

admission to, or removal from, the zone, because the merchandise has become restricted or sensitive or otherwise of a type which likewise requires examination. The port director shall notify the appropriate party, in writing, specifying in detail the reason for the proposed revocation, and shall inform the party of its right to challenge the proposed revocation action as prescribed in paragraph (c)(2)(v) of this section.

(v) *Appeal of denial or challenge to proposed revocation.* An appeal of a denial of an application under this section, or challenge to the proposed revocation of an approval to use the weekly entry procedure under this section, may be made to the port director issuing the denial or proposed revocation and must be filed within 30 days of the date of the denial or proposed revocation. A denial of an appeal or challenge made to the port director may itself be appealed to the Assistant Commissioner, Office of Field Operations, Customs Headquarters, and must be filed within 30 days of the denial date of the initial appeal or challenge. The 30-day period for filing an appeal or challenge with the port director or with the Assistant Commissioner, Field Operations, as applicable, may be extended for good cause, upon written request by the party for such extension filed with the port director or, in the case of appeals or challenges directed to the Assistant Commissioner, Field Operations, with the Assistant Commissioner or other Customs officer designated by him, within the 30-day period. The port director's decision or the Assistant Commissioner's decision, as applicable, shall be issued, in writing, within 30 working days of the receipt of the appeal or challenge, unless extended with due notification to the party. The Assistant Commissioner's decision shall constitute the final Customs determination concerning the application or challenge.

(vi) *General-purpose zones—(A) Operator responsibilities.* In the case of a general-purpose zone with 18a multiple users, not only is paragraph (c)(2)(ii) of this section applicable, but also the zone operator must, in writing, certify to the port director that he understands the requirements of the 19 weekly entry program under paragraph (c)(2) of this section, and agree to supervise and monitor the movement of merchandise thereunder (see § 146.4 of this part). The operator must also expressly agree to maintain inventory records that accurately account for all transfers of merchandise from the zone related to the respective weekly entry of

each person using the procedure therein as provided for in §§ 146.4 and 146.21 of this part. The zone operator's written acknowledgement of responsibilities in this regard must be on file with the applicable port director before any application to use the weekly expanded entry procedure may be approved in relation to the zone (see paragraph (c)(2)(i) of this section).

(B) *Bond coverage; operator; person making entry.* The operator's responsibilities under the weekly entry procedure are covered under the Foreign Trade Zone Operator's Bond (see § 113.73 of this chapter). The responsibilities of the person making entry are covered under such party's basic importation and entry bond (see § 113.62 of this chapter).

\* \* \* \* \*

3. It is proposed to amend § 146.68 by adding a new paragraph (d) to read as follows:

**§ 146.68 Transfer for transportation or exportation; estimated production.**

\* \* \* \* \*

(d) *Weekly entry for class 9 warehouse (duty-free store).*

(1) *Requirements for transfer.*

Merchandise that 20 qualifies for entry into a class 9 warehouse (duty-free store) pursuant to § 19.36(e) of this chapter, and subject also to § 146.64 of this subpart, may be transferred from a zone for that purpose under a weekly entry procedure, provided:

(i) The zone operator or grantee is the same party, or shares common ownership with, the class 9 warehouse proprietor (hereinafter called "the party"); and

(ii) The party utilizes a Customs approved centralized inventory control system that shows the location of all the zone and warehoused merchandise at all times, including merchandise in transit.

(2) *Procedure.* The following weekly entry procedure is to be utilized for qualifying merchandise:

(i) The party shall file electronically a weekly entry permit to enter the merchandise with the port director on Customs Form 7501 for the estimated removal during any consecutive 7-day period, along with a *pro forma* invoice or schedule pursuant to § 146.63(c)(1) of this subpart.

(ii) Upon acceptance of the permit by the port director, the party may effect transfers of the merchandise from the zone to the warehouse during the 7-day period.

(iii) Both an amended warehouse entry and warehouse withdrawal for immediate exportation, covering the 21 merchandise actually removed from the

zone to the warehouse during the period covered by the permit, will be filed by the close of the second business day following the end of the period.

Approved: February 7, 1997.

George J. Weise,  
Commissioner of Customs, Deputy Assistant  
John P. Simpson,  
Secretary of the Treasury.

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1915

[Docket No. S-051]

RIN 1218-AB51

#### Safety Standards for Fire Protection for Shipyard Employment

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is announcing a public meeting of the Fire Protection for Shipyard Employment Negotiated Rulemaking Advisory Committee. Membership for this committee has been drawn from shipyard operators, labor, professional associations, public interests and government agencies. Members of the Committee represent the interests of all groups interested in, or significantly affected by, the outcome of the rulemaking.

**DATES:** The public meeting will be held on April 8 through April 10, 1997. The meetings will run from 9:00 a.m. to approximately 4:00 p.m. daily.

**ADDRESSES:** The public meeting will be held at Bollinger Shipyard, 20 miles east of Thibodaux on Hwy. 308, Lockport, Louisiana, Telephone: 505-532-2554.

