

4. On page 20767, column 1, in the heading, the language "Income Taxes; Information and Backup Withholding; Hearing" is corrected to read "General Revision of Regulations Relating to Withholding of Tax on Certain U.S. Source Income Paid to Foreign Persons and Related Collection, Refunds, and Credits; Revision of Information Reporting and Backup Withholding Regulations; and Removal of Regulations Under Part 35a and of Certain Regulations Under Income Tax Treaties; Hearing".

5. On page 20767, column 1, in the preamble, the **SUMMARY** is corrected to read as follows:

**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to the withholding of income tax on certain U.S. source income paid to foreign persons (including the related tax deposit and reporting requirements, and the related collection, refunds, and credits of withheld tax), information reporting and backup withholding, and the removal of certain temporary employment tax regulations and certain regulations under income tax treaties.

6. On page 20767, column 2, in the preamble, the **SUPPLEMENTARY INFORMATION** is corrected to read as follows:

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed amendments to the Income Tax Regulations, Employment Tax Regulations, and Procedure and Administration Regulations under sections 163(f), 165(j), 871(h), 881(c), 1441, 1442, 1461, 1462, 1463, 3401, 3406, 6041, 6041A, 6042, 6045, 6049, 6050N, 6109, 6114, 6402 and 6413. The proposed regulations appeared in the Federal Register on Monday, April 22, 1996 (61 FR 17614).

Cynthia E. Grigsby,

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 96-14232 Filed 6-5-96; 8:45 am]

BILLING CODE 4830-01-U

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1915

[Docket No. S-051]

RIN 1218-AB51

#### Safety Standards Fire Protection in Shipyard Employment

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**ACTION:** Notice of Intent to Form Negotiated Rulemaking Advisory Committee to Develop a Proposal Rule on Fire Protection in Shipyard Employment.

**SUMMARY:** OSHA announces its intent to establish a Fire Protection in Shipyard Employment Negotiated Rulemaking Advisory Committee (the "Committee"), under the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA), to negotiate issues associated with the development of a Notice of Proposed Rulemaking to regulate fire hazards in shipyard employment. The Committee will include representatives of the parties interested in, or affected by, the outcome of the proposed rule. OSHA also solicits interested parties to submit their nominations for membership or requests for representation, on the Committee.

**DATES:** OSHA must receive written comments and requests for membership or representation by July 8, 1996.

**ADDRESSES:** Written comments should state: OSHA Docket No. S-051 and should be sent, in quadruplicate, to the following address: OSHA Docket Office, Rm N-2625, 200 Constitution Ave. N.W., Washington, D.C. 20210; Telephone (202) 219-7894.

Requests or recommendations for membership or representation on the Committee should be sent to: OSHA, Office of Maritime Standards, Room N-3621, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Phone (202) 219-7234, fax (202) 219-7477.

**FOR FURTHER INFORMATION CONTACT:** Ann Cyr, Acting Director; OSHA, Office of Information and Consumer Affairs, Room N-3647, U.S. Department of Labor; 200 Constitution Avenue, N.W.; Washington, D.C., 20210; Telephone: (202) 219-8151.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Fire protection in shipyard employment has been regulated by

OSHA's general industry standards for fire protection, 29 CFR 1910.155 through 1910.165, Subpart L, and section 5(a)(1), the General Duty Clause of the OSH Act, which requires each employer to,

furnish to each of his employees employment and a place of employment which are free from recognized hazards causing or likely to cause death or serious physical harm.

The general industry standards primarily address landside shipyard operations. The general industry standards in Subpart L address: fire brigades; portable fire extinguishers; standpipe and hose systems; automatic sprinkler systems; fixed extinguishing systems; fire detection systems; and employee alarm systems.

Because no specific standards cover work performed on board vessels and vessel sections, OSHA has used the General Duty Clause of the Act to address fire safety hazards aboard vessels. When the General Duty Clause is used, the Agency must determine how it can be applied. In other words, OSHA must ascertain what the employer must do to protect his or her employees from the hazards of fire and how the Agency can make sure the employer is providing that protection. In these situations, OSHA typically relies upon standards promulgated by other branches of the Federal Government such as the Coast Guard, along with guidelines developed by professional associations such as the National Fire Protection Association, (NFPA), and the Marine Chemists Association, (MCA) that have, in effect, become industry practice, to set forth the hazards and feasible means of abatement. In an enforcement action, the Agency would cite the employer for a violation of section 5(a)(1) of the Act. To prove a violation of section 5(a)(1) OSHA must show, among other things that a serious hazard is recognized by the employer's industry or the employer and that there is a feasible and useful method for abating the hazard. Although OSHA's enforcement under the General Duty Clause has reduced the risk of fire on board vessels, some risk remains.

