[FR Doc. 2010–5746 Filed 3–16–10; 8:45 am]
BILLING CODE 6750–01–S

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. OSHA–H022K–2006–0062, (formerly OSHA Docket No. H022K]

RIN 1218–AC20

Hazard Communication; Meetings Notice

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

ACTION: Proposed rule; notification of one hearing, and one hearing cancellation.

SUMMARY: On December 29, 2009, OSHA announced that it would hold informal public hearings on its proposal to revise the Hazard Communication Standard in Washington, DC; Pittsburgh, PA; and Los Angeles, CA (74 FR 68756). OSHA will hold the Pittsburgh hearing at the Marriott Pittsburgh City Center on March 31, 2010. OSHA is canceling the Los Angeles, CA, hearing.

DATES: The informal public hearing will begin at 9:30 a.m., local time, on March 31, 2010, in Pittsburgh, PA.

ADDRESSES: Informal public hearing. The Pittsburgh, PA, hearing will be held in the Marriott Pittsburgh City Center, located at 112 Washington Place, Pittsburgh, Pennsylvania 15219.

Docket: To read or download comments, notices of intention to appear, and other material in the docket, go to Docket No. OSHA–H022K–2006–0062 at *http://www.regulations.gov*. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.*, copyrighted material) is not publicly available to read or download through the Web site. All submissions and other material in the docket are available for public inspection and copying in the OSHA Docket Office. For information on reading or downloading materials in the docket and obtaining materials not available through the Web site, please contact the OSHA Docket Office, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350 (TTY number (877) 889–5627).

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov*. This notice, as well as news releases and other relevant information, also are available at OSHA's Web page at *http://www.osha.gov*.

FOR FURTHER INFORMATION CONTACT: Press inquiries: Jennifer Ashley, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1999.

Technical information: Maureen Ruskin, OSHA, Office of Chemical Hazards-Metals, Room N–3718, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1950.

Hearings: Ms. Veneta Chatmon, OSHA, Office of Communications, Room N–3647; 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1999; e-mail *chatmon.veneta@dol.gov*.

SUPPLEMENTARY INFORMATION: On September 30, 2009, OSHA published a proposed rule to revise the Hazard Communication Standard (HCS) to conform with the United Nations' (UN) Globally Harmonized System of Classification and Labelling of Chemicals (GHS) (74 FR 50280). OSHA published a correction notice for the Notice of Proposed Rulemaking (NPRM) on November 5, 2009 (74 FR 57278). The deadline for submitting written comments and hearing requests was December 29, 2009. On December 29, 2009, OSHA published a notice announcing that it would hold informal public hearings in Washington, DC; Pittsburgh, PA; and Los Angeles, CA (74 FR 68756). The deadline for filing a notice of intention to appear to present testimony or question witnesses at these hearings was January 18, 2010, and the deadline for requesting more than 10 minutes to present testimony or to submit documentary evidence at the hearing was February 1, 2010.

OSHA received numerous requests to appear at the Washington, DC, hearing and a number for the Pittsburgh, PA hearing. However, OSHA received only a few requests to appear at the Los Angeles location, and has accordingly decided to cancel that hearing. Persons who filed timely notices for the Los Angeles hearing have been given the opportunity to appear at either the Washington, DC, or Pittsburgh locations.

For information about the procedures that will be followed at these hearings, please see the notice of hearing published at 74 FR 68756 and the prehearing guidelines issued by Administrative Law Judge Stephen Purcell, which have been posted in the docket and may be accessed as noted above.

Participants who need projectors and other special equipment for their testimony must contact Ms. Veneta Chatmon at OSHA's Office of Communications, telephone (202) 693–1999, no later than one week before the hearing begins.

