

DEPARTMENT OF LABOR**Office of the Secretary****Submission for OMB Review:
Comment Request**

January 19, 2010.

The Department of Labor (DOL) hereby announces the submission of the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation; including, among other things, a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: DOL_PRA_PUBLIC@dol.gov.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor—Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-5806 (these are not toll-free numbers), E-mail: OIRA_submission@omb.eop.gov within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
 - Enhance the quality, utility, and clarity of the information to be collected; and
 - Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: 4,4'-Methylenedianiline Construction 29 CFR 1926.60.

OMB Control Number: 1218-0183.

Affected Public: Business or other for-profits (Construction Firms).

Estimated Number of Respondents: 33.

Estimated Total Annual Burden Hours: 1,030.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$62,850.

Description: The purpose of the 4,4'-Methylenedianiline (MDA) Standard for the construction industry (29 CFR 1926.60) and its information collection requirements is to provide protection for employees from adverse health effects associated with occupational exposure to MDA. Employers must monitor exposure, keep employee exposures within the permissible exposure limits, provide employees with medical examinations and training, and establish and maintain employee exposure-monitoring and medical records. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55861 on October 29, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA-2009-0036.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: 4,4'-Methylenedianiline General Industry 29 CFR 1910.1050.

OMB Control Number: 1218-0184.

Affected Public: Business or other for-profits (General Industry).

Estimated Number of Respondents: 15.

Estimated Total Annual Burden Hours: 298.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$21,428.

Description: The purpose of the 4,4'-Methylenedianiline (MDA) Standard for general industry (29 CFR 1910.1050) and its information collection requirements is to provide protection for employees from adverse health effects associated with occupational exposure to MDA. Employers must monitor exposure, keep employee exposures within the permissible exposure limits, provide employees with medical

examinations and training, and establish and maintain employee exposure-monitoring and medical records. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55860 on October 29, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA-2009-0040.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Electrical Protective Equipment (29 CFR 1910.137), and Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269).

OMB Control Number: 1218-0190.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 20,765.

Estimated Total Annual Burden Hours: 34,208.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$0.

Description: The information collection requirements contained in the Electrical Protective Equipment (29 CFR 1910.137) and Electric Power Generation, Transmission, and Distribution (29 CFR 1910.269) Standards are needed to help provide protection to workers who use electrical protective equipment and who are involved in industries engaged in electric power generation, transmission, and distribution work. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55261 on October 27, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA-2009-0037.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title of Collection: Standard on Walking-Working Surfaces (29 CFR part 1910, subpart D).

OMB Control Number: 1218-0199.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 41,540.

Estimated Total Annual Burden Hours: 6,125.

Estimated Total Annual Costs Burden (excludes hourly wage costs): \$0.

Description: The information collection requirements in the Walking-

Working Surfaces standard (29 CFR part 1910, subpart D) is designed to protect workers by making them aware of load limits of the floors of buildings, defective portable metal ladders, and the specifications of outrigger scaffolds used. For additional information, see the related 60-day preclearance notice published in the **Federal Register** at Vol. 74 FR 55858 on October 29, 2009. PRA documentation prepared in association with the preclearance notice is available on <http://www.regulations.gov> under docket number OSHA–2009–0033.

Darrin A. King,

Departmental Clearance Officer.

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DEPARTMENT OF LABOR

Office of the Secretary

Delegation of Authority and Assignment of Responsibility to the Administrative Review Board

January 15, 2010.

Secretary's Order 1–2010

1. *Purpose.* To delegate authority and assign responsibility to the Administrative Review Board, define its composition, and describe its functions.

2. *Authorities.* This Order is issued under the authority of 5 U.S.C. 301 (Departmental Regulations); 29 U.S.C. 551 *et seq.* (Establishment of Department; Secretary; Seal); Reorganization Plan No. 6 1950 (5 U.S.C. App. 1 Reorg. Plan 6 1950); and the authorities cited in Section 5 of this Order.

3. *Background.* The Secretary of Labor (“Secretary”) has the authority and responsibility to decide certain appeals from administrative decisions. The Secretary created the Administrative Review Board (“Board” or “ARB”) in Secretary’s Order 02–96, which delegated authority and assigned responsibilities to the Board. Secretary’s Order 01–2002 delegated this authority and assigned responsibility to the ARB, defined and expanded its composition, clarified ARB procedural authorities, and codified the location of the ARB in the Department’s organizational structure. This Order creates and designates a Vice-Chair to maintain and operate the Board during a Chair’s absence or vacancy. Additionally, this Order delegates the responsibility for the operational management of the Board and its affairs to the newly created Vice-Chair.