The Agency believes a standard promulgated under section 6(b) of the Act will more effectively reduce these risks. The OSH Act intends that OSHA issue occupational safety standards to make clear what is necessary to protect employees and to inform employers of their specific obligations. In addition, a standard is more protective of employees than an enforcement program based upon a general provision; consequently, greater reduction of risks are achieved. Third,

because a standard would be much more specific than current requirements, employers and employees are given more guidance in carrying out the goal of protecting workers. Finally, use of the General Duty Clause imposes a heavy litigation burden on OSHA. For all these reasons, OSHA has concluded workers on board vessels need the protection of an OSHA standard on fire protection.

Extending application of the current general industry standards to all shipyard employment would not be appropriate for the following reasons. First, most of the provisions in the general industry standards have been in effect since 1980. They need to be reviewed and revised to take into account technological advances that could affect fire protection in shipyard employment. Secondly, shipyard employment encompasses many tasks and work sites that are unique to the maritime industry. Employers, labor representatives and professional and trade associations have repeatedly asked OSHA to allow all shipyard employment to be covered by the same standards. They point out that the work situations found within shipyard employment have more in common with each other than with those in general industry. They assert that the hazards and methods of controlling the hazards are similar throughout the shipyard. Finally, they say that because the work on land and aboard the vessels is located within the same area and performed by the same workforce, fire protection services are provided by the same in-yard/plant or out-of-yard fire crews to all areas of shipyard employment. They believe that allowing these crews to follow the same standard will enable them to be more effective in their prevention and response activities. OSHA agrees and has preliminarily concluded that a single new standard addressing fire hazards for all shipyard employment, on land and on board vessels, will provide the best protection for employees.

In 1991, the Shipyard Employment Standards Advisory Committee (SESAC) began work on regulating the hazard of fire for all shipyard employment. SESAC was formed to provide OSHA with guidance in revising, consolidating and modernizing the varying sets of regulation that were being applied in the shipyard industry into what would ultimately become a vertical standard for all shipyard employment. The SESAC Subcommittee on Fire Protection, after reviewing pertinent federal regulations and guidelines issued by professional associations, drafted a shipyard employment fire

protection standard. The draft was adopted by SESAC and given to OSHA for its consideration. SESAC's draft, which combines the materials they reviewed and includes comments from the workgroup participants, sets forth many of the components necessary for a comprehensive fire protection standard. However, because not all of its provisions are written in regulatory language and because the provisions do not address all of the issues that need to be considered in an OSHA rulemaking, the draft cannot be proposed as it is written. However, OSHA has concluded that the SESAC draft is an excellent starting point for development of a fire protection standard for shipyard employment. OSHA anticipates it will be a key resource for participants in the rulemaking.

The Shipyard workgroup of the Maritime Advisory Committee on Occupational Safety and Health (MACOSH) briefly discussed fire protection and negotiated rulemaking at their September 1995, meeting in New Orleans. Members urged OSHA to proceed with a fire protection standard; with some members suggesting the Shipyard workgroup take up fire protection issues if OSHA was unable to do a fire protection negotiated rulemaking.

OSHA has decided to use the negotiated rulemaking (Neg/Reg process to develop a proposed standard for fire protection covering all shipyard employment. The most important reason for using Neg/Reg is that the shipyard stakeholders from all sectors strongly support consensual rulemaking efforts like negotiated regulation. OSHA believes this process will be less adversarial than regular rulemaking and will result in a proposal that will effectively protect employees.

The negotiated rulemaking effort described in this Notice will be conducted in accordance with the Department of Labor's approved policy on negotiated rulemaking. For further detail about the Department's negotiated rulemaking policy, please consult the "Notice of Policy of Use of Negotiated Rulemaking Procedures by Agencies of the Department of Labor" published in the Federal Register on December 29, 1992 (57 FR 61925).