Authority and Signature

David Michaels, PHD MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)), Secretary of Labor's Order 5–2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, on this 11th day of March, 2010.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2010–5790 Filed 3–16–10; 8:45 am]
BILLING CODE 4510–26–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

United States Navy Restricted Area, Puget Sound, Naval Station Everett, Washington

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U.S. Army Corps of Engineers is proposing to amend its regulations for the restricted area established in the waters of Puget Sound adjacent to Naval Station Everett, Everett, Snohomish County, Washington. The amendments will enable the affected units of the United States military to enhance safety and security around an active military establishment. The regulations are necessary to safeguard military vessels and United States government facilities from sabotage and other subversive acts, accidents, or incidents of similar nature. The regulations are also necessary to protect the public from potentially hazardous conditions that may exist as a result of military use of the area.

DATES: Written comments must be submitted by April 16, 2010.

ADDRESSES: You may submit comments, identified by docket number COE–2010–0003, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

E-mail: david.b.olson@usace.army.mil. Include the docket number, COE–2010–0003, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW–CO (David B. Olson), 441 G Street, NW., Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE–2010–0003. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through regulations.gov or e-mail. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail directly to the Corps without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922 or Ms. Michelle Walker, Regulatory Branch Chief, U.S. Army Corps of Engineers, at 206–764–6915 or Ms. Vicky Didenhover, of the Regulatory Branch, U.S. Army Corps of Engineers, at 206–764–3311.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is proposing to amend its regulations at 33 CFR part 334 by modifying the area at § 334.1215. The proposed modification to this existing restricted area is described below. The intent of the proposed rule is to increase safety and security of naval operations at Naval Station Everett.

In addition to the publication of the proposed rule in the **Federal Register**, the Seattle District is concurrently soliciting public comment on the proposed rule by distribution of a public notice to all known interested parties.

Procedural Requirements

a. *Review Under Executive Order 12866.* The proposed rule is issued with respect to a military function of the Department of Defense and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small governments). The Corps expects the proposed modification to the existing restricted area would have practically no economic impact on the public, and would create no anticipated navigational hazards or interference with existing waterway traffic.

c. *Review under the National Environmental Policy Act.* The Corps has made a preliminary determination, based on the minor nature of the proposed rule, that the modification of this restricted area, if adopted, will not be a major Federal action having a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered. After it is prepared, the environmental assessment may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

d. *Unfunded Mandates Act.* This proposed rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private section mandate and is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Reform Act (Pub. L. 104–4). We have also found under section 203 of the Act that small governments will not be significantly and uniquely affected by this rulemaking.

List of Subjects in 33 CFR Part 334

Danger Zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons stated in the preamble, the Corps proposes to amend 33 CFR Part 334 as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for 33 CFR part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Revise § 334.1215 to read as follows:

§ 334.1215 Port Gardner, Naval Station Everett, Naval Restricted Area, Everett, Washington.

(a) *The area.* The waters of Port Gardner and East Waterway surrounding Naval Station Everett beginning at a point near the northwest corner of Naval Station Everett at latitude 47°59′40″ N, longitude 122°13′23.5″ W (Point 1) and thence to latitude 47°59′40″ N, longitude 122°13′30″ W (Point 2); thence to latitude 47°59′20″ N, longitude 122°13′33″ W (Point 3); thence to latitude 47°59′13″ N, longitude 122°13′38″ W (Point 4); thence to latitude 47°59′05.5″ N, longitude 122°13′48.5″ W (Point 5); thence to latitude 47°58′46″ N, longitude 122°14′11″ W (Point 6); thence to latitude 47°58′39.5″ N, longitude 122°13′59″ W (Point 7); thence to latitude 47°58′39″ N, longitude 122°13′42″ W (Point 8); thence to latitude 47°58′57″ N, longitude 122°13′25″ W (Point 9); thence to latitude 47°59′20″ N, longitude 122°13′08″ W (Point 10); thence to latitude 47°59′20″ N, longitude 122°13′02.5″ W (Point 11), a point upon the Naval Station's shore in the northeast corner of East Waterway.

