

Nigel Ellis of Ellis Safety Solutions, Wilmington, Delaware, claimed that Oregon's 10-foot trigger height for certain fall protection requirements renders the state's standard less effective than the federal standard. The commenter suggested that Oregon adopt an across-the-board trigger height of 6 feet to be consistent with the federal standard. OSHA has reviewed the Oregon fall protection standard for overall effectiveness and in light of the comments received. OSHA has also reviewed a letter from Oregon OSHA dated November 16, 2004, responding to the comments and providing clarifications and assurances regarding its interpretation of the standard and intended enforcement policies. OSHA's findings are as follows:

For many work activities Oregon's fall protection standards mirror the federal standard and require employers to provide fall protection for employees working at heights of 6 feet and higher. OAR 437-003-1501(1)-(4). For some tasks, however, Oregon OSHA has a 10-foot trigger for fall protection requirements. OAR 437-003-1501. But while the federal standard often permits employers to utilize alternative measures, e.g., a controlled access zone with a safety monitor, at heights of 10 feet and above, OR-OSHA regularly requires the use of conventional fall protection at those more dangerous heights. Oregon has represented to federal OSHA that employers in that state virtually never raise infeasibility as a basis or defense for not providing conventional fall protection, and that infeasibility has not been a successful argument in a contested case or recognized in settlement agreements. Therefore, OSHA has determined that the Oregon standards are as strict or stricter than the federal standard with respect to those activities for which the state maintains a 6-foot trigger height and for all work done at heights of 10 feet or higher. With respect to those few fall hazards between 6 and 10 feet that are not otherwise covered by Oregon's fall protection standard, the state has assured OSHA that it will consider the issuance of citations or orders to correct under its general duty clause (ORS 654.010, 654.015), or the posting of red warning notices (ORS 654.082). Accordingly, OSHA believes that Oregon's fall protection program is at least as effective as the federal program.

### III. Decision

Having reviewed the state submissions and public comments submitted in response to the August 9, 2004, **Federal Register** notice, OSHA has determined that:

(1) The state standards meet the "at least as effective" criteria of Section 18(c)(2) of the Act.

(2) The record on these standards includes no persuasive evidence, developed by or submitted to OSHA, that the standards are not in compliance with the product clause test of Section 18(c)(2) of the Act. There is no evidence that the standards pose an undue burden upon interstate commerce or are not based upon compelling local conditions. Therefore the standards are presumed to be in compliance with Section 18(c)(2) of the Act.

OSHA therefore approves these standards; however, OSHA reserves the right to reconsider this approval should substantial objections be submitted to the Assistant Secretary.

### IV. Location of Basic State Plan Documentation

Copies of basic state plan documentation are maintained at the following locations; specific documents are available upon request, including a copy of these state standards, the submitted comparisons to the equivalent federal standards, and public comments received. Oregon's standards, program directives, and other documents may be accessed on the state's Web page at <http://www.cbs.state.or.us/external/osharegulations>. Contact the Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington 98101-3212, (206) 553-5930, fax (206) 553-6499; Oregon Occupational Safety and Health Division, Department of Consumer and Business Services, 350 Winter Street, Room 430, Salem, Oregon 97301-3882, (503) 378-3272, fax (503) 7461; and the Office of State Programs, Occupational Safety and Health Administration, Room N-3700, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-2244, fax (202) 693-1671. An electronic copy of this **Federal Register** notice, as well as referenced federal OSHA standards, may be obtained from the OSHA home page, <http://www.osha.gov>.

This notice is issued pursuant to section 18 of the Occupational Safety and Health Act of 1970, Pub. L. 91-596, 84 STAT 1608 (29 U.S.C. 667).

Signed at Seattle, Washington, this 9th day of March 2005.

**Richard S. Terrill,**

*Regional Administrator.*

[FR Doc. 05-8918 Filed 5-4-05; 8:45 am]

**BILLING CODE 4510-26-P**

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

#### Determination of Executive Compensation Benchmark Amount Pursuant to Section 39 of the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 435), as Amended

**AGENCY:** Office of Federal Procurement Policy, OMB.

**ACTION:** Notice.

**SUMMARY:** The Office of Management and Budget (OMB) is hereby publishing the attached memorandum to the heads of executive departments and agencies concerning the determination of the maximum "benchmark" compensation amount that will be allowable under government contracts during contractors' FY 2005—\$473,318. This determination is required under Section 39 of the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 435), as amended. The benchmark compensation amount applies equally to both defense and civilian procurement agencies.