#### *A. The Concept of Negotiated Rulemaking*

Usually, OSHA develops a rulemaking proposal using staff and consultant resources. The concerns of affected parties are made known through various informal contacts, the circulation of a draft proposal to known

affected parties for their informal comment, through advance notices of proposed rulemaking published in the Federal Register, or formal consultation with an advisory committee such as the Maritime Advisory Committee on Occupational Safety and Health (MACOSH). After the notice of proposed rulemaking is published for comment, affected parties, including the Agency, submit arguments and data supporting their positions. All communications from affected parties are directed to the Agency. In general, there is not much communication among parties representing different interests, except during cross examination conducted at a rulemaking hearing.

Many times, effective regulations have resulted from such a process. However, as Congress noted in the Negotiated Rulemaking Act (5 U.S.C. 581) current rulemaking procedures may "discourage the affected parties from meeting and communicating with each other, and may cause parties with different interests to assume conflicting and antagonistic positions \* \* \*" (Sec. 2(2)). Congress also stated that "adversarial rulemaking deprives the affected parties and the public of the benefits of face-to-face negotiations and cooperation in developing and reaching agreement on a rule. It also deprives them of the benefits of shared information, knowledge, expertise, and technical abilities possessed by the affected parties." (Sec. 2(3)).

Using negotiated rulemaking to develop the proposed rule is fundamentally different. Negotiated rulemaking is a process in which a proposed rule is developed by a committee composed of representatives of all those interests that will be significantly affected by the rule. Decisions are made by consensus, which generally require concurrence among the interests represented.

The process is started by the Agency's careful identification of all interests potentially affected by the rulemaking under consideration. To help in this identification process, the Agency publishes a notice in the Federal Register, such as this one, which identifies a preliminary list of interests and requests public comment on that list.

Following receipt of the comments, the Agency establishes an advisory committee representing these various interests to negotiate a consensus on the terms of a proposed rule. Representation on the committee may be direct, that is, each member represents a specific interest, or may be indirect, through coalitions of parties formed for this purpose. The Agency is a member of the

committee representing the Federal government's own set of interests.

The negotiated rulemaking (Neg/Reg) advisory committee is chaired by a trained mediator, who facilitates the negotiation process. The role of this mediator, also called a facilitator, is to apply proven consensus building techniques to the OSHA advisory committee setting. The many functions that he or she will perform are discussed below.

Once a Neg/Reg advisory committee reaches consensus on the provisions of a proposed rule, the Agency, consistent with its legal obligations, uses such consensus as the basis of its proposed rule, to be published in the Federal Register. This provides the required public notice and allows for a public comment period. Other participants and other interested parties retain their rights to comment, participate in an informal hearing (if requested) and judicial review. OSHA anticipates, however, that the preproposal consensus agreed upon by this Committee will effectively narrow the issues in the subsequent rulemaking to only those which truly remain in controversy.

#### *B. Selecting Subpart P as a Candidate for Negotiated Rulemaking*

The Negotiated Rulemaking Act allows the agency to establish a negotiated rulemaking committee if it is determined that the use of the negotiated rulemaking procedure is in the public interest. As noted above in the Background part of this document, OSHA has made such a determination.

OSHA bases this determination, not only on the appropriateness of the subject to negotiated rulemaking and the support of affected parties, but also on its own prior experience with the negotiated rulemaking process. Even before the NRA was enacted, OSHA conducted negotiated rulemaking for its complex health standard for Methylenedianiline (MDA). This committee met seven times over a 10-month period (24 meeting days) and successfully negotiated standards for both general industry and construction. The final standards were ultimately based on the recommended proposed standards, and no litigation followed the standards' promulgation. In addition, OSHA's Steel Erection Negotiated Rulemaking Advisory Committee is completing its work and is ready to propose a revised standard for steel erection in construction, 29 CFR part 1926, Subpart R.

Discussions held between OSHA staff and many interested parties lend further evidence that the elements necessary for

a successful negotiated rulemaking on fire protection in shipyard employment exist. Moreover, the Agency believes that most of the selection criteria listed in the NRA (5 U.S.C. 563(a)) are met. There is a recognized need to promulgate fire protection requirements that would apply to all shipyard employment. Interests that will be affected by the new fire protection standard are known, as limited in number, and to a significant degree, are already organized in interest-based coalitions. Finally, parties representing significant interests have requested that OSHA begin negotiated rulemaking on subpart P. The need for a new standard is acknowledged by all known interests. The Agency believes that reaching consensus on work practices and specifications for fire protection in shipyard employment is highly promising. OSHA expects that all persons likely to be significantly affected by such a standard will negotiate in good faith.

