

after the Buffalo Creek dam failure in 1972 in West Virginia. The refuse pile and impoundment standards, Title 30 CFR Sections 77.215 and 77.216 had been enacted earlier in 1975 and were incorporated into the Act. Additional parts of these Sections were promulgated and enacted in 1992.

The standards require that the agency approve prudently engineered design plans for dams and their impoundments, as well as the plans for hazardous refuse piles that are routinely constructed by coal mine operators. Plan revisions are also required to be submitted for approval. In addition, the standards also require plans when one of these sites is to be abandoned. And plans are required when spontaneous fires erupt and need to be extinguished at the burning site. Records of weekly inspections and instrument monitoring are also required to ensure that the sites remain safe. Finally, the mine operators are also required to submit an annual status report and certification that guarantees that the site is being constructed in accordance with the

approved plan, and the site has not been altered during the construction year.

**II. Current Actions**

There are approximately 750 coal mine impounding structures, of which at least 250 are high-hazard sites. In addition, there are hundreds of refuse piles, and of these, it is estimated that 25 are hazardous. All impoundments and hazardous refuse piles are required by the standards to be constructed and operated in an approved manner. In addition, coal mine operators frequently revise construction plans to accommodate mining conditions, cycles or markets. Since these revisions to the structures can adversely affect a great number of people, such changes are required to be planned in a prudent manner and approved by the agency.

Fire extinguishing plans are only required from an operator when a spontaneous combustion has occurred, and the operator is directed to extinguish the fire.

Inspections on a weekly basis, or inspections at a longer interval for long-established and stable impoundments (after the regulation changes in 1992),

are required to ensure that precipitation, seismic activity, or perhaps an unknown construction flaw, has not adversely affected any part of the dam site. The annual status report and certification ensures that the company's engineers confirm that the site is in accordance with the approved engineering plan.

An abandonment plan approved by the agency, ensures that a hazardous site is not left in place after all mining activity has ceased.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Impounding Structures and Refuse Piles, Reporting Requirements, Certifications and Recordkeeping.

*OMB Number:* 1219-0015.

*Agency Number:* MSHA 211.

*Recordkeeping:* 3 years.

*Affected Public:* Business or other for-profit.

*Cite/Reference/Form/etc:* 30 CFR Sections 77.215 and 77.216.

*Total Burden Cost (capital/startup):* None.

*Total Burden Cost (operating/maintaining):* \$3,618,412.

Cite/Reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden hours
77.215 New Refuse Piles .....	24	Annually .....	50	16	800
Fire Ext. Plans .....	24	Annually .....	1	4	4
Abandonment Plans .....	25	Annually .....	25	8	200
Certification .....	15	Annually .....	15	2	30
77.216 New Impoundments .....	731	Annually .....	50	1,300	65,000
Revisions .....	100	Annually .....	100	5	500
Annual Certification .....	100	Annually .....	100	2	200
Inspections w/monitoring Instruments .....	300	On Occasion	5,100	3	15,300
Without Monitoring Instruments .....	431	Annually .....	7,327	2	14,654
Totals .....	755	.....	12,768	.....	96,688

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: September 2, 1998.

**George M. Fesak,**

*Director, Program Evaluation and Information Resources.*

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**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

[Docket No. ICR-98-9]

**Gear Certification (29 CFR part 1919); Announcement of OMB Approval of Information Collection Requirements**

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

**ACTION:** Notice; Announcement of the OMB approval of information collection requirements.

**SUMMARY:** The Occupational Safety and Health Administration is announcing that the collections of information found in the standard on Gear Certification (29 CFR part 1919) have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction

Act of 1995). This document announces the OMB approval number and expiration date.

**DATES:** Effective September 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3605, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone (202) 219-8061, ext. 100.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of March 6, 1998 (63 FR 11311), the Agency announced its intent to request renewal of its current OMB approval for 29 CFR part 1919, Gear Certification. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), OMB has renewed its approval for the information collection and assigned OMB control

number 1218-0003. The approval expires on July 31, 2001. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Signed at Washington, D.C. this 28th day of July 1998.

**Charles N. Jeffress,**

*Assistant Secretary of Labor.*

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR 98-30]

#### Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment (29 CFR part 1915); Information Collection Requirements

**ACTION:** Notice; Opportunity for Public Comment.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection requirements contained in the standard on Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment (29 CFR part 1915). The Agency is particularly interested in comments that:

- 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 submissions of responses.

**DATES:** Written comments must be submitted on or before November 9, 1998.

**ADDRESSES:** Comments are to be submitted to the Docket Office, Docket No. ICR-98-30, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone: (202) 219-7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219-5046.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3605, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone: (202) 219-8061. A copy of the referenced information collection request is available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Theda Kenney at (202) 219-8061, extension 100, or Barbara Bielaski at (202) 219-8076, extension 142. For electronic copies of the Information Collection Request on Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment, contact OSHA's WebPage on the Internet at <http://www.osha.gov> and click on "Regulations and Compliance."

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Occupational Safety and Health Act of 1970 (the Act) authorizes the promulgation of such health and safety standards as are necessary or appropriate to provide safe or healthful employment and places of employment. The statute specifically authorizes information collection by employers as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents.

The requirements contained in the standard on Confined and Enclosed

Spaces and Other Dangerous Atmospheres in Shipyard Employment (29 CFR part 1915) are necessary for the protection of employees exposed to hazardous atmospheres in shipyard employment. Hazardous atmospheres, whether toxic, flammable or oxygen deficient/enriched, are found throughout shipyard employment, in shipbuilding, ship breaking, ship repair and land side activities. Before employees can work in spaces that may contain hazardous atmospheres, the spaces must be inspected and often tested to determine atmospheric contents. In some situations, the testing is done by a Marine Chemist, Coast Guard Authorized Person, or certified industrial hygienist and a hot work certificate is issued and posted. To make sure the atmosphere in a space remains safe for workers, retesting will be required. In the vast majority of situations, a Shipyard Competent Person (SCP) will test the space, record and maintain the results and post instructions for the workers to follow prior to or during work in the space. The SCP must also retest as necessary to maintain safe conditions.

Employees who must enter spaces that may contain hazardous atmospheres must be trained and a record kept of the training. Training is also required for the shipyards that maintain their own rescue teams.

Employers and employees are unable to recognize toxic, flammable or oxygen deficient/enriched atmospheres in spaces without first testing to determine that hazardous conditions exist. By requiring employers, under 29 CFR 1915.7, to ensure that employees have the ability and knowledge to recognize, test for, and remove these hazards and to specifically assign certain duties to these employees, OSHA is reducing the incidence of accidents caused by hazardous atmospheres within shipyard employment, including, but not limited to, vessels and vessel sections.

There is an increase of 135,869 burden hours associated with the information collection requirements contained in the standard (from 1,312 hours to 137,181 hours). This increase is due primarily to a mathematical error in OSHA's previous estimates. In the previous burden estimates, OSHA, in error, only counted the burden to perform tests and inspections once a year, rather than daily or 235 working days per year. In addition, OSHA's previous estimates did not account for all of the provisions in the standard currently considered "collections of information" under PRA-95.