

visitors, and they in no way purport to invalidate, impair or supersede State laws regulating the insurance industry.

**DATES:** This Notice to Sponsors is effective March 19, 1998.

**ADDRESSES:** United States Information Agency, Office of the General Counsel, Rulemaking 115, 301 Fourth Street, SW, Room 700, Washington, DC 20547-0001.

**FOR FURTHER INFORMATION CONTACT:** William G. Ohlhausen, Assistant General Counsel, United States Information Agency, 301 Fourth Street, S.W., Washington, DC 20547; telephone (202) 619-6972.

**SUPPLEMENTARY INFORMATION:** The final rules adopted by the Agency in March 1993 include a rule requiring that exchange visitors entering the United States on the J visa be covered by health insurance providing certain minimum coverage levels and that the insurance be underwritten by insurance corporations meeting certain nationally or internationally recognized financial ratings. 22 CFR 514.14. Federal, State or local government agencies, State colleges and universities, public community colleges, and, with Agency permission, non-governmental sponsors, may self-insure. 22 CFR 514.14 (c) and (d).

It has long been established by statute that the business of insurance, and every person engaged therein, is subject to the laws of the State or States in which such business is conducted. Federal law makes it clear that no Act of Congress shall be construed to invalidate, impair or supersede any State law regulating or taxing the business of insurance. [15 U.S.C. 1012 (known as the "McCarran-Ferguson Act of 1948")] That law allows an exception only with respect to the Sherman and Clayton Antitrust Acts and the Federal Trade Commission Act, and then only to the extent that the insurance business is not regulated by State law.

The Agency's regulation set forth at 22 CFR 514.14 does not purport to regulate the business of insurance, either in the United States or in foreign countries. It merely establishes mandatory minimum levels of coverage on health insurance policies issued to exchange visitors and requires that insurance companies underwriting such policies meet certain minimum financial ratings set by recognized insurance company rating services.

It has come to the Agency's attention that there have been instances where foreign insurance companies and their agents have been conducting business in a State or States where they are "unauthorized," i.e., unlicensed or

otherwise not meeting the requirements of State law. Merely complying with the Agency's insurance regulation does not permit foreign insurance companies to do business in a State if the conduct of the business is a violation of that State's laws.

Nothing in the foregoing is meant to suggest that exchange visitors are prohibited from obtaining the required insurance coverage in their home country, as long as the policy of insurance and the company from which it is purchased meets USIA's requirements. However, foreign insurance companies and their agents conducting exchange visitor program health insurance business in the United States are required to be in compliance with the laws governing the business of insurance in the State or States where such business is being conducted.

#### List of Subjects in 22 CFR Part 514

Cultural Exchange Programs.

**Authority:** 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431-1442, 2451-2460; Reorganization Plan No. 2 of 1997, 3 CFR, 1977 Comp., p. 200; E.O. 12048 of 3/27/78, 3 CFR, 1978 Comp., p. 168.

Dated: March 13, 1998.

**Les Jin,**

*General Counsel.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

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

#### Office of Management and Budget Control Numbers Under Paperwork Reduction Act for Miscellaneous General Industry, Shipyard Employment and Construction Industry Rules and Regulations

**AGENCY:** Occupational Safety and Health Administration, Labor.

**ACTION:** Final rule; amendments and announcements of OMB approval of information collection requirements.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is announcing that the Office of Management and Budget (OMB) recently extended the approval for a number of information collection requirements in OSHA's rules and regulations. OSHA sought approval under the Paperwork Reduction Act of 1995 (PRA-95) and, as required by that Act, is announcing the approval numbers and expiration dates for 19

approved requirements. Seventeen of the approvals apply to certification records, records which provide information to verify that certain tests, inspections, or training activities required in parts 1910, 1915, and 1926 have been performed. The other two approvals announce the extension of approval for the collection of information requirements associated with the Safety Testing and Certification requirements and the Construction Industry Fall Protection Plans and Records. OSHA is also correcting the approval number for the certification record associated with Resistance Welding and removing the OMB approval numbers for four provisions no longer subject to approval by OMB under PRA-95.

**EFFECTIVE DATE:** These amendments are effective March 19, 1998.

**FOR FURTHER INFORMATION CONTACT:** Barbara Bielaski, Office of Regulatory Analysis, Directorate of Policy, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3627, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone (202) 219-8076, ext. 142.