Any written comments in response to this notice should be sent, in quadruplicate, to the following address: U.S. Department of Labor, OSHA, Docket Office, Docket S-051, Room N-2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone: 202-219-7894.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bonnie Friedman, U.S. Department of Labor, OSHA, Office of Information and Consumer Affairs, Room N-3647, 200 Constitution Ave., N.W., Washington, D.C. 20210; Telephone: 202-219-8151.

**SUPPLEMENTARY INFORMATION:****I. Background**

OSHA has decided to use the negotiated rulemaking (Neg/Reg) process to develop a proposed standard for fire protection covering all shipyard employment. The shipyard stakeholders from all sectors strongly support consensual rulemaking efforts like negotiated rulemaking. OSHA believes this process will result in a proposed standard whose provisions will effectively protect employees working throughout the shipyard. (See OSHA's Notice of Intent to Form a Negotiated Rulemaking Committee to Develop a Proposed Rule on Fire Protection in Shipyard Employment, 61 FR 28824, June 6, 1996, for a detailed explanation of why OSHA is using negotiated rulemaking to develop its proposed standard and for general information on the negotiated rulemaking process). The goal of this negotiated rulemaking is a proposed rule and supporting documentation that all members will support.

The initial meeting of this Advisory Committee was held in Portland, Oregon on October 16 and 17, 1996. The members were introduced and the negotiated rulemaking process and the legal requirements for OSHA rulemaking were explained to them. Ground rules for this Committee were adopted. In addition, the Committee set forth substantive issues that needed to be resolved, established work groups and began discussing scope and application, fire prevention and fire fighting.

The last meeting of this Advisory Committee took place in Jacksonville, Florida, February 4 through February 6, 1997. The Committee continued with the issues as developed into work groups during the first meeting: fire watches, fire response, safe work practices, and fire protection.

**II. The Key Issues in This Rulemaking**

OSHA expects that key issues to be addressed as part of these negotiations will include: scope and application; controls and work practices; fire brigades; written fire plans; technological advances; costs of fire protection; and appendices.

**III. Agenda for the April 8-10, 1997, Meeting**

1. The meeting will be opened and the roll taken.

2. The minutes from the February 1997, Jacksonville, Florida, meeting will be presented for acceptance by the Committee.

3. The tentative agenda for this meeting will be reviewed and changes made, if necessary.

4. The "Fire Watches" work group draft will be presented to the Committee.

5. The "Scope and Application" section of the preamble will be presented to the Committee for acceptance.

6. The Work group chairpersons will report on the status of their assignments.

7. The Committee will break into work group sessions as needed throughout the meeting.

8. The Committee will establish the time and date for the next meeting.

The Advisory Committee's Facilitator, relying on the information presented to him by OSHA as well as the considerable input from the various interests during convening efforts, will identify and present other substantive issues to be resolved by this Committee, as time permits. OSHA requests that all interested parties bring their calendars to facilitate the development of a tentative schedule of committee meetings, site visits and work group meetings.

**IV. Public Participation**

All interested parties are invited to attend this public meeting at the time and place indicated above. No advance registration is required. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Ms. Theda Kenney at (202) 219-8061 to obtain appropriate accommodations no later than March 21, 1997.

The Facilitator of the Committee will decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations may include statements of fact and opinions, but shall not include any questioning of the Committee Members or other participants unless these questions have been specifically approved by the Facilitator.

Part 1912 of Title 29 of the Code of Federal Regulations will apply generally. The reporting requirements of § 1912.33 have been changed pursuant to § 1912.42 to help meet the special needs of this Committee. Specifically, § 1912.33 requires that verbatim transcripts be kept of all advisory committee meetings. Producing a coherent transcript requires a certain degree of formality. The Assistant Secretary therefore has determined pursuant to § 1912.42 that such formality might interfere with the free exchange of information and ideas during the negotiations, and that the

OSH Act would be better served by simply requiring detailed minutes of the proceedings without a formal transcript.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone: 202-219-7894.

Any written comments should be directed to Docket No. S-051, and sent in quadruplicate to the following address: U.S. Department of Labor, Occupational Safety and Health Administration, Docket Office, Room N-2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone 202-219-7894.

Authority: This document was prepared under the direction of Greg Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, DC, this 10th day of March 1997.

Greg Watchman,

*Acting Assistant Secretary.*

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**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION****29 CFR Parts 2200, 2203, and 2204****Revisions to Procedural Rules Governing Practice Before the Occupational Safety and Health Review Commission**

**AGENCY:** Occupational Safety and Health Review Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes several revisions to the procedural rules governing practice before the Occupational Safety and Health Review Commission. Although most of the revisions are technical and clarifying in nature, this proposal also contains several significant changes to Commission practice and procedure.

**DATES:** Comments must be received by April 14, 1997.

**FOR FURTHER INFORMATION CONTACT:** Earl R. Ohman, Jr., General Counsel, (202) 606-5410, Occupational Safety and Health Review Commission, 1120 20th St., N.W., Ninth Floor, Washington, DC 20036-3419.

**SUPPLEMENTARY INFORMATION:** This document proposes substantial