

proposal relating to any of the above-mentioned substances without filing comments or objections regarding the others. If a person believes that one or more of these issues warrant a hearing, the individual should so state and summarize the reasons for this belief. Persons wishing to request a hearing should note that such requests must be written and manually signed; requests for a hearing will not be accepted via electronic means. In the event that comments or objections to this proposal raise one or more issues which the Deputy Administrator finds warrant a hearing, the Deputy Administrator shall order a public hearing by notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing as per 21 CFR 1315.13(e).

### Regulatory Certifications

#### *Regulatory Flexibility Act*

The Deputy Administrator hereby certifies that this action will not have a significant economic impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601–612. The establishment of the Assessment of Annual Needs for ephedrine, pseudoephedrine and phenylpropanolamine is mandated by law. The assessments are necessary to provide for the estimated medical, scientific, research and industrial needs of the United States, for lawful export requirements, and the establishment and maintenance of reserve stocks. Accordingly, the Deputy Administrator has determined that this action does not require a regulatory flexibility analysis.

#### **Executive Order 12866**

The Office of Management and Budget has determined that notices of Assessment of Annual Needs are not subject to centralized review under Executive Order 12866.

#### **Executive Order 13132**

This action does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this action does not have federalism implications warranting the application of Executive Order 13132.

#### **Executive Order 12988**

This action meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

### **Unfunded Mandates Reform Act of 1995**

This action will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$120,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

### **Congressional Review Act**

This action is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This action will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Dated: August 27, 2010.

**Michele M. Leonhart**,  
Deputy Administrator.

[FR Doc. 2010-22688 Filed 9-10-10; 8:45 am]

**BILLING CODE 4410-09-P**

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

[Docket No. OSHA-2010-0028]

#### **Advisory Committee on Construction Safety and Health (ACCSH)**

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

**ACTION:** Request for nominations of members to serve on ACCSH.

**SUMMARY:** The Assistant Secretary of Labor for Occupational Safety and Health (OSHA) invites interested parties to submit nominations for membership on ACCSH.

**DATES:** Nominations for ACCSH must be submitted (postmarked, sent, transmitted, or received) by November 12, 2010.

**ADDRESSES:** You may submit nominations and supporting materials by any one of the following methods:

*Electronically:* Nominations, including attachments, may be submitted electronically at <http://www.regulations.gov>, the Federal e-Rulemaking Portal. Follow the online instructions for submitting nominations;

*Facsimile:* If your nomination and supporting materials, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648;

*Mail, express delivery, hand delivery, and messenger or courier service:* Submit your nominations and supporting materials to the OSHA Docket Office, Docket No. OSHA-2010-0028, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 TTY number (877) 889-5627. Deliveries by hand, express mail, messenger, and courier service are accepted during the OSHA Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., *e.t.*

*Instructions:* All nominations and supporting materials must include the agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2010-0028). Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office for information about security procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service. For additional information on submitting nominations, see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section below.

All submissions in response to this **Federal Register** notice, including personal information provided, are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates.

*Docket:* To read or download submissions in response to this **Federal Register** notice, go to Docket No. OSHA-2010-0028 at <http://www.regulations.gov>. All documents in the docket are listed in the <http://www.regulations.gov> index; however, some documents (*e.g.*, copyrighted material) are not publicly available to read or download through that webpage. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

#### **FOR ADDITIONAL INFORMATION:**

*For press inquiries:* Ms. MaryAnn Garrahan, Acting Director, OSHA, Office of Communications, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-1999.

*For general information:* Mr. Francis Dougherty, OSHA, Office of Construction Services, Directorate of

Construction, Room N-3468, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone 202-693-2020; e-mail address [dougherty.francis@dol.gov](mailto:dougherty.francis@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary of OSHA invites interested parties to submit nominations for membership on ACCSH.

