



POSTHEARING NOTICE

To: Participants in the Informal Public Hearing on the Proposed Standard for Cranes and Derricks in Construction

At the close of the hearing, Presiding Administrative Law Judge William S. Colwell established a posthearing comment period for those participants who filed a Notice of Intention to Appear. The posthearing comment period, which commenced at the close of the hearing on March 20, 2009, consists of two parts. The first part is for the submission of additional information and data relevant to the proposed rule. The second part is for the submission of final written comments, arguments, summations, and briefs.

The purpose of this memorandum is to notify participants that the record in this proceeding will remain open until 11:59 pm on **May 19, 2009**, for submitting material for the first part of the posthearing comment period. The record then will remain open until 11:59 pm on **June 18, 2009**, for submitting material for the second part of the posthearing comment period. Posthearing submissions must be postmarked, faxed, or hand-delivered by the respective times and dates.

The first part of the posthearing comment period allows participants to supplement their presentations and provide data and information in response to questions and requests made during the hearing, make clarifications to the testimony or record that they believe are appropriate, and submit new data and information that they consider relevant to the proceeding and that they deem useful to OSHA in developing a final rule. Participants also should review in the rulemaking docket (Docket No. OSHA-2007-0066) the pdf version of the transcript of the proceedings. If they find errors in the transcript, they should submit corrections to the docket during the first part of the posthearing comment period so that OSHA can revise the final transcript as appropriate. These corrections should involve *only minor corrective edits*, not lengthy revisions, to the transcript.

The second part of the posthearing comment period provides participants with an opportunity to comment on the *testimony and evidence in the record*, including testimony presented at the hearing and material submitted during the first part of the posthearing comment period. It is *inappropriate* to submit new information and data during the second part of the posthearing comment period.


Posthearing submissions must include the Agency name and the docket number of this rulemaking (OSHA-2007-0066), as well as the name, address, telephone number, and organization (if any) of the person submitting the comments. These submissions must be made in the same manner, and to the same addresses, specified under **ADDRESSES** in the *Federal Register* notice announcing the proposed rule (see volume 73 of the *Federal*

Register at page 59714, October 9, 2008). Accordingly, participants may submit material electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal, by following the instructions online for making electronic submissions. If submissions, including attachments, do not exceed 10 pages, participants may fax them to the OSHA Docket Office at (202) 693-1648. Hard copies of material must be submitted in triplicate to the OSHA Docket Office, Docket No. OSHA-2007-0066, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, DC 20010; telephone: 202-693-2350 (TTY: 877-889-5627). The OSHA Docket Office will accept deliveries (hand delivery, express mail, and messenger and courier service) during its regular business hours, which are 8:15 a.m. to 4:45 p.m., e.t.

All posthearing submissions, including any personal information provided, will be placed in the public docket without revision, and will be available online for public viewing at <http://www.regulations.gov>. Therefore, OSHA cautions participants about submitting personal information such as Social Security numbers and birthdates.

To read or download the hearing transcript, as well as posthearing submissions, go to Docket No. OSHA-2007-0066 at <http://www.regulations.gov>. The index to this website lists all comments and other material available in the docket; however, some information (e.g., copyrighted material) is not publicly available to read or download through this website. The hearing transcript, comments, and other docket submissions, *including copyright material*, are also available for inspection and copying at the OSHA Docket Office. Please contact the OSHA Docket Office for information about materials not available through <http://www.regulations.gov>, and for assistance in using that website to locate materials in the docket.

Subsequent to the close of the posthearing comment periods, the Administrative Law Judge will close the record of this proceeding and certify the hearing record to the Assistant Secretary of Labor for Occupational Safety and Health.

Signature: 

Robert J. Biersner
Counsel for Safety Standards
Occupational Safety and Health Division
Office of the Solicitor
U.S. Department of Labor

Date: 