**SUPPLEMENTARY INFORMATION:** In 1995, OSHA sought and obtained approval from OMB for 30 provisions in its general industry, shipyard employment and construction industry safety standards (parts 1910, 1915, and 1926) that require employers to prepare, maintain, and sign and date a certification record to verify that certain tests, inspections, maintenance checks or training activities had been performed. These provisions were all combined under one submission to OMB and received approval under one OMB Control Number, 1218-0210. Prior to the expiration of the approvals in late 1997, OSHA sought public comment on its burden hour and cost estimates through a series of **Federal Register** notices requesting public comment. At the conclusion of the public comment period, the Agency sought an extension of OMB's approval on 26 of the certification records. In accordance with the Paperwork Reduction Act (PRA-95) (44 U.S.C. 3501-3520), OMB has renewed its approval for these information collection requirements and issued separate OMB approval numbers, some approvals covering more than one provision. Below is a listing of the certification records, the citations they cover, the approval numbers, and the expiration dates for those records. OSHA is amending the tables in 1910.8, 1915.8 and 1926.5, as necessary, to display the new OMB Approval Numbers. The listing also contains the

date and page numbers of the **Federal Register** in which public comment was sought on the certification records. The

approvals for all of the collections in this table expire on November 30, 1999.

| Title  | Federal Register date & number   | OMB control No. |
|--|----------------------------------|-----------------|
| Forging Machines, Inspection Certification—29 CFR 1910.218(a)(2)(i) and 1910.218(a)(2)(ii).                                  | July 2, 1997, 62 FR 34838 .....  | 1218-0228       |
| Portable Fire Extinguishers, Hydrostatic Test Certification Record—29 CFR 1910.157(f)(16).                                   | July 7, 1997, 62 FR 36311 .....  | 1218-0218       |
| Telecommunication, Training Certification—29 CFR 1910.268(c) .....   | July 7, 1997, 62 FR 36313 .....  | 1218-0225       |
| Manlifts, Inspection Certifications—29 CFR 1910.68(e)(3) .....   | July 8, 1997, 62 FR 36576 .....  | 1218-0226       |
| Mechanical Power Presses, Inspection Certification—29 CFR 1910.217(e)(1)(i) and 1910.217(e)(1)(ii).                          | July 9, 1997, 62 FR 36849 .....  | 1218-0229       |
| Overhead and Gantry Cranes, Inspection Certification—29 CFR 1910.179(j)(2)(iii), (j)(2)(iv), (m)(1), and (m)(2).             | July 14, 1997, 62 FR 37625 ..... | 1218-0224       |
| Servicing Multi-Piece and Single-Piece Rim Wheels, Manufacturer's Certification—29 CFR 1910.177(d)(3)(iv).                   | July 14, 1997, 62 FR 37626 ..... | 1218-0219       |
| Crawler, Locomotive, and Truck Cranes, Inspection Certifications—29 CFR 1910.180(d), 1910.180(g)(1), and 1910.180(g)(2)(ii). | July 15, 1997, 62 FR 37934 ..... | 1218-0221       |
| Aerial Lifts, Manufacturer's Certification of Modification—29 CFR 1910.67(b)(2) .....  | July 15, 1997, 62 FR 37937 ..... | 1218-0230       |
| Derricks, Inspection Certifications—29 CFR 1910.181(g)(1) and 1910.181(g)(3) .....   | July 16, 1997, 62 FR 38124 ..... | 1218-0222       |
| Certification Records for Slings—29 CFR 1910.184 .....   | July 16, 1997, 62 FR 38127 ..... | 1218-0223       |
| Shipyards Certification Records—29 CFR 1915.113(b)(1) and 29 CFR 1915.172(d) .....   | July 18, 1997, 62 FR 38587 ..... | 1218-0220       |
| Rigging Equipment for Material Handling—29 CFR 1926.251(c)(150)(ii) .....  | July 14, 1997, 62 FR 37621 ..... | 1218-0233       |
| Crawler, Locomotive, and Truck Crane Inspection Records—29 CFR 1926.550(b)(2) .....  | July 14, 1997, 62 FR 37624 ..... | 1218-0232       |
| Construction Records for Tests and Inspection for Personnel Hoists—29 CFR 1926.552(c)(15).                                   | July 14, 1997, 62 FR 37621 ..... | 1218-0231       |
| Blasting Operations—29 CFR 1926.900(k)(3)(l) .....   | July 14, 1997, 62 FR 37622 ..... | 1218-0217       |
| Trucks Used Underground to Transport, Explosives, Inspection Certification—29 CFR 1926.903(e).                               | July 14, 1997, 62 FR 37623 ..... | 1218-0227       |

In addition to the certification records, in the April 29, 1997, **Federal Register**, at 62 FR 23277, OSHA announced its intent to request Office of Management and Budget (OMB) approval for construction fall protection plans and records. This included provisions addressing safety net certification records and fall protection plans and training certification records. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), OMB has extended the approval of this information collection requirement under OMB control number 1218-0197, which expires on November 30, 2000.

Also, in the **Federal Register** of July 18, 1997, OSHA issued a notice stating that it intended to seek an extension of approval from OMB on its collection entitled, Safety Testing and Certification in 29 CFR 1910.7. OMB has extended the approval of the information collection requirements in this section under OMB Approval Number 1218-0147. The approval expires on November 30, 2000.

