

(b) *Attach to the personnel cage.* The employers must attach safety clamps to each personnel cage for gripping the guide ropes.

(c) *Operation.* The safety clamps attached to the personnel cage must:

- (i) Operate on the "broken rope principle" defined in section 3 ("Definitions") of ANSI standard A10.22-1990 (R1998);
- (ii) Be capable of stopping and holding a personnel cage that is carrying 100 percent of its maximum rated load and traveling at its maximum allowable speed if the hoist rope breaks at the footblock; and
- (iii) Use a pre-determined and pre-set clamping force (*i.e.*, the "spring compression force") for each hoist system.

(d) *Maintenance.* The employers must keep each safety-clamp assembly clean and functional at all times.

#### 12. Overhead Protection

(a) The employers must install a canopy or shield over the top of the personnel cage that is made of steel plate at least three-sixteenths ( $\frac{3}{16}$ ) of an inch (4.763 mm) thick, or material of equivalent strength and impact resistance, to protect employees (*i.e.*, both inside and outside the chimney) from material and debris that may fall from above.

(b) The employers must ensure that the canopy or shield slopes to the outside of the personnel cage.<sup>3</sup>

#### 13. Emergency-Escape Device

(a) *Location.* The employers must provide an emergency-escape device in at least one of the following locations:

- (i) In the personnel cage, provided that the device is long enough to reach the bottom landing from the highest possible escape point; or
- (ii) At the bottom landing, provided that a means is available in the personnel cage for the occupants to raise the device to the highest possible escape point.

(b) *Operating instructions.* The employers must ensure that written instructions for operating the emergency-escape device are attached to the device.

(c) *Training.* The employers must instruct each employee who uses a personnel cage for transportation on how to operate the emergency-escape device:

- (i) Before the employee uses a personnel cage for transportation; and
- (ii) Periodically, and as necessary, thereafter.

#### 14. Personnel Platforms and Fall-Protection Equipment

(a) *Personnel platforms.* When the employers elect to replace the personnel cage with a personnel platform in accordance with Condition 2(a) of this variance, they must:

(i) Ensure that an enclosure surrounds the platform, and that this enclosure is at least 42 inches (106.7 cm) above the platform's floor;

(ii) Provide overhead protection when an overhead hazard is, or could be, present; and

(iii) Comply with the applicable scaffolding strength requirements specified by § 1926.451(a)(1).

(b) *Fall-protection equipment.* Before employees use work platforms or boatswains' chairs, the employers must:

(i) Equip the employees with, and ensure that they use, full body harnesses, lanyards, and lifelines as specified by § 1926.104 and the applicable requirements of § 1926.502(d);

(ii) Secure the lifelines to the top of the chimney and to a weight at the bottom of the chimney; and

(iii) Ensure that employees attach their lanyards to the lifeline during the entire period of vertical transit.

#### 15. Inspections, Tests, and Accident Prevention

(a) The employers must:

- (i) Conduct inspections of the hoist system as required by § 1926.20(b)(2);
- (ii) Ensure that a competent person conducts daily visual inspections of the hoist system; and
- (iii) Inspect and test the hoist system as specified by § 1926.552(c)(15).

(b) The employers must comply with the accident-prevention requirements of § 1926.20(b)(3).

#### 16. Welding

(a) The employers must use only qualified welders to weld components of the hoisting system.

(b) The employers must ensure that the qualified welders:

(i) Are familiar with the weld grades, types, and materials specified in the design of the system; and

(ii) Perform the welding tasks in accordance with 29 CFR part 1926, subpart J ("Welding and Cutting").

#### VII. Authority and Signature

Jonathan L. Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC directed the preparation of this notice. This notice is issued under the authority specified by section 6(d) of the Occupational Safety

and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 5-2002 (67 FR 65008), and 29 CFR part 1905.

Signed at Washington, DC, on November 28, 2005.

**Jonathan L. Snare,**

*Acting Assistant Secretary of Labor.*

[FR Doc. E5-6883 Filed 12-5-05; 8:45 am]

**BILLING CODE 4510-26-P**

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice ( 05-155)]

### Notice of Prospective Patent License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of prospective patent license.

**SUMMARY:** NASA hereby gives notice that BCG Wireless of Washington, DC has applied for a partially exclusive license to practice the inventions described and claimed in U.S. Patent No. 5,983,162, entitled "Computer Implemented Empirical Mode Decomposition Method, Apparatus and Article of Manufacture," and U.S. Patent No. 6,631,325, entitled "Computer Implemented Empirical Mode Decomposition Method Apparatus, and Article of Manufacture Utilizing Curvature Extrema," and U.S. Patent No. 6,901,353, entitled "Computing Instantaneous Frequency by Normalizing Hilbert Transform," which are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to NASA Goddard Space Flight Center. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

**DATES:** Responses to this notice must be received by December 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Keith Dixon, NASA Goddard Space Flight Center, Code 140.1, Greenbelt, MD 20771, (301) 286-7351.

Dated: November 21, 2005.

**Keith T. Sefton,**

*Deputy General Counsel, (Admin. and Mgmt.).*

[FR Doc. E5-6900 Filed 12-5-05; 8:45 am]

**BILLING CODE 7510-13-P**

<sup>3</sup> Paragraphs (a) and (b) were adapted from OSHA's Underground Construction Standard (§ 1926.800(t)(4)(iv)).