(b) *The regulation.* (1) All persons and vessels are prohibited from entering the waters in the restricted area for any reason without prior written permission from the Commanding Officer, Naval Station Everett.

(2) Mooring, anchoring, fishing and/or recreational boating are prohibited in the restricted area without prior written permission from the Commanding Officer, Naval Station Everett.

(c) *Enforcement.* The regulation in this section shall be enforced by the Commanding Officer, Naval Station Everett and such agencies and persons as he/she shall designate.

Dated: March 10, 2010.

Michael G. Ensch,

Chief, Operations, Directorate of Civil Works.

[FR Doc. 2010–5740 Filed 3–16–10; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 389

[Docket No. FMCSA–2009–0354]

RIN 2126–AB23

Direct Final Rulemaking Procedures

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: FMCSA proposes to amend its regulations by establishing direct final rulemaking procedures for use on noncontroversial rules. Under these procedures, FMCSA would make regulatory changes that would become effective a specified number of days after the date of publication in the **Federal Register**, unless FMCSA receives written adverse comment(s) or written notice of intent to submit adverse comment(s), received by the date specified in the direct final rule. These new procedures would expedite the promulgation of routine or noncontroversial rules by reducing the time and resources necessary to develop, review, clear, and publish separate proposed and final rules. FMCSA would not use the direct final rule procedures for complex or controversial issues.

DATES: You must submit comments on or before April 16, 2010.

ADDRESSES: You may submit comments identified by the Federal Docket Management System Number in the heading of this document by any of the following methods. Do not submit the same comments by more than one method. However, to allow effective public participation before the comment period deadline, the Agency encourages use of the Web site that is listed first. It will provide the most efficient and timely method of receiving and processing your comments.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number for this regulatory action. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Refer to the Privacy Act heading on *http://www.regulations.gov* for further information.

Public Participation: The regulations.gov system is generally available 24 hours each day, 365 days each year. You can find electronic submission and retrieval help and guidelines under the "help" section of the Web site. For notification that FMCSA received the comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments on line. Copies or abstracts of all documents referenced in this notice are in the docket: FMCSA–2009–0354. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file relevant information in the docket as it becomes available after the comment period closing date, and interested persons should continue to examine the docket for new material.

FOR FURTHER INFORMATION CONTACT: Please contact Mr. Bivan R. Patnaik, Chief, Regulatory Development Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366–8092.

SUPPLEMENTARY INFORMATION:

Background

The Administrative Procedure Act (APA) (5 U.S.C. 553) specifically provides that notice and comment rulemaking procedures are not required where the Agency determines that there is good cause to dispense with them. Generally, good cause exists where the procedures are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). FMCSA proposes to use direct final rulemaking to streamline the rulemaking process where the rule is noncontroversial and the Agency does not expect adverse comment.

Direct final rulemaking would be more efficient in using FMCSA resources by reducing the time and resources necessary to develop, review, clear, and publish separate proposed and final rules for rules the Agency expects to be noncontroversial and unlikely to result in adverse public comment. A number of Federal agencies use this process, including various Department of Transportation operating administrations. For example, on January 30, 2004, the Office of the Secretary of Transportation (OST) published a final rule adopting direct final rule procedures (69 FR 4455) and the Federal Railroad Administration published a final rule adopting direct final rule procedures on March 7, 2007 (72 FR 10086).

Direct Final Rule Procedures

FMCSA would determine whether a particular rulemaking is noncontroversial and unlikely to result in adverse comments based on its experience with similar rules that it previously proposed and published without receiving adverse comments. Adverse comments are those comments that are critical of the rule, suggest that the rule should not be adopted, or suggest a change to the rule. Comments outside the scope of the rule and comments suggesting that the rule's policy or requirements should or should not be extended to other Agency programs outside the scope of the rule would not be considered adverse.

After making the determination that a rule would be appropriate for direct