*Background.* ACCSH is a continuing advisory committee established under Section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act (CSA))(40 U.S.C. 3704(d)(4)), to advise the Secretary of Labor (Secretary) in formulating construction safety and health standards, as well as on policy matters arising under the CSA and the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*). In particular, 29 CFR 1911.10(a) and 1912.3(a) provide that the Assistant Secretary shall consult with ACCSH whenever the Agency proposes any safety or health standard that affects the construction industry.

ACCSH operates in accordance with the CSA, the OSH Act, the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), and regulations issued pursuant to those statutes (29 CFR part 1912, 41 CFR part 102-3). ACCSH generally meets two to four times a year.

*ACCSH membership.* ACCSH is comprised of 15 members appointed by the Secretary.

The categories of ACCSH membership, and the number of new members to be appointed, are:

- Five members who are qualified by experience and affiliation to present the viewpoint of employers in the construction industry: three employer representatives will be appointed;
- Five members who are similarly qualified to present the viewpoint of employees in the construction industry: three employee representatives will be appointed;
- Two representatives of State Plan State safety and health agencies: one State Plan State representative will be appointed;
- Two public members, qualified by knowledge and experience to make a useful contribution to the work of ACCSH, such as those who have professional or technical experience and competence with occupational safety and health in the construction industry: one public representative will be appointed; and
- One representative designated by the Department of Health and Human Services and appointed by the Secretary: No new appointment will be made.

ACCSH members normally serve staggered two-year terms, unless they

resign, cease to be qualified, become unable to serve, or are removed by the Secretary (29 CFR 1912.3(e)). At the discretion of the Secretary, a qualified ACCSH member whose term has expired may continue to serve until a successor is appointed. The Secretary may appoint ACCSH members to successive terms. Any member absent from two consecutive ACCSH meetings may be removed and replaced. No member of ACCSH, other than members who represent employers or employees, shall have an economic interest in any proposed rule that affects the construction industry (29 CFR 1912.6).

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse ACCSH membership. Any interested person or organizations may nominate one or more individuals for membership on ACCSH. Interested persons also are invited and encouraged to submit statements in support of particular nominees.

*Submission requirements.* Nominations must include the following information:

- (1) Nominee's contact information and current employment or position;
- (2) Nominee's resume or curriculum vitae, including prior membership on ACCSH and other relevant organizations and associations;
- (3) Categories of membership (employer, employee, public, State safety and health agency) that the nominee is qualified to represent;
- (4) A summary of the background, experience, and qualifications that addresses the nominee's suitability for each of the nominated membership categories;
- (5) Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in occupational safety and health, particularly as it pertains to the construction industry; and
- (6) A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in ACCSH meetings, and has no conflicts of interest that would preclude membership on ACCSH.

*Member selection.* ACCSH members will be selected on the basis of their experience, knowledge, and competence in the field of occupational safety and health, particularly in the construction industry. Information, received through this nomination process, in addition to other relevant sources of information, will assist the Secretary in appointing members to ACCSH. In selecting ACCSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice,

as well as other qualified individuals. OSHA will publish the list of new ACCSH members in the **Federal Register**.

### Public Participation

*Instructions for submitting nominations.* All nominations, supporting documents, attachments, and other materials must identify the Agency name and the docket number for this notice (Docket No. OSHA-2010-0028). You may submit materials: (1) Electronically, (2) by FAX, or (3) by hard copy. You may supplement electronic submissions by attaching electronic files. Alternatively, if you wish to supplement electronic submissions with hard copy documents, you must submit them to the OSHA Docket Office and clearly identify your electronic submission by Agency name and docket number (Docket No. OSHA-2010-0028) so that the materials can be attached to the electronic submission.

Because of security-related procedures, materials submitted by mail may experience significant delays. For information about security procedures concerning the delivery of materials by hand, express delivery, and messenger or courier service, please contact the OSHA Docket Office.

All submissions, including personal information provided, will be posted in the docket without change; therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. Guidance on submitting nominations and supporting materials is available on-line at <http://www.regulations.gov> and from the OSHA Docket Office.

