

Collection of information	Annual responses	Average response time (hours)	Annual burden hours
other accidents .....	1,543	0.50	772
Investigation of Accidents and Occupational Injuries			
fatal accidents .....	56	80.00	4,480
nonfatal accidents .....	1,631	16.00	26,096
other accidents .....	12,735	1.00	12,735
Separate Reports of Investigation (mines w/ 20+ empl.)			
fatal accidents .....	36	4.00	144
other accidents .....	11,424	1.00	11,424
Mine Accident, Injury, and Illness Reports			
initial reports .....	14,422	0.50	7,211
follow-up reports .....	7,055	0.33	2,328
Form 7000-1 Sub-total .....	48,958	.....	65,218
MSHA Form 7000-2			
Mailed Responses .....	74,401	0.50	37,201
Electronic Responses .....	10,493	0.25	2,623
Form 7000-1 Sub-total .....	84,894	.....	39,824
Grand Total .....	133,852	.....	105,042

*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$34,105.

*Description:* The reporting and recordkeeping provisions in 30 CFR part 50, Notification, Investigation, Reports and Records of Accidents, Injuries and Illnesses, Employment and Coal Production in Mines, are essential elements in MSHA's Congressional mandate to reduce work-related injuries and illnesses among the nation's miners.

Section 50.10 requires mine operators and mining contractors to immediately notify MSHA in the event of an accident. This immediate notification is critical to MSHA's timely investigation and assessment of the probable cause of the accident.

Section 50.11 requires that the operator or contractor investigate each accident and occupational injury and prepare a report. The operator or contractor may not use MSHA Form 7000-1 as a report, unless the mine employs fewer than 20 miners and the occurrence involves an occupational injury not related to an accident.

Section 50.20(a) requires mine operators and mining contractors to report each accident, injury, or illness to MSHA on Form 7000-1 within 10 working days after an accident or injury has occurred or an occupational illness has been diagnosed. The use of MSHA Form 7000-1 provides for uniform information gathering across the mining industry.

MSHA tabulates and analyzes the information from MSHA Form 7000-1, along with data from MSHA Form 7000-2, to compute incidence and

severity rates for various injury types. These rates are used to analyze trends and to assess the degree of success of the health and safety efforts of MSHA and the mining industry.

Accident, injury, and illness data when correlated with employment and production data provide information that allows MSHA to improve its safety and health enforcement programs, focus its education and training efforts, and establish priorities for its technical assistance activities in mine safety and health. Maintaining a current database allows MSHA to identify and direct increased attention to those mines, industry segments, and geographical areas where hazardous trends are developing. This could not be done effectively utilizing historical data. The information collected under part 50 is the most comprehensive and reliable occupational data available concerning the mining industry.

Section 103(d) of the Federal Mine Safety and Health Act of 1977 (Mine Act) mandates that each accident be investigated by the operator to determine the cause and means of preventing a recurrence. Records of such accidents and investigations shall be kept and made available to the Secretary or his authorized representative and the appropriate State agency. Section 103(h) requires operators to keep any records and make any reports that are reasonably necessary for MSHA to perform its duties under the Mine Act. Section 103(j) of the Mine Act requires operators to notify MSHA of the occurrence of an accident and to take appropriate measures to preserve any evidence

which would assist in the investigation into the cause or causes of the accident.

Data collected through MSHA Form 7000-1 and MSHA Form 7000-2 enable MSHA to publish timely quarterly and annual statistics, reflecting current safety and health conditions in the mining industry. These data are used not only by MSHA, but also by other Federal and State agencies, health and safety researchers, and the mining community to assist in measuring and comparing the results of health and safety efforts both in the United States and internationally.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 04-25385 Filed 11-15-04; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR 1218-0239(2005)]

#### Voluntary Protection Programs Information; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request for an extension of the information collection requirements contained in the Voluntary Protection Programs Information.

**DATES:** Comments must be submitted by the following dates:

*Hard copy:* Your comments must be submitted (postmarked or received) by January 18, 2005.

*Facsimile and electronic transmission:* Your comments must be received by January 18, 2005.

**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218-0239(2005), by any of the following methods:

*Regular mail, express delivery, hand delivery, and messenger service:* Submit your comments and attachments to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m., e.t.

*Facsimile:* If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Electronic:* You may submit comments through the Internet at <http://ecommments.osha.gov>. Follow instructions on the OSHA Web page for submitting comments.

