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June 23, 2005

BY FIRST CLASS MAIL

Mr. Ray H. Darling, Jr.
Executive Secretary
Occupational Safety and Health Review Commission
One Lafayette Centre
1120 20th Street, NW
Washington, DC 20036-3419

Re: *Summit Contractors, Inc.*, OSHRC Docket No. 03-1622

Dear Mr. Darling:

In accordance with Fed.R.App.P. 28(j), *amici curiae* respectfully submit this additional citation of authority to supplement the argument on pp. 13-15 of its brief.

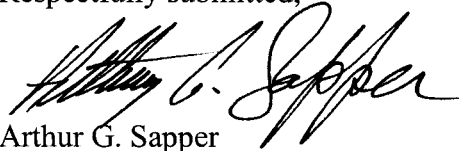
The authority cited is Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment; Proposed Rule, 70 FED. REG. 34822 (June 15, 2005), especially pp. 34839-34841, 34922, 34924, 34926, 34928 and 34947-48. The document shows that, in response to adverse comments by the Small Business Advocacy Review Panel on an official draft of the proposed standard, OSHA withdrew controlling-employer provisions reflecting its view here.

Enclosed are the following:

- Nine copies of this letter with the especially relevant pages attached; and
- A copy of, and a CD-ROM diskette containing, the entire document.

Please return a receipt-stamped copy of this letter in the enclosed, self-addressed stamped envelope.

Respectfully submitted,



Arthur G. Sapper

Enclosures: as stated

Cc: Steven Turow, Esq.

Robert Rader, Esq.

Victoria Bor, Esq.