#### *C. Agency Commitment*

In initiating this Neg/Reg process, OSHA is making a commitment on behalf of the Department of Labor that the Agency and all other participants within the Department will provide adequate resources to ensure timely and successful completion of the process. This commitment includes making the process a priority activity for all representatives, components, officials, and personnel of the Department who need to be involved the rulemaking, from the time of initiation until such time as a final rule is issued or the process is expressly terminated. Once the process has been initiated, all representatives, components, officials and personnel of the Department shall be expected to act in accordance with this commitment.

As provider of administrative support, OSHA will take steps to ensure that the negotiated rulemaking committee has the dedicated resources it requires to complete its work in a timely fashion. These include the provision or procurement of such support services as: properly equipped space adequate for public meetings and caucuses; logistical support and timely payment of participant travel and expenses where necessary, as provided for under the NRA; work processing, information dissemination, storage and other information handling services required by the committee; the service of a facilitator; and such additional statistical, economic, health, safety, legal, computing or other technical assistance as may be necessary.

OSHA, to the maximum extent possible consistent with the legal obligations of the Agency, will use the consensus of the Committee as the basis for the rule proposed by the Agency for public notice and comment. The Agency believes that by promulgating a standard for fire protection, it can limit or reduce the number of deaths and injuries to employees engaged in shipyard employment who are exposed to a significant risk of injury and death because of the lack of specific applicability of certain provisions in the general industry standards and because a large number of shipyard employees are not protected by any OSHA fire protection standards. The Agency, therefore, is committed to publishing a consensus proposal that is consistent with OSHA's legal mandates.

#### *D. Negotiating Consensus*

As discussed above, the negotiated rulemaking process is fundamentally different from the usual development process for OSHA proposed rules. Negotiation allows all the parties to discuss possible approaches to various issues rather than only asking them to respond to details in an OSHA proposal. The negotiation process involves a mutual education of the parties by each other on the practical concerns about the impact of such approaches. Each committee member participates in resolving the interests and concerns of other members, rather than leaving it up to OSHA to bridge different points of view.

A key principle of negotiated rulemaking is that agreement is by consensus of all the interests. Thus, no one interest or group of interests is able to control the process. The NRA defines consensus as the unanimous concurrence among interests represented on a negotiated rulemaking committee, unless the committee itself unanimously agrees to use a different definition. In addition, experience has demonstrated that using a trained mediator to facilitate this process will assist all potential parties, including OSHA, to identify their real interests in the rule and so be able to reevaluate previously stated positions on issues involved in this rulemaking effort.

#### *E. Some Key Issues for Negotiation*

OSHA expects key issues to be addressed as part of these negotiations will include:

##### *1. Scope and Application*

Should Subpart P apply to all shipyard employment? How will standard affect out-of-yard/plant

firefighters such as those employed by a municipal fire department?

## 2. Controls and Work Practices

What controls and work practices will provide adequate protection for employees? Should OSHA require hot work permits? Should OSHA require training for all fire fighters? Should OSHA incorporate U.S. Coast Guard regulations in this standard? Is there any difference in controls and work practices on landside vs. onboard vessels and vessel sections? Should OSHA require the employer to secure (deactivate) all fire fighting systems onboard vessels when they arrive in the yard?

## 3. Fire Brigades

Should OSHA require each shipyard to have an in-yard/plant fire brigade?

## 4. Written Fire Plans

Should OSHA require written fire plans for landside and onboard vessels? If so, what provisions need to be included in the plans? Should OSHA include a requirement for de-watering (removal of firefighting water from the vessel) of vessels when fighting a fire on board a vessel?

## 5. Technological Advances

What advances in fire technology have occurred since OSHA's general industry standards were promulgated? Which of these advances should be incorporated into the shipyard standard?

## 6. Costs of Fire Protection

What costs would be incurred by shipyards in meeting the various provisions of a new standard? Calculations should include costs of acquiring new equipment, instituting new engineering controls and work practices, and costs of training employees. Are there cost savings or other benefits that could be expected with the promulgation of identical rules for all of shipyard employment? If so, what would be the magnitude of savings?

## 7. Appendices

Should OSHA include an appendix or appendices and, if so, should it (they) be mandatory?

## II. Proposed Negotiation Procedures

The following proposed procedures and guidelines may be augmented as a result of comments received in response to this notice or during the negotiation process.