*Access to docket.* All submissions in response to this **Federal Register** notice are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download from that Webpage. All submissions, including materials not available on-line, are available for inspection and copying at the OSHA Docket Office. For information about accessing materials in Docket No. OSHA-2010-0028, including materials not available on-line, contact the OSHA Docket Office.

*Access to this Federal Register notice.* Electronic copies of this **Federal Register** document are available at <http://www.regulations.gov>. This document, as well as news releases and other relevant information, also is available at OSHA's Webpage at <http://www.osha.gov>.

*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 7 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704), the Federal Advisory Committee Act (5 U.S.C. App. 2), 29 CFR part 1912, 41 CFR part 102-3, and Secretary of Labor's Order No. 5-2007 (72 FR 31160).

Signed at Washington, DC, this 7th day of September, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010-22695 Filed 9-10-10; 8:45 am]

**BILLING CODE 4510-26-P**

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-74,063]

#### TRG Insurance Solutions, LLC; Beckley, WV; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated August 12, 2010, petitioners requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for Trade Adjustment Assistance (TAA) applicable to workers and former workers of TRG Insurance Solutions, LLC, Beckley, West Virginia (subject firm). The negative determination was issued on July 14, 2010. The Notice of Determination was published in the **Federal Register** on August 2, 2010 (75 FR 45164). Workers are engaged in employment related to the supply of insurance call center services.

The negative determination was based on the findings that the subject firm did not, during the period under investigation, shift to/acquire from a foreign country services like or directly competitive with the insurance call center services supplied; that the workers' separation, or threat of separation, was not related to an increase in imports of like or directly competitive services; and that the workers did not supply a service that was directly used in the production of an article or the supply of service by a firm that employed a worker group that is eligible to apply for TAA based on the aforementioned article or service.

In the request for reconsideration, the petitioners provided additional information pertaining to a shift in services abroad.

The Department has carefully reviewed the request for reconsideration and the existing record and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974, as amended.

#### Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 30th day of August, 2010.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2010-22716 Filed 9-10-10; 8:45 am]

**BILLING CODE 4510-FN-P**

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## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Proposed Collection, Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the "Telephone Point of Purchase Survey." A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

**DATES:** Written comments must be submitted to the office listed in the Addresses section of this notice on or before November 12, 2010.

**ADDRESSES:** Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080,

2 Massachusetts Avenue, NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202-691-5111 (this is not a toll free number).

**FOR FURTHER INFORMATION CONTACT:**

Nora Kincaid, BLS Clearance Officer, telephone number 202-691-7628 (this is not a toll free number). (See **ADDRESSES** section).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

The purpose of this survey is to develop and maintain a timely list of retail, wholesale, and service establishments where urban consumers shop for specified items. This information is used as the sampling universe for selecting establishments at which prices of specific items are collected and monitored for use in calculating the Consumer Price Index (CPI). The survey has been ongoing since 1980 and also provides expenditure data that allows items that are priced in the CPI to be properly weighted.

#### II. Current Action

Office of Management and Budget clearance is being sought for the Telephone Point of Purchase Survey (TPOPS).

Since 1997, the survey has been administered quarterly via a computer-assisted-telephone-interview. This survey is flexible and creates the possibility of introducing new products into the CPI in a timely manner. The data collected in this survey are necessary for the continuing construction of a current outlet universe from which locations are selected for the price collection needed for calculating the CPI. Furthermore, the TPOPS provides the weights used in selecting the items that are priced at these establishments. This sample design produces an overall CPI market basket that is more reflective of the prices faced and the establishments visited by urban consumers.

For this clearance, the BLS will be implementing a cell phone frame to address a coverage issue associated with landline RDD surveys. The goal of including a cell phone frame is to contact respondents who reside in households with no landline service, but with cellular phone service. The implementation process will begin with a pre-test beginning in the first quarter of 2011 to assess cell phone frame interviewing and to determine the correct amount of sample to pull for each primary sampling unit or geographic area in the CPI. The cell