Notifications

1. To assist OSHA in administering the conditions specified herein, Ballard must:

(a) Notify the OTPCA and the OSHA Area Office in Long Island, New York at [www.osha.gov/contactus/byoffice](http://www.osha.gov/contactus/byoffice) of any recordable injury, illness, or fatality (by submitting the completed OSHA Form 301 Injury and Illness Incident Report)<sup>17</sup> resulting from exposure of an employee to hyperbaric conditions, including those that do not require recompression treatment (*e.g.*, nitrogen narcosis, oxygen toxicity, barotrauma), but still meet the recordable injury or illness criteria of 29 CFR 1904. The notification must be made within 8 hours of the incident or 8 hours after becoming aware of a recordable injury, illness, or fatality; a copy of the incident investigation (OSHA Form 301 Injuries and Illness Incident Report) must be submitted to OSHA within 24 hours of the incident or 24 hours after becoming aware of a recordable injury, illness, or fatality. In addition to the information required by OSHA Form 301 Injuries and Illness Incident Report, the incident-investigation report must include a root-cause determination, and the preventive and corrective actions identified and implemented.

(b) Provide certification to OTPCA and the OSHA Area Office in Long Island, New York within 15 working days of the incident that Ballard informed affected workers of the incident and the results of the incident investigation (including the root-cause determination and preventive and corrective actions identified and implemented).

(c) Notify the OTPCA and the OSHA Area Office in Long Island, New York within 15 working days and in writing, of any change in the compressed-air operations that affects Ballard's ability to comply with the conditions specified herein.

(d) Upon completion of the Bay Park Conveyance Tunnel Project, evaluate the effectiveness of the decompression tables used throughout the project, and provide a written report of this evaluation to the OTPCA and the OSHA Area Office in Long Island, New York.

**Note:** The evaluation report must contain summaries of: (1) The number, dates, durations, and pressures of the hyperbaric interventions completed; (2) decompression protocols implemented (including

<sup>17</sup> See 29 CFR 1904 (Recording and Reporting Occupational Injuries and Illnesses) ([http://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=9631](http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9631)); recordkeeping forms and instructions <https://www.osha.gov/recordkeeping/forms>.

composition of gas mixtures (air and/or oxygen), and the results achieved; (3) the total number of interventions and the number of hyperbaric incidents (decompression illnesses and/or health effects associated with hyperbaric interventions as recorded on OSHA Form 301 Injuries and Illness Incident Report and OSHA Form 300 Log of Work-Related Injuries and Illnesses, and relevant medical diagnoses, and treating physicians' opinions); and (4) root causes of any hyperbaric incidents, and preventive and corrective actions identified and implemented.

(e) To assist OSHA in administering the conditions specified herein, inform the OTPCA and the OSHA Area Office in Long Island, New York as soon as possible, but no later than seven (7) days, after it has knowledge that it will:

(i) Cease doing business;

(ii) Change the location and address of the main office for managing the tunneling operations specified herein; or

(iii) Transfer the operations specified herein to a successor company.

(f) Notify all affected employees of this permanent variance by the same means required to inform them of its application for a permanent variance.

2. This permanent variance cannot be transferred to a successor company without OSHA approval.

### VIII. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 655(d), Secretary of Labor's Order No. 8-2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1905.11.

Signed at Washington, DC, on January 31, 2024.

**James S. Frederick,**

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

[FR Doc. 2024-02437 Filed 2-6-24; 8:45 am]

**BILLING CODE 4510-26-P**

### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

[Docket No. OSHA-2013-0016]

#### Nemko North America, Inc.: Application for Expansion of Recognition

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

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the application of Nemko North America, Inc. for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

**DATES:** Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before February 22, 2024.

**ADDRESSES:** Submit comments by any of the following methods:

*Electronically:* Submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

*Docket:* To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency name and the OSHA docket number (OSHA-2013-0016). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at <http://www.regulations.gov>. Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

*Extension of comment period:* Submit requests for an extension of the comment period on or before February 22, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-3653, Washington, DC 20210, or by fax to (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693-1999 or email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693-1911 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of the Application for Expansion

OSHA is providing notice that Nemko North America, Inc. (NNA) is applying for expansion of the current recognition as a NRTL. NNA requests the addition of one test standard to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an 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 a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including NNA, which

details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

NNA currently has two facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: Nemko North America, Inc., 303 River Road, Ottawa, Ontario K1V 1H2 Canada. A complete list of NNA's scope of recognition is available at <https://www.osha.gov/nationally-recognized-testing-laboratory-program/ccl>.

##### II. General Background on the Application

NNA submitted an application on September 20, 2023 (OSHA-2013-0016-0022), to expand the recognition to include one additional test standard. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the appropriate test standard found in NNA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN NNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 508A .....	Industrial Control Panels.

##### III. Preliminary Findings on the Application

NNA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file, and pertinent documentation, indicates that NNA has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the one test standard for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of NNA's application.

##### IV. Public Participation

OSHA welcomes public comment as to whether NNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at <https://www.regulations.gov> under Docket No. OSHA-2013-0016 (for further information, see the “Docket” heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant NNA’s application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

#### V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor’s Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on February 1, 2024.

#### James S. Frederick,

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

[FR Doc. 2024-02440 Filed 2-6-24; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

[Docket No. 2023–5]

#### Exemptions To Permit Circumvention of Access Controls on Copyrighted Works: Notice of Public Hearings

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice of public hearings.

**SUMMARY:** The United States Copyright Office will hold public hearings as part of the ninth triennial rulemaking proceeding under the Digital Millennium Copyright Act (“DMCA”) concerning proposed exemptions to the DMCA’s prohibition against circumvention of technological measures that control access to copyrighted works. Parties interested in testifying at the hearings are invited to submit requests to testify pursuant to the instructions set forth below.

**DATES:** Public hearings will be scheduled for the week of April 15–19, 2024. Requests to testify must be received no later than 11:59 p.m. Eastern time on March 1, 2024. The Office will prepare a schedule based on the number and nature of requests to testify. Once the schedule of hearing witnesses is finalized, the Office will notify all participants and post the times, dates, and agenda of the hearings at <https://www.copyright.gov/1201/2024/>.

**ADDRESSES:** The Office will conduct the hearings remotely using the Zoom videoconferencing platform. Requests to testify should be submitted through the request form available at <http://www.copyright.gov/1201/2024/hearing-request.html>.

#### FOR FURTHER INFORMATION CONTACT:

Rhea Efthimiadis, Assistant to the General Counsel, by email at [mef@copyright.gov](mailto:mef@copyright.gov) or by telephone at (202) 707–8350.

**SUPPLEMENTARY INFORMATION:** On June 8, 2023, the Copyright Office (“Office”) published a notice of inquiry in the **Federal Register** to initiate the ninth triennial rulemaking proceeding under 17 U.S.C. 1201(a)(1), which provides that the Librarian of Congress, upon recommendation of the Register of Copyrights, may exempt certain classes of copyrighted works from the prohibition against circumventing a technological measure that controls access to a copyrighted work.<sup>1</sup> On October 19, 2023, the Office published a notice of proposed rulemaking setting

forth proposed exemptions for seven new or expanded classes of works and requesting written comments.<sup>2</sup> The responsive comments received thus far are posted on the Office’s website. See <https://www.copyright.gov/1201/2024/>.

At this time, the Office is announcing public hearings to be held via Zoom to further consider the proposed exemptions. Each hearing will pertain to a proposed exemption and will feature a panel of witnesses. Hearings will be live-streamed, recorded, transcribed, and posted to the Office’s website.

Those who wish to speak on a panel should submit a request to testify by following the procedure detailed below. If the Office does not receive any requests to testify regarding a particular class, it will not host a hearing for that proposed exemption. If the Office receives requests to testify but determines a hearing is not necessary, it will contact requesters.

#### A. Submitting Requests To Testify

A request to testify should be submitted to the Office using the form on the Office’s website indicated in the **ADDRESSES** section above. Anyone wishing to testify with respect to more than one proposed class must submit a separate form for each request. To the extent feasible, the Office requests that organizations submit only one panelist request per proposed class and encourages parties with similar interests to select a common representative to testify on their behalf. If multiple persons from the same organization wish to testify regarding the *same* proposed exemption, each should submit a separate request, and explain in their submission the need for multiple witnesses. For parties represented by law school clinics, the Office will attempt to accommodate requests to allow students to participate under the supervision of a faculty member.

Depending on the number and nature of the requests, and in light of the limited time available, the Office may not be able to accommodate all requests to testify. The Office will give preference to those who have submitted substantive comments in support of or in opposition to a proposal.

All requests to testify must clearly identify:

- The name of the person seeking to serve as a witness;
- The organization or organizations represented, if any;
- Contact information;
- The proposed class about which the person seeks to testify;

<sup>1</sup> 88 FR 37486 (June 8, 2023).

<sup>2</sup> 88 FR 72013 (Oct. 19, 2023).