### A. Committee Formation

This negotiated rulemaking Committee will be formed and operated in full compliance with the requirements of the Federal Advisory Committee (FACA) in a manner consistent with the requirements of the Negotiated Rulemaking Act (NRA).

### B. Interests Involved

The Agency intends to conduct negotiated rulemaking proceedings with particular attention to ensuring full and adequate representation of those interests that may be significantly affected by the proposed rule. Section 562 of the NRA defines the term "interest" as follows:

(5) "interest" means, with respect to an issue or matter multiple parties which have a similar point of view or which are likely to be affected in a similar manner.

The following interests have been tentatively identified as "significantly affected" by the matters that may be included in the proposed rule:

Shipyards owners;

Contractors;

Labor organizations representing employees who perform fire protection work;

Fire fighters, both in yard/plant and municipal;

Government entities, particularly the Navy and the Coast Guard;

Professional associations; and

Manufacturers and suppliers of fire protection equipment.

One purpose of this document is to determine whether a standard regulating fire hazards in shipyard employment would significantly affect interests that are not listed above. OSHA invites comment and suggestions on this list of "significantly affected" interests.

In this regard, the Department of Labor recognizes that the regulatory actions it takes under its programs may at times affect various segments of society in different ways, and that this may in some cases produce unique "interests" in a proposed rule based on income, gender, or other factors. Particular attention will be given by the Department to ensure that any unique interests that have been identified in this regard, and that may be significantly affected by the proposed rule, are fully represented.

### C. Members

The negotiating group should not exceed 25 members, and 15 would be preferable. The Agency believes that more than 25 members would make it difficult to conduct effective negotiations.

OSHA is aware that there are many more potential participants, whether they are listed here or not, than there are membership slots on the Committee. The Agency does not believe, nor does the NRA contemplate, that each potentially affected group must participate directly in the negotiations; nevertheless, each affected interest can be adequately represented. In order to have a successfully negotiation, it is important for interested parties to identify and form coalitions that adequately represent significantly affected interests. These coalitions, in order to provide adequate representation must agree to support, both financially and technically, a member to the Committee whom they will choose to represent their "interest."

It is very important to recognize that interested parties who are not selected to membership on the Committee can make valuable contributions to this negotiated rulemaking effort in any of several ways:

The person could request to be placed on the Committee mailing list, submitting written comments, as appropriate;

The person could attend the Committee meetings, which are open to the public, caucus with his or her interest's member on the Committee, or even address the Committee (usually allowed at the end of an issue's discussion or the end of the session, as time permits; or

The person could assist in the work of a workgroup that might be established by the Committee.

Informal workgroups are usually established by an advisory committee to assist the Committee in "staffing" various technical matters, e.g., researching or preparing summaries of the technical literature or comments on particular matters such as economic issues before the Committee so as to facilitate Committee deliberations. They might also assist in estimating costs and drafting regulatory text on issues associated with the analysis of the affordability and benefits addressed, and formulating drafts of the various provisions and their justification previously developed by the committee. Given their staffing function, workgroups usually consist of participants who have expertise or particular interest in the technical matter(s) being studied.

Because it recognizes the importance of this staffing work for the Committee, OSHA will provide appropriate technical expertise for such workgroups.

Requests for appointment to membership on the Committee are solicited. Members can be individuals

or organizations. If the effort is to be fruitful, participants should be able to fully and adequately represent the viewpoints of their respective interests. Those who wish to be appointed as members of the Committee should submit a request to OSHA, in accordance with the Public Participation part of this document.

The following list includes those who have been tentatively identified by OSHA as being either a potential member of the Committee, or a potential member of a coalition that would in turn nominate a candidate to represent one of the significantly affected interests listed above:

*Shipyard owners;*  
*Contractors;*  
*Labor organizations representing employees who perform fire protection work;*  
*Fire fighters, both in yard/plant and municipal;*  
*Government entities, particularly the Navy and the Coast Guard;*  
*Professional associations; and*  
*Manufacturers and suppliers of fire protection equipment.*

This list of potential parties is not presented as a complete or exclusive list from which committee members will be selected, nor does inclusion on the list of potential parties mean that a party on the list has agreed to participate as a member of the Committee or as a member of a coalition. The list merely indicates parties that OSHA has tentatively identified as representing significantly affected interests in the outcome of the subpart P negotiated rulemaking. This document gives notice of this process to other potential participants and affords them the opportunity to request representation in the negotiations. The procedure for requesting such representation is set out under the Public Participation part of this document, below. In addition, comments and suggestions on this tentative list are invited.

