

documentary evidence at the hearing, must provide the Agency with copies of their full testimony and all documentary evidence they plan to present by January 12, 2004. (Parties who provided their full testimony and documentary evidence in response to the NPRM do not have to resubmit these materials.)

ADDRESSES: Informal public hearing.

The informal public hearing will be held in Washington, DC, 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 (3 copies) to the Docket Office, Docket No. H049C, Room N-2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. These notices also may 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. Testimony and documentary evidence must be submitted in triplicate (3 copies) to the Docket Office at the above address. Testimony and documentary evidence totaling 10 or fewer pages may be faxed to the Docket Office at 202-693-1647. Materials such as studies or journal articles may not be attached to faxed testimony or documentary evidence; instead, three copies of this material must be mailed to the Docket Office at the above address. Such material must identify clearly the name of the individual who is testifying, date, docket number, and subject so that OSHA can attach it to the appropriate faxed documents.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Ms. Layne Lathram, Office of Communications, 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. John Steelnack, Office of Biological Hazards, Room N-3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: (202) 693-2289; fax: (202) 693-1678). For hearing information, contact Ms. Veneta Chatmon, Office of Communications, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: (202) 693-1999). 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 homepage at <http://www.osha.gov>.

SUPPLEMENTARY INFORMATION: OSHA published the final, revised Respiratory Protection Standard, 29 CFR 1910.134, on January 8, 1998 (63 FR 1152). However, in the final standard, the Agency reserved the sections related to assigned protection factors (APFs) and maximum use concentrations (MUCs) pending further rulemaking (see 63 FR 1182 and 1203). On June 6, 2003, OSHA published an NPRM to revise its existing Respiratory Protection Standard to add definitions and specific requirements for APFs and MUCs (68 FR 34036). The proposed revisions also would supersede the respirator-selection provisions of existing substance-specific standards with the new APFs (except the APFs for the 1,3-Butadiene Standard).

During the comment period on the NPRM, which OSHA extended to October 2, 2003 (68 FR 53311), a number of commenters (Exs. 12-2, 12-4, 12-8, 12-10, 12-11, 12-12, 13-1, 13-2, 13-3, 13-4, 13-5) requested an informal public hearing. OSHA is granting this request.

The Agency is placing the Notices of Intention to Appear, hearing testimony, and documentary evidence in the rulemaking docket, which will be available for inspection and copying at the OSHA Docket Office.

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. Accordingly, the Agency invites interested parties having knowledge of, or experience with, the issues raised in the NPRM to participate in this process, and welcomes any pertinent data that will provide the Agency with the best available evidence to use in developing the final rule. This section describes the procedures the public must use to schedule an opportunity to deliver oral testimony and to provide documentary evidence at the informal public hearing.

Hearing Arrangements

Pursuant to section 6(b)(3) of the Occupational Safety and Health Act ("the Act"; 29 U.S.C. 655), members of the public must have an opportunity at

the informal public hearing to provide oral testimony concerning the issues raised in the NPRM. An administrative law judge (ALJ) will preside over the hearing, and will resolve any procedural matters relating to the hearing on the first day.

Purpose of the Hearing

The legislative history of Section 6 of the Act, as well as the Agency's regulation governing public hearings (29 CFR 1911.15), establish the purpose and procedures of informal public hearings. Although the presiding officer of the hearing is an ALJ, and questions by interested parties are allowed on pertinent issues, the hearing 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 that could impede or protract the rulemaking process. The hearing is not an adjudicative proceeding subject to the technical rules of evidence; instead, it is an informal administrative proceeding convened for the purpose of gathering and clarifying information. The regulations that govern the hearing, and the pre-hearing guidelines issued for the hearing, will ensure that participants are treated fairly and have due process; this approach 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 will be decided in favor of developing a complete record.

Conduct of the Hearing

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"). Although the ALJ who presides over the hearing makes no decision or recommendation on the merits of the NPRM or the final rule, the ALJ has the responsibility and authority to ensure that the hearing progresses at a reasonable pace and in an orderly manner. To ensure that interested parties receive a full and fair informal hearing, the ALJ has the authority and power to: Regulate the course of the proceedings; dispose of procedural requests, objections, and similar matters; confine the presentations to matters pertinent to the issues raised; use appropriate means to regulate the conduct of the parties who are present at the hearing; question witnesses; and permit others to question witnesses; and limit the time for such questions. At the close of the hearing, the ALJ will