*Docket:* For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR) (containing the Supporting Statement, OMB-83-I Form, and attachments), go to OSHA's Web page at <http://www.OSHA.gov>. In addition, comments, submissions and the ICR are available for inspection and copying at the OSHA Docket Office at the address above. You may also contact Cathy Oliver at the address below to obtain a copy of the ICR.

(For additional information on submitting comments, please see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section of this document.)

**FOR FURTHER INFORMATION CONTACT:** Cathy Oliver, Division of Voluntary Programs, Office of Partnerships and Recognition, Directorate of Cooperative and State Programs, OSHA, Room N-3700, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-2213. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information collection requirements for the Voluntary Protection Program is available for inspection and copying in the Docket Office, or you may request a mailed copy by telephoning Al Woodson at (202) 693-2589.

**SUPPLEMENTARY INFORMATION:**

### **I. Submission of Comments on This Notice and Internet Access to Comments and Submissions**

You may submit comments and supporting materials in response to this notice by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA Web page. Because of security related problems, there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning the delivery of submissions by express delivery, hand delivery and courier service.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions posted on OSHA's Web page are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance using the Web page to locate docket submissions.

Electronic copies of this **Federal Register** notice as well as other relevant documents are available on OSHA's Web page.

### **II. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The Voluntary Protection Programs (VPP) (47 FR 29025) adopted by OSHA established the efficacy of cooperative action among government, industry, and labor to address worker safety and health issues and to expand worker protection. To quality, employers must

meet OSHA's rigorous safety and health management criteria which focus on comprehensive management systems and active employee involvement to prevent or control worksite safety and health hazards. Employers who qualify generally view OSHA standards as a minimum level of safety and health performance, and set their own more stringent standards, wherever necessary, to improve employee protection.

Prospective VPP worksites must submit an application that includes:

- General site information (*i.e.*, site, corporate, and collective bargaining contact information).
- Injury and illness rate performance information (*i.e.*, number of employees and/or applicable contractors onsite, type of work performed and products produced, Standard Industrial Code, and Recordable Injury and Illness Case Incidence Rate information).
- Safety and health program information (*i.e.*, description of the site's safety and health management system including how the system successfully addresses management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training).

OSHA uses this information to determine whether a worksite is ready for a VPP onsite evaluation and as a verification tool during VPP onsite evaluations. Without this information, OSHA would be unable to determine which sites are ready for VPP status.

Each current VPP worksite is also required to submit an annual evaluation, in narrative format, that addresses how that site is continuing its adherence to programmatic requirements. OSHA needs this information to ensure that the worksite remains qualified to participate in the VPP in the three to five years between onsite evaluations. Without this information, OSHA would be unable to determine whether sites are maintaining excellent safety and health management systems during this interim period.

The Occupational Safety and Health Administration (OSHA) is introducing the OSHA Challenge and VPP Corporate Pilot programs. The length of these pilots is planned for two years. However, after the first year OSHA will conduct evaluations to determine whether to continue, modify, or terminate these pilots. These new initiatives will expand programs to promote the safety and health of thousands of workers across the nation.

OSHA Challenge is designed to reach and guide employers and companies in all major industry groups who are strongly committed to improving their

safety and health management systems and interested in pursuing recognition in VPP. OSHA Challenge provides participants a guide or roadmap to improve performance and ultimately to achieve VPP Merit or Star approval. OSHA Challenge outlines the requirements needed to develop and implement effective safety and health management systems through incremental steps. At each stage, certain actions, documentation and outcomes are required in the areas covered by VPP criteria. Participants receive recognition from OSHA at the completion of each stage.

Each Challenge Pilot Administrator is required to submit to OSHA electronically a Challenge Pilot Administrator's application package, Administrator's Statement of Commitment, Challenge Pilot Administrator's Information Form, Challenge Pilot Administrator's Quarterly Report (if there have been significant changes to any of its participant's sites), Challenge Pilot Administrator's Annual Report (the Challenge Pilot Administrator must prepare and submit the annual report electronically to OSHA).