#### *D. Good Faith Negotiation*

Committee members should be willing to negotiate in good faith and have the authority to do so. The first step is to ensure that each member has good communications with his or her constituencies. An intra-interest network of communication should be established to bring information from the support organization to the member at the table, and to take information from the table back to the support organization. Second, each organization or coalition should, therefore, designate as its representative an official with credibility and authority to insure that

needed information is provided and decisions are made in a timely fashion. Negotiated rulemaking efforts can require a very significant contribution of time by the appointed members that must be sustained for up to a year. Other qualities that can be very helpful are negotiating experience and skills, and sufficient technical knowledge to participate in substantive negotiations.

Certain concepts are central to negotiating in good faith. One is the willingness to bring all issues to the bargaining table in an attempt to reach a consensus, instead of keeping key issues in reserve. The second is a willingness to keep the issues at the table and not take them to other forums. Finally, good faith includes a willingness to move away from the type of positions usually taken in a more traditional rulemaking process, and instead explore openly with other parties all ideas that may emerge from the discussions of the Committee.

#### *E. Facilitator*

This individual will not be involved with the substantive development of the standard. Rather, the facilitator's role generally includes:

- Chairing the meetings of the committee in an impartial manner;
- Impartially assisting the members of the Committee in conducting discussions and negotiations;
- Performing the duties of the Designated Federal Official under FACA; and
- Acting as disclosure officer for Committee records under the Freedom of Information Act (FOIA).

#### *F. OSHA Representative*

The OSHA representative will be a full and active participant in the consensus building negotiations. The representative will meet regularly with various senior OSHA officials, briefing them on the negotiations and receiving their suggestions and advice, in order to effectively represent the Agency's views regarding the issues before the Committee. OSHA's representative will also ensure that the entire spectrum of governmental interests affected by the subpart P rulemaking, including the office of Management and Budget and other Departmental offices, is kept informed of the negotiations and encouraged to make their concerns known in a timely fashion. OSHA's representative will also communicate with MACOSH on a regular basis, informing it of the status and content of the negotiations.

In addition, the OSHA representative will present the negotiators with the accumulated record evidence gathered

on issue-by-issue basis for their consideration. (The Committee may also consult OSHA's representative with regard to the Agency's regulatory needs, appropriate boundaries of consideration, or technical information. Such information could include the areas of technological feasibility and economic concerns, including direct and indirect costs of compliance). The OSHA representative, together with the facilitator, will also be responsible for coordinating the administrative and committee support functions to be performed by OSHA's support team.

#### *G. Committee Notice*

After evaluating the comments on this announcement and the requests for representation, OSHA will issue a notice that will announce the establishment of the Committee and its membership, unless after reviewing the comments, it is determined that such an action is inappropriate. The negotiation process will begin once the Committee membership roster is published in the Federal Register.

#### *H. Tentative Schedule*

Included in the notice establishing the Committee will be a proposed schedule of the meetings. The first meeting will focus largely on procedural matters, including the proposed ground rules. These will include agreement on dates, times, and locations of future meetings, and identification and determination of how best to address principal issues for resolution.

#### *I. Record of Meetings*

In accordance with FACA's requirements, the facilitator will keep minutes and a record of all Committee meetings. This record will be placed in the public docket No. S-051 for this rulemaking. Committee meetings will be announced in the Federal Register and will generally be open to the public.

#### *J. Agency Action*

As noted above, the Agency intends to use the Committee's consensus as the basis for the NPRM. OSHA expects to issue the proposed rule developed by the Committee, unless the consensus is inconsistent with OSHA's statutory authority or is not appropriately justified. In that event, the Agency will explain the reason for its decision.

#### *K. Committee Procedures*

Under the general guidance and direction of the facilitator, and subject to any applicable legal requirements, appropriate detailed procedures for committee meetings will be established. Committee members will be presented

with proposed ground rules and agendas prior to the first meeting.