**FOR FURTHER INFORMATION CONTACT:** Rein Abel, Office of Federal Procurement Policy, (202) 395-3254.

David H. Safavian,  
*Administrator.*

Memorandum for the Heads of Executive Departments and Agencies

*Subject:* Determination of Executive Compensation Benchmark Amount Pursuant to Section 39 of the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 435), as amended.

This memorandum sets forth the "benchmark compensation amount" as required by Section 39 of the Office of Federal Procurement Policy (OFPP) Act (41 U.S.C. 435), as amended. Under Section 39, the benchmark compensation amount is "the median amount of the compensation provided for all senior executives of benchmark corporations for the most recent year for which data is available." The benchmark compensation amount established by Section 39 limits the allowability of compensation costs under government contracts. The benchmark compensation amount does not limit the compensation that an executive may otherwise receive. This amount is based on data from commercially available surveys of executive compensation that analyze the relevant data made available by the Securities and Exchange Commission. More specifically, as required by Section 39 of the OFPP Act, the data used is the median (50th percentile)

amount of compensation accrued over a recent 12 month period for the top five highest paid executives of public-traded companies with annual sales over \$50 million. After consultation with the Director of the Defense Contract Audit Agency, we have determined pursuant to the requirements of Section 39 that the benchmark compensation amount for contractors' Fiscal Year 2005 is \$473,318. This amount is for Fiscal Year 2005 and subsequent contractor fiscal years, unless and until revised by OMB. The benchmark compensation amount applies to contract costs incurred after January 1, 2005, under covered contracts of both the defense and civilian procurement agencies as specified in Section 39 of the OFPP Act (41 U.S.C. 435), as amended.

Questions concerning this memorandum may be addressed to Rein Abel, Office of Federal Procurement Policy, on (202) 395-3254.

**David H. Safavian,**  
Administrator.

[FR Doc. 05-8950 Filed 5-4-05; 8:45 am]

BILLING CODE 6325-49-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 05-085]

### Notice of Information Collection Under OMB Review

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection under OMB review.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

**DATES:** All comments should be submitted within 30 calendar days from the date of this publication.

**ADDRESSES:** All comments should be addressed to Desk Officer for NASA; Office of Information and Regulatory Affairs; Office of Management and Budget; Room 10236; New Executive Office Building; Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ms. Kathleen Shaeffer,

Acting NASA Reports Officer, NASA Headquarters, 300 E Street SW., Mail Suite 6M70, Washington, DC 20546, (202) 358-1230, *kathleen.shaeffer-1@nasa.gov*.

### SUPPLEMENTARY INFORMATION:

#### I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection that is used to ensure proper accounting of Federal funds and property provided under cooperative agreements with commercial firms. Reporting and recordkeeping are prescribed 14 CFR Part 1274.

Absence of the information provided by agreement recipients by means of the following proposals, reports, and recordkeeping would result in NASA's inability to carry out its mission and to comply with statutory requirements (e.g., Chief Financial Officers Act, on the accountability of public funds and maintenance of an appropriate internal control system).

#### II. Method of Collection

NASA utilized paper and electronic methods to collect information from collection respondents.

#### III. Data

*Title:* Cooperative Agreements with Commercial Firms.

*OMB Number:* 2700-0092.

*Type of Review:* Extension of currently approved collection.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 58.

*Estimated Time Per Response:* Ranges from 20 minutes to 7 hours per response.

*Estimated Total Annual Burden Hours:* 3,488.

*Estimated Total Annual Cost:* 0.

#### IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Dated: April 26, 2005.

**Patricia L. Dunnington,**  
Chief Information Officer.

[FR Doc. 05-8989 Filed 5-4-05; 8:45 am]

BILLING CODE 7510-13-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[05-084]

### Notice of Information Collection Under OMB Review

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of information collection under OMB review.

**SUMMARY:** The National Aeronautics and Space Administration, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. 3506(c)(2)(A)).

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### SUPPLEMENTARY INFORMATION:

#### I. Abstract

The National Aeronautics and Space Administration (NASA) is requesting renewal of an existing collection to enable monitoring of contracts valued at less than \$500K. Collection is prescribed in the NASA Federal Acquisition Regulation Supplement and approved mission statements.

There are multiple uses of this information by NASA procurement and technical personnel in the management of contracts (e.g., evaluate contractor management systems, ensure compliance with mandatory public policy provisions, evaluate and control costs charged against contracts, detect