The VPP Corporate Pilot is designed to provide a more efficient process for Corporations to increase their level of participation in VPP. The pilot concept is two-fold; the Corporations submit an application that describes corporate level policies and programs that are uniformly applied at facilities across the Corporation. A comprehensive Corporate Program Evaluation is conducted by OSHA to verify the contents of the application. Once a Corporation is accepted in the VPP Corporate Pilot, all eligible corporate facilities will apply for VPP participation using more efficient streamlined application and onsite evaluation processes. Corporations accepted in the VPP Corporate Pilot must submit an annual safety and health report.

VPP worksite employees may apply to participate in the Special Government Employee Program. The Special Government Employee Program was established as a means to leverage OSHA's limited resources. Through this program, safety and health professionals employed at VPP sites are trained to participate as team members during VPP onsite evaluations. In that capacity, Special Government Employees may review company documents, assist with worksite walkthroughs, interview employees, and assist in preparing VPP onsite evaluation reports. Potential Special Government Employees must

submit a Special Government Employee's application that includes:

- General contact information (*i.e.*, applicant's name, professional credentials, site/corporate contact information, etc.).
- A resume or the Optional Application for Federal Employment (OF-612) form.
- Confidential Financial Disclosure Report (OGE Form 450).
- Waiver of Claims against the Government.
- Department of Labor Request for Name Check (DL-68).

OSHA uses the contact information to arrange for Special Government Employee participation at VPP onsite evaluations, send congratulatory letters, and inform them of their status in the program. The resume or OF-612 and the DL-68 are used to determine whether an applicant is qualified to participate in the Special Government Employees Program. The OGE Form 450 is used to ensure that Special Government Employees do not participate in evaluations at sites where there may be a conflict of interest. The Waiver of Claims against the Government protects OSHA against liability.

### III. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

### IV. Proposed Actions

OHSAs proposes to extend the Office of Management and Budget's (OMB) approval of the collection of information (paperwork) requirements necessitated by the Voluntary Protection Programs. The Agency will include this summary in its request to OMB to extend the approval of these collections of information requirements.

*Type of Review:* Extension of currently approved information collection requirements.

*Title:* Voluntary Protection Programs Application Information.

*OMB Number:* 1218-0239.

*Affected Public:* Business or other for-profits; and individuals or households.

*Number of Respondents:*

VPP  
278 applications  
1,000 annual evaluations  
OSHA Challenge  
10 applications from Challenge Pilot Administrators  
100 applications from Challenge Pilot Candidates  
VPP Corporate  
7 applications from VPP Corporations  
70 applications from VPP Corporate Facilities

Special Government Employees

101 applications from SGEs

*Total Respondents:* 1,773.

*Frequency:* VPP applications, Challenge Pilot Administrator's applications, Challenge Pilot Candidate application, VPP Corporate Pilot applications and VPP Corporate Pilot Facility VPP applications are submitted once, Challenge Pilot Administrator's Quarterly Reports are submitted quarterly (if there have been significant changes to any of its participant's sites), VPP annual Evaluations, Challenge Pilot Administrator's Annual Report, and Corporate Safety and Health Report are submitted once per year, and Special Government Employee applications are submitted once every three years.

*Average Time Per Response:*

VPP General  
200 hours for VPP applications  
20 hours for VPP evaluations  
OSHA Challenge  
5 hours for Challenge Pilot Administrator applications  
10 hours for Challenge Pilot Candidate applications  
5 hours for Challenge Pilot Candidate quarterly reports  
20 hours for Challenge Pilot Candidate annual reports  
VPP Corporate  
120 hours for VPP Corporation's applications  
80 hours for VPP Corporate facility applications  
40 hours for VPP Corporation's annual reports  
Special Government Employees (SGE)  
8 minutes for SGE applications  
10 minutes for DL-69 Request for Name Check

*Estimated Total Burden Hours:*

VPP General  
55,600 hours for VPP applications  
20,000 hours for VPP annual evaluations  
OSHA Challenge  
50 hours for Challenge Administrator's applications  
1,000 hours for Challenge Pilot Candidate's applications

1,500 hours for Challenge Candidate's quarterly reports  
 2,000 hours for Challenge Candidate's annual reports  
 VPP Corporate  
 840 hours for Corporation's applications  
 5,600 hours for Corporate VPP facility applications  
 280 hours for Corporate facility annual reports  
 Special Government Employees (SGE)  
 13 hours for SGE applications  
 17 hours for DL-68 Request for Name Check

*Total Burden Hours per year (3-year average): 86,900.*

*Estimated Cost (Operation and Maintenance): \$0.*

#### V. Authority and Signature

John L. Henshaw, 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).

