

October 6, 2003

Mr. Robert E. Burt
Small Business Advocacy Chair
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

**Re: Hazardous Enclosed Spaces and Confined Spaces in Construction;
SBREFA Small Business Advocacy Review Panel**

Dear Mr. Burt:

Thank you for your letter of September 25, 2003, officially notifying the Office of Advocacy that the Occupational Safety and Health Administration (OSHA) will convene a small business advocacy review panel for the above-captioned rule under section 609(b) of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). We welcome the opportunity to work with OSHA and the Office of Management and Budget on this important panel.

In preparation, the Office of Advocacy worked with you to develop the list of small entity representatives (SERs) who will provide input to the panel. We concur in the list of SERs you have provided. It is my understanding that OSHA has reviewed the potential SERs to ensure that only regulated small entities are selected to participate and address issues of importance to small entities.

Pursuant to section 609(b)(4) of the RFA, you have provided supporting materials, a draft regulatory analysis, and draft rule to the panel members for review. I understand that several pre-panel meetings were held in accordance with the current OSHA SBREFA guidance to assure the adequacy and timeliness of the information and data provided to the small entity representatives and the panel members.

Thank you for your continued support and advocacy for small business issues. Please contact Charles Maresca of my staff at (202) 205-6978 if you have any questions.

Sincerely,

Thomas M. Sullivan
Chief Counsel for Advocacy

cc: Dr. John D. Graham
Administrator, Office of Information and Regulatory Affairs

Mr. John Henshaw
Assistant Secretary of Labor for Occupational Safety and Health