

documentary evidence they plan to present by June 5, 2003. Parties who provided this material in response to the notice of proposed rulemaking do not have to resubmit their comments and documentary evidence submitted with their comments, but should refer to them in their notice of intention to appear.

ADDRESSES: *Informal public hearing.*

The informal public hearing to be held in Washington, DC will be located in the Auditorium on the plaza level of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

Notice of intention to appear at the hearing. Notices of intention to appear at the informal public hearing should be submitted in triplicate to the Docket Office, Docket No. S-778-A, Room N-2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Notices may also be faxed to the Docket Office at 202-693-1648 or submitted electronically at <http://ecomments.osha.gov>. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m.

Hearing testimony and documentary evidence. Interested parties who will be requesting more than 10 minutes to present their testimony, or who will be submitting documentary evidence at the informal public hearing must mail three copies of the testimony and the documentary evidence to the Docket Office at the above address. Testimony may also be faxed to the Docket Office at 202-693-1647. Additional information for submitting testimony and evidence is found under

SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION: For general information and press inquiries, contact Ms. Bonnie Friedman, Director, OSHA Office of Public Affairs, Room N-3647, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: (202) 693-1999). For technical inquiries, contact Mr. Robert Manware, Office of Physical Hazards, Room N-3718, (telephone (202) 693-2299; fax: (202) 693-1678) and for hearing information contact Ms. Veneta Chatmon, Office of Information (telephone 202-693-1999) at the above address. For additional copies of this **Federal Register** notice, contact the Office of Publications, Room N-3103, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone (202) 693-1888). Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are

available at OSHA's Home page at <http://www.osha.gov>.

SUPPLEMENTARY INFORMATION: In 1995, the Agency identified a number of provisions in its regulations and standards that were inconsistent, duplicative, outdated, or in need of being rewritten in plain language. In 1998, as part of the process of correcting such provisions, OSHA made several substantive revisions to its health and safety standards that reduced the regulatory obligations of employers while maintaining the safety and health protection afforded to employees (63 FR 33450, June 18, 1998). During and after this rulemaking, the Agency identified several other regulatory provisions in its safety and health standards involving notification of use, frequency of exposure monitoring and medical surveillance, and similar provisions that it believed could be modified to improve the efficiency of compliance and consistency among standards while maintaining health protection for employees. OSHA proposed to make substantive revisions to a number of the health standard provisions identified in this process on October 31, 2002 (67 FR 66494). The period for filing public comment on the proposal was to end on December 30, 2002. Interested parties requested an extension of the deadline for submitting comments based on the need for additional time to provide a thorough review and response to the substantive provisions proposed for revision in the notice. In response to these requests, OSHA extended the period for submitting comments until January 30, 2003 (*see* 68 FR 1023, January 8, 2003). In addition, a number of commenters (Exs. 3-2, 3-16) requested that an informal public hearing be convened on the issues raised in the proposal. OSHA has granted that request and has scheduled an informal public hearing commencing July 8, 2003.

Public Participation—Comments and Hearings

OSHA encourages members of the public to participate in this rulemaking by providing oral testimony and documentary evidence at the informal public hearing that the Agency will convene. In this regard, the Agency invites interested parties having knowledge or experience with respect to the issues raised in the proposal to participate in this process, and welcomes any pertinent data that will provide it with the best available evidence on which to develop the final regulatory requirements.

This section describes the procedures the public must use to schedule an opportunity to deliver oral testimony and provide documentary evidence at the informal public hearing. Notices of intention to appear, hearing testimony and documentary evidence will be available for inspection and copying at the OSHA Docket Office.

Pursuant to section 6(b)(3) of the Act, members of the public will have an opportunity at an informal public hearing to provide oral testimony concerning the issues raised in this proposal. The hearings will commence at 10 a.m. on the first day. At that time, the presiding administrative law judge (ALJ) will resolve any procedural matters relating to the proceeding. The hearings will reconvene on subsequent days at 9 a.m., if necessary.

The legislative history of section 6 of the OSHA Act, as well as OSHA's regulation governing public hearings (29 CFR 1911.15), establish the purpose and procedures of informal public hearings. Although the presiding officer of such hearing is an ALJ, and questions by interested parties is allowed on crucial issues, the proceeding is informal and legislative in purpose. Therefore, the hearing provides interested parties with an opportunity to make effective and expeditious oral presentations in the absence of procedural restraints or rigid procedures that could impede or protract the rulemaking process. In addition, the hearing is an informal administrative proceeding, rather than adjudicative one in which the technical rules of evidence would apply, because its primary purpose is to gather and clarify information. The regulations that govern public hearings, and the pre-hearing guidelines issued for this hearing, will ensure participants fairness and due process, and also will facilitate the development of a clear, accurate and complete record. Accordingly, application of these rules and guidelines will be such that questions of relevance, procedures, and participation generally will favor development of the record.

Conduct of the hearing will conform to the provisions of 29 CFR part 1911, "Rules of Procedure for Promulgating, Modifying, or Revoking Occupational Safety and Health Standards." The regulation at 29 CFR 1911.4 "Additional or Alternative Procedural Requirements," specifies that the Assistant Secretary may, on reasonable notice, issue alternative procedures to expedite proceedings or for other good causes. Although the ALJs who preside over these hearings make no decision or recommendation on the merits of OSHA's proposal, they do have the