4. *Directives Affected.* Secretary’s Orders 01–2002 and 02–96 are hereby canceled.

5. *Delegation of Authority and Assignment of Responsibilities.* The Board is hereby delegated authority and assigned responsibility to act for the Secretary of Labor in review or on appeal of the matters listed below, including, but not limited to, the issuance of final agency decisions. The Board shall report to the Secretary of Labor through the Deputy Secretary of Labor.

a. Final decisions of the Administrator of the Wage and Hour Division or an authorized representative of the Administrator, and final decisions of Administrative Law Judges (“ALJs”), under the following:

(1) The Davis-Bacon Act, as amended (40 U.S.C. 276a *et seq.*); any laws now existing or which may be subsequently enacted, providing for prevailing wages determined by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) (except matters pertaining to safety); the Copeland Act (40 U.S.C. 276c); Reorganization Plan No. 14 of 1950; and 29 CFR Parts 1, 3, 5, 6, Subpart C and D.

b. Final decisions of the Administrator of the Wage and Hour Division or an authorized representative of the Administrator, and from decisions of ALJ, arising under the McNamara-O’Hara Service Contract Act, as amended (41 U.S.C. 351); the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) (except matters pertaining to safety) where the contract is also subject to the McNamara-O’Hara Service Contract Act; and 29 CFR Parts 4, 5, 6, Subparts B, D, E.

c. Decisions and recommended decisions by ALJs as provided for or pursuant to the following laws and implementing regulations:

(1) Age Discrimination Act of 1975, 42 U.S.C. 6103;

(2) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1; 29 CFR Part 31;

(3) Clean Air Act, 42 U.S.C. 7622; 29 CFR Part 24;

(4) Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610; 29 CFR Part 24;

(5) Consumer Product Safety Improvement Act of 2008, 15 U.S.C. 2087;

(6) Title IX of the Education Amendments of 1972, 20 U.S.C. 1682; 29 CFR Part 36;

(7) Employee Polygraph Protection Act of 1988, 29 U.S.C. 2005(a); 29 CFR Part 801, Subpart E;

(8) Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851; 29 CFR Part 24;

(9) Equal Access to Justice Act, 5 U.S.C. 504; 29 CFR Part 16;

(10) Executive Order No. 11246, as amended, 3 CFR 339 (1964–1965 Comp.); reprinted in 42 U.S.C. 2000e app.; 41 CFR Parts 60–1 and 60–30;

(11) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 203(m); 29 CFR Part 531, sections 531.4, 531.5;

(12) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 211(d); 29 CFR Part 530, Subpart E;

(13) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 214(c) 29 CFR Part 525, sections 525.22;

(14) Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 216(e); 29 CFR Part 580;

(15) Federal Railroad Safety Act, 49 U.S.C. 20109;

(16) Federal Unemployment Tax Act, 26 U.S.C. 3303(b)(3), 3304(c);

(17) Federal Unemployment Tax Act (addressing agreements under the Trade Act of 1974, as amended), 26 U.S.C. 3302(c)(3); 20 CFR Part 617;

(18) Federal Water Pollution Control Act, 33 U.S.C. 1367; 29 CFR Part 24;

(19) Immigration and Nationality Act, as amended, 8 U.S.C. 1188(g)(2); 29 CFR Part 501, Subpart C;

(20) Immigration and Nationality Act, as amended, 8 U.S.C. 1182(n); 20 CFR Part 655, Subpart I;

(21) Immigration and Nationality Act as amended, 8 U.S.C. 1182(m) (1989); 20 CFR Part 655, Subpart E;

(22) Immigration and Nationality Act as amended, 8 U.S.C. 1182(m); 20 CFR Part 655, Subpart M;

(23) Immigration and Nationality Act as amended, 8 U.S.C. 1184(c)(14), 20 CFR Part 655, Subpart A;

(24) Immigration and Nationality Act, as amended, 8 U.S.C. 1288(c) and (d); 20 CFR Part 655, Subpart G;

(25) Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. 907(j)(2); 20 CFR Part 702;

(26) Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1813, 1853; 29 CFR Part 500, Subpart F;

(27) National Apprenticeship Act, 29 U.S.C. 50; 29 CFR Parts 29 and 30;

(28) National Transit Systems Security Act of 2007, 6 U.S.C. 1142;

(29) Older Americans Senior Community Service Employment Program, 42 U.S.C. 3056, 20 CFR 641.415(c)(5);

(30) Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3803; 29 CFR Part 22;