### III. Public Participation

Since this will be a negotiated rulemaking, there are many opportunities for an individual who is interested in the outcome of the rule to participate. As a first step in response to this notice of intent to negotiate, OSHA recommends that potential participants study the two lists contained in this notice: the lists of significantly affected interests and the lists of potential participants. After analyzing for completeness or over or under-inclusiveness, parties should examine the lists for the purpose of coalition building. Potential parties should try to identify others, whether on the lists or not, who share a similar viewpoint and who be affected in a similar way by the rule. Communication with these parties of similar interest should follow, and the organization of coalitions to support the interest should begin. It is only after the formation of these coalitions and extensive intra-constituency discussion that decisions should be made as to which individuals should represent the interest and in which capacity. As indicated above, an interested party may participate in a variety of ways such as being a committee member, working within the coalition (promoting communication, providing expert support in a workgroup or otherwise, helping to develop internal ranges of acceptable alternatives, etc.), attending committee meetings in order to caucus with the interest's member of address the Committee at the appropriate times, or submitting written comments or materials.

Persons who will be significantly affected by the subpart P rulemaking, whether or not listed above in this document, may apply for or nominate another person for membership on the Committee to represent such interests. Such requests should be submitted, in quadruplicate, to OSHA Docket Office, Rm N-2625, 200 Constitution Ave. N.W., Washington, D.C., 20210; Telephone (202) 219-7894, no later than July 8, 1996. OSHA notes that the NRA addresses the concerns of potential members for whom the expenses of participation may not be affordable (See 5 U.S.C. 568 (c)). Each application or nomination shall include:

- (1) The name of the applicant or nominee and a description of the interest such person shall represent;
- (2) Evidence that the applicant or nominee is authorized to represent parties having the shared interest the person proposes to represent; and

(3) A written commitment that the applicant or nominee shall actively participate in good faith in the development of the rule under consideration.

All other written comments, including comments on the appropriateness of using negotiated rulemaking to develop a proposed rule to revise the existing safety provisions in 29 CFR Part 1915 subpart P, should be directed to Docket No. S-051, and sent in quadruplicate to the following address: OSHA Docket Office, U.S. Department of Labor, Rm. N-2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone (202) 219-7894.

### IV. Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*

Signed at Washington, D.C., this 30th day of May, 1996.

Joseph A. Dear,

*Assistant Secretary of Labor.*

[FR Doc. 96-14090 Filed 6-5-96; 8:45 am]

BILLING CODE 4510-26-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Part 218

RIN 1010-AC01

#### Amendments To Regulations Governing Collection of Royalties, Rentals, Bonuses, and Other Monies Due the Federal Government

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Proposed rule; notice of extension of public comment period.

**SUMMARY:** MMS hereby gives notice that it is extending the public comment period on a Notice of proposed rule, which was published in the Federal Register on April 19, 1996 (61 FR 17266). The proposed rule would amend the regulations that specify how payments are made for mineral lease royalties, rentals, and bonuses. In response to requests for additional time, MMS will extend the comment period from June 18, 1996, to July 19, 1996.

**DATES:** Comments must be submitted on or before July 19, 1996.

**ADDRESSES:** Written comments, suggestions or objections regarding this proposed amendment should be sent to the following addresses.

For comments sent via the U.S. Postal Service use: Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, P.O. Box 25165 MS 3101, Denver, Colorado 80225-0165.

For comments via courier or overnight delivery service use: Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, MS 3101 Building 85, Denver Federal Center, Room A-212, Denver, Colorado 80225-0165.

#### FOR FURTHER INFORMATION CONTACT:

David S. Guzy, Chief, Rules and Procedures Staff, phone (303) 231-3432, FAX (303) 231-3194, e-Mail David Guzy@smtp.mms.gov.

Dated: May 31, 1996.

Robert E. Brown,

*Associate Director for Royalty Management.*

[FR Doc. 96-14218 Filed 6-5-96; 8:45 am]

BILLING CODE 4310-MR-M

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 202

[Docket No. RM 95-7A]

#### Registration of Claims to Copyright, Group Registration of Photographs

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

**ACTION:** Notice of public hearing.

**SUMMARY:** The U.S. Copyright Office issues this notice to inform the public that the Office will hold a public hearing in the course of an ongoing rulemaking proceeding in which it is proposing changes in the manner in which copyright claimants may register photographs. This notice invites participation in a public hearing intended to elicit additional comments to assist the Office in its review of proposed registration procedures.

**DATES:** The public hearing will be held on Wednesday, June 26, 1996, beginning at 10:00 a.m. Anyone desiring to testify should contact the Office of the General Counsel, U.S. Copyright Office, Library of Congress, at (202) 707-8380 by Wednesday, June 19, 1996. Written comments are also invited from both those who wish to testify and those who wish only to file either initial or supplemental written comments. All written comments must be received on or before Monday, July 15, 1996.