Signed in Washington, DC, on November 9th, 2004.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 04-25407 Filed 11-15-04; 8:45 am]

**BILLING CODE 4510-26-M**

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## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting of the Board of Directors

**TIME AND DATE:** The Board of Directors of the Legal Services Corporation will meet November 20, 2004. The Board of Directors will convene following the preceding meeting of the Finance Committee, which is expected to conclude at approximately 11 a.m. It is possible that the meeting of the Board of Directors may convene earlier or later than expected, depending upon the length of the aforementioned committee meeting.

**LOCATION:** The Westin Cincinnati, 21 E. 5th Street, Cincinnati, Ohio.

**STATUS OF MEETING:** Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by 5 U.S.C. 552b(c)(2) and LSC's corresponding regulation 45 CFR 1622.5(a); 5 U.S.C.

552b(c)(6) and LSC's corresponding regulation 45 CFR 1622.5(e); 5 U.S.C. 552b(c)(7) and LSC's implementing regulation 45 CFR 1622.5(f)(4), and 5 U.S.C. 522b(c)(9)(B) and LSC's implementing regulation 45 CFR 1622.5(g); and 5 U.S.C. 552b(c)(10) and LSC's corresponding regulation 45 CFR 1622.5(h). A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

#### MATTERS TO BE CONSIDERED:

##### Open Session

1. Approval of agenda.
2. Approval of minutes of the Board's meeting of September 11, 2004.
3. Approval of minutes of the Board's executive session of September 11, 2004.
4. Approval of minutes of the Search Committee meetings of:
  - (a) June 5, 2004;
  - (b) July 19, 2004; and
  - (c) August 12, 2004.
5. Approval of minutes of Board's executive session of June 5, 2004.
6. Consider and act on Resolution dissolving the Ad Hoc Search Committee for LSC President and Inspector General.
7. Chairman's Report.
8. Members' Reports.
9. President's Report.
10. Inspector General's Report.
11. Consider and act on the report of the Board's Committee on Provision for the Delivery of Legal Services.
12. Consider and act on the report of the Board's Operations & Regulations Committee.
13. Consider and act on the report of the Board's Finance Committee.
14. Consider and act on the report of the Board's Performance Reviews Committee.
15. Consider and act on Inspector General's Semiannual Report to Congress for the period of April 1-September 30, 2004, and LSC's Response.
16. Consider and act on the dates and locations of the Board's meetings for calendar year 2005.
17. Consider and act on other business.
18. Public comment.

##### Closed Session

19. Briefing<sup>1</sup> by the Inspector General on the activities of the Office of Inspector General.

<sup>1</sup> Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting" and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(2) and (b). See also 45 CFR 1622.2 & 1622.3.

20. Consider and act on General Counsel's report on potential and pending litigation involving LSC.

21. Consider and act on motion to adjourn meeting.

**CONTACT PERSON FOR INFORMATION:** Patricia D. Batie, Manager of Board Operations, at (202) 295-1500.

**SPECIAL NEEDS:** Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia D. Batie, at (202) 295-1500.

Dated: November 11, 2004.

**Victor M. Fortuno,**

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 04-25483 Filed 11-12-04; 12:25 pm]

**BILLING CODE 7050-01-P**

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## LEGAL SERVICES CORPORATION

### Sunshine Act Meeting of the Board of Directors Finance Committee

**TIME AND DATE:** The Finance Committee of the Legal Services Corporation Board of Directors will meet November 20, 2004. The meeting will commence immediately following conclusion of the meeting of the Operations and Regulations Committee, the deliberations of which are anticipated to terminate at approximately 10 a.m. It is possible that the Committee meeting may convene earlier or later than expected, depending upon when the preceding committee concludes its business.

**LOCATION:** Westin Cincinnati, 21 E. 5th Street, Cincinnati, Ohio.

**STATUS OF MEETING:** Open.

**MATTERS TO BE CONSIDERED:**

##### Open Session

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of September 10, 2004.
3. Presentation of LSC's Financial Reports for the Twelve-Month Period Ending September 30, 2004.
4. Update on the status of the FY 2005 Revised Temporary Operating Budget.

##### Closed Session

5. Briefing<sup>1</sup> by the Inspector General on the budget of the Office of the Inspector General.

<sup>1</sup> Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term "meeting"