OSHA is also removing the approval numbers for four provisions. Two provisions, §§ 1926.1001 and 1926.1002 concerning rollover protective structures are no longer in existence hence they no longer need approval numbers. The other two provisions in §§ 1910.106 and 1926.152, requiring employers to keep a copy of the manufacturer's test have been

determined to be exempt from approval under the Paperwork Reduction Act. OSHA explained the reasons for the withdrawals in the **Federal Register** of July 7 and July 10, 1997 (62 FR 36312 and 62 FR 36850, respectively) and provided a period for public comment.

Finally, OSHA is making a correction to the table in 1910.8 to insert the correct OMB Approval Number for the collection of information requirement in 1910.255(e). OSHA has incorrectly listed its number in the last printing of approval numbers. The correct approval number is 1218-0207.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor a collection of information unless: (1) The collection displays a valid control number, and (2) the Agency informs potential persons who may respond to the collections of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Accordingly, now that OMB has extended the approval on these collections, OSHA is codifying the current OMB control numbers into §§ 1910.7, 1910.8, 1915.8, and 1926.5, as appropriate (if not already listed), which are the sections in which OSHA displays its approved collections under the Paperwork Reduction Act.

#### List of Subjects

##### 29 CFR Parts 1910 and 1915

Occupational safety and health, Reporting and recordkeeping requirements.

##### 29 CFR Part 1926

Construction industry; Occupational safety and health; Reporting and recordkeeping requirements.

#### Authority and Signature

This document was prepared under the direction of Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 11th day of March 1998.

**Charles N. Jeffress,**  
Assistant Secretary of Labor.

Accordingly, the Occupational Safety and Health Administration amends 29 CFR parts 1910, 1915, and 1926 as set forth below.

#### PART 1910—[AMENDED]

1. The authority citation for Subpart A of part 1910 continues to read as follows:

**Authority:** Secs. 4, 6, 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 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), or 6-96 (62 FR 111), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR part 1911.

2. In § 1910.8, the table is amended by removing 1910.106(b) and its accompanying OMB control number, and revising the entries for the following sections, in numerical order, to read as follows:

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

|   |           |
|---|-----------|
| 1910.67(b) .....                            | 1218-0230 |
| 1910.68 .....                               | 1218-0226 |
| * * * * *                                   |           |
| 1910.157(f)(16) .....                       | 1218-0218 |
| 1910.177(d)(3)(iv) .....                    | 1218-0219 |
| 1910.179(j)(2)(iii) and (iv) .....          | 1218-0224 |
| 1910.179(m)(1) and (m)(2) .....             | 1218-0224 |
| 1910.180(d)(6) .....                        | 1218-0221 |
| 1910.180(g)(1) and (g)(2)(ii) .....         | 1218-0221 |
| 1910.181(g)(1) and (g)(3) .....             | 1218-0222 |
| 1910.184(e)(4), (f)(4) and (i)(8)(ii) ..... | 1218-0223 |
| 1910.217(e)(1)(i) and (ii) .....            | 1218-0229 |
| * * * * *                                   |           |
| 1910.218(a)(2)(i) and (ii) .....            | 1218-0228 |
| * * * * *                                   |           |
| 1910.255(e) .....                           | 1218-0207 |
| * * * * *                                   |           |
| 1910.268 .....                              | 1218-0225 |
| * * * * *                                   |           |

**PART 1915—[AMENDED]**

1. The authority citation for part 1915 continues to read in part as follows:

**Authority:** Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736) of 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

2. In § 1915.8, the table is amended by revising the entries for the following sections, in numerical order, to read as follows:

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

|                |           |
|----------------|-----------|
| 1915.113 ..... | 1218-0220 |
| 1915.172 ..... | 1218-0220 |
| * * * * *      |           |

**PART 1926—[AMENDED]**

1. The authority citation for subpart A of part 1926 continues to read as follows:

**Authority:** Section 107, Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 12-71 (36 FR 8754), 8-76 (41 FR 25059), or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

2. In § 1926.5, the table is amended by removing the entries for 1926.152, 1926.1001 and 1926.1002 and be revising the entries for the following sections, in numerical order, to read as follows:

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

|                        |           |
|------------------------|-----------|
| * * * * *              |           |
| § 1926.251 .....       | 1218-0233 |
| * * * * *              |           |
| § 1926.550(b)(2) ..... | 1218-0232 |
| * * * * *              |           |
| § 1926.552 .....       | 1218-0231 |
| * * * * *              |           |
| § 1926.900 .....       | 1218-0217 |
| * * * * *              |           |
| § 1926.903 .....       | 1218-0227 |
| * * * * *              |           |

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**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 706**

**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972**

**AGENCY:** Department of the Navy, DOD.  
**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS MCFAUL (DDG 74) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**DATES:** Effective 31 October 1997.

**FOR FURTHER INFORMATION CONTACT:** Captain R. R. Pixa, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge

Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (703) 325-9744.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS MCFAUL (DDG 74) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 2(f)(ii) pertaining to the vertical placement of task lights; Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights; and, Annex I, paragraph 3(c) pertaining to placement of task lights not less than two meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR Part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table Four, Paragraph 15 of § 706.2 is amended by adding, in numerical order, the following entry for USS MCFAUL: