

and Recovery Act, as amended, 42 U.S.C. § 6901 *et seq.*, relating to defendants' former Aero Plating Works facility in Chicago, Illinois. The proposed Settlement Agreement and Order requires defendants to pay \$8,000 into an interest-bearing escrow account that will be used to pay costs of activities necessary to comply with applicable requirements for closure of the Aero Plating Works facility, where defendants at one time treated, stored or disposed of hazardous waste. Following a determination by the Illinois Environmental Protection Agency that closure of the facility has been satisfactorily completed, proceeds of the escrow account will be used to reimburse closure costs incurred by the current owner of the facility once operated by defendants.

The Department of Justice will receive, for a period of thirty (30 days from the date of this publication, comments relating to the proposed Settlement Agreement and Order. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Maiorano*, Case No. C 87 4491 and the Department of Justice Reference No. 90-7-1-388A.

The proposed Settlement Agreement and Order may be examined at the Office of the United States Attorney, Northern District of Illinois, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, and at U.S. EPA Region 5, Office of Regional Counsel, 200 West Adams, Chicago, Illinois; and at the Consent Decree Library, 1120 G Street, N.W. 4th Floor, Washington, D.C. 20005, 202-624-0892. A copy of the proposed Settlement Agreement and Order may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$1.50 (24 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

*Environmental Enforcement Section,
Environment and Natural Resources Division.*

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Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended

Notice is hereby given that two consent decrees in *United States v. U.S. Ecology, Inc., et al.*, Civ. Act. No. 95-58, were lodged with the United States District Court for the Eastern District of Kentucky on June 5, 1995. These consent decrees resolve claims by and against the United States arising under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9606 and 9607, relating to the release and threatened release of hazardous substances at the Maxey Flats Disposal Site (the "Site") in Fleming County, Kentucky. The United States filed a complaint against the settling private parties and settling state parties simultaneously with the lodging of the consent decrees.

One consent decree, called the "De Maximus Consent Decree," provides for the design and implementation of a remedy for the Site selected in 1991 by the United States Environmental Protection Agency ("EPA") and for the reimbursement of \$5.313 million in response costs incurred by EPA. Generally, the remedy requires the removal of leachate from the disposal trenches, the installation of a cap to prevent water from infiltrating the disposal trenches, and continual maintenance and supervision to ensure the safety of the site. The parties to the De Maximus Consent Decree are the United States, including EPA, the United States Air Force, the United States Army, the United States Navy, the United States Department of Defense, the United States Department of Energy, the National Institute of Health, and NASA; the Commonwealth of Kentucky; and forty three private parties.

The second consent decree, called the "De Minimis Consent Decree," provides for the reimbursement of costs incurred by the United States and certain private parties in responding to the release and threatened release of hazardous substances at the Site. The parties to the De Minimis Consent Decree are the United States, including EPA, the Department of the Interior, the National Institute of Standards & Testing, NIOSH, Smithsonian Institute, U.S. Bureau of Mines, U.S. Department of Agriculture, U.S. Food & Drug Administration, U.S. Geological Survey, U.S. Public Health Service, and the

Veterans Administration Hospital; and 391 private and state entities.

The Department of Justice will receive comments relating to the proposed consent decrees for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. All comments should refer to *United States v. U.S. Ecology, Inc., et al.*, DOJ Ref. Nos. 90-11-2-211A and 90-11-3-195.

The proposed consent decrees may be examined at the office of the United States Attorney, 513 Madison Avenue, Covington, Kentucky 41011. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 "G" Street, N.W., 4th Floor, Washington, D.C. 20005. When requesting a copy of the De Maximus Consent Decree, please refer to the referenced case and enclose a check in the amount of \$237.50 (25 cents per page copying cost), payable to the Consent Decree Library. When requesting a copy of the De Minimis Consent Decree, please refer to the referenced case and enclose a check in the amount of \$101.00 (25 cents per page copying cost).

Bruce S. Gelber,

*Acting Chief, Environmental Enforcement
Section, Environment and Natural Resources
Division.*

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DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

July 13, 1995.

The Department of Labor has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act (44 U.S.C. Chapter 35) of 1980, as amended (Pub. L. 96-511). Copies may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley [(202) 219-5095]. Comments and questions about the ICRs listed below should be directed to Ms. O'Malley, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301,

Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OAW/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 10325, Washington, DC 20503 ((202) 395-7316).

Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219-4720 between 1 p.m. and 4 p.m. Eastern time, Monday through Friday.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Radiation Sampling and Exposure Records.

OMB Number: 1219-0003.

Frequency: Weekly; Annually.

Affected Public: Business or other for-profit.

Number of Respondents: 1,000.

Estimated Time Per Respondent: 7.75 hours.

Total Burden Hours: 7,750.

Description: Requires operators of uranium mines and metal and nonmetal mines, where concentrations of radon daughters exceeds 0.3 WL, to calculate, record, and report to the Mine Safety and Health Administration (MSHA) individual miner's exposures to concentrations of radon daughters. Records are maintained by the mine operator and are submitted to MSHA annually.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Notification of Legal Identity.

OMB Number: 1219-0008.

Agency Number: MSHA Form 2000-7.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 36,500.

Estimated Time Per Respondent: 30 minutes.

Total Burden Hours: 3,325.

Description: Requires mine operators to file with MSHA the name and address of the mine and the name and address of the persons who control and operate the mine, and any revisions of such names and addresses. The information is used to identify persons chargeable with violations of safety and health standards, in the assessment of civil penalties, and in the service of legal documents.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Refuse Piles and Impoundment Structures.

OMB Number: 1219-0015.

Agency Number: MSHA 250.

Affected Public: Business or other for-profit.

Reporting/Recordkeeping.

Requirement	Respondents	Frequency	Average time per response (hours)
Fire Extinguishing Plans.	10	Annually .	4
Abandonment Plans.	20	Annually .	8
Impoundment and Refuse Pile Plans and Revisions	60	Annually .	1,300
New Impoundment Plans.	100	Annually .	5
Revised Plans.	50	Annually .	16
New Refuse Piles.	325	Annually .	2
Annual Status Report and Certification.	300	Weekly ...	3
Weekly Inspections with Monitoring Instruments.	450	Weekly ...	2
Weekly Inspections without Monitoring Instruments.			

Total Burden Hours: 110,750.

Description: Requires coal mine operators to submit to MSHA an annual status report and certification on impoundments and hazardous refuse piles; and to keep records of the results of weekly examinations and instrumentation monitoring of impoundments.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Operations Under Water.

OMB Number: 1219-0020.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 30.

Estimated Time Per Respondent: 5 hours.

Total Burden Hours: 150.

Description: Requires coal mine operators to obtain a permit to mine under a body of water if, in the judgment of the Secretary of Labor, it is sufficiently large enough to constitute a hazard to miners.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Application for Waiver of Surface Facilities Requirement.

OMB Number: 1219-0024.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 1,726.

Estimated Time Per Respondents: 3 minutes.

Total Burden Hours: 863.

Description: Coal mine operators are required to provide bathing facilities, clothing change rooms, and sanitary toilet facilities in a location that is convenient for use of the miners. These regulations provide procedures by which an operator may apply for and be granted a waiver or extension of waiver.

Type of Review: Reinstatement.

Agency: Mine Safety and Health Administration.

Title: Application for Use of Nonpermissible Explosives and Nonpermissible Shot-Firing Units.

OMB Number: 1219-0025

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 75.

Estimated Time Per Respondents: 1 hour.

Total Burden Hours: 75.

Description: Coal mine operators may apply for and be granted a permit to use nonpermissible explosives and nonpermissible shot-firing units. Applications contain the safeguards the mine operator is going to employ to protect the miners while using nonpermissible blasting items.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Records of Tests and Examinations of Personnel Hoisting Equipment.

OMB Number: 1219-0034

Frequency: Daily; biweekly; bimonthly; semi-annually.

Affected Public: Business or other for-profit.

Number of Respondent: 545.

Type	Respondents	Estimated time per respondent (hours)
Daily and biweekly examinations	545	1.05
Initial and semiannual wire rope measurements	545	1.15
Bimonthly tests of safety catches	368	1.15

Total Burden Hours: 32,406

Description: Requires operators of coal and metal and nonmetal mines to keep records of specific tests and examinations of mine personnel hoisting systems, including wire ropes, to ensure that the systems remain safe to operate.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Noise Data Report Form and Calibration Records.

OMB Number: 1219-0037.

Frequency: Semi-annually; annually.

Affected Public: Business or other for-profit.

Type	Respondents	Estimated time per response (minutes)
Periodic surveys	253,440	21
Supplemental surveys ..	1,267	15
Survey/compl certs	2,534	6
Survey report	1,267	6
Calibration reports	4,300	3

Total Burden Hours: 89,616.

Description: Requires coal mine operators to report to MSHA when noise exposure surveys show noncompliance with permissible levels. Records are also required to be kept at the mine of when and by whom noise dosimeters and acoustical calibrators are recalibrated.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Escape and Evacuation Plans.

OMB Number: 1219-0046.

Frequency: Semi-annually.

Affected Public: Business or other for-profit.

Number of Respondents: 315.

Estimated Time Per Respondent: 8 hours.

Total Burden Hours: 7,560.

Description: Requires operators of underground coal mines to keep records of the results of mandatory weekly examinations of emergency escapeways. The records are used to determine that the integrity of the escapeways is being maintained.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Record of all Certified and Qualified Persons.

OMB Number: 1219-0049.

Frequency: Quarterly.

Affected Public: Business or other for-profit.

Number of Respondents: 18,580.

Estimated Time Per Respondent: 5 minutes.

Total Burden Hours: 1,542.

Description: Requires coal mine operators to maintain a list of persons who are certified and those who are qualified to perform duties which require specialized expertise at underground and surface coal mines. The recorded information is necessary to ensure that only persons who are properly trained and have the required experience are permitted to perform these duties.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Record of Mine Closure.

OMB Number: 1219-0073.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 1,000.

Estimated Time Per Respondent: 2 hours.

Total Burden Hours: 2,000.

Description: Requires that, whenever coal mine operators permanently close or abandon a coal mine or temporarily close a coal mine for a period of 90 days, they file with MSHA a copy of the mine map which is revised and supplemented to the date of closure. Maps are retained in a repository and are made available to mine operators of adjacent properties.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Applications for Approval of Sanitary Toilet Facilities.

OMB Number: 1219-0101.

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 2.

Estimated Time Per Respondent: 8 hours.

Total Burden Hours: 16.

Description: Requires manufacturers of sanitary toilet facilities to obtain MSHA approval of units prior to use at coal mine operations. Approval of the facilities is required to ensure a healthier environment for miners.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

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Employment and Training Administration

[TA-W-29,504]

ALSCO Amerimark Building Products, Gnadenhutten, Ohio; Negative Determination on Remand

On April 7, 1995 the United States Court of International Trade (USCIT)

granted the Secretary's motion for a voluntary remand in *United Steelworkers of America, AFL-CIO-CLC, Local 4612 v. Secretary of Labor* No. 94-11-00698.

The workers filing under petition TA-W-29,504 were initially denied eligibility to apply for trade adjustment assistance ("TAA") on June 20, 1994, 59 FR 33786 (1994) and denied on application for reconsideration on September 16, 1994, 59 FR 49259 (1994).

The investigation findings showed that the plant melted scrap aluminum cans and rolled the aluminum into coils which were then painted. The smelter and rolling mill closed in December 1993.

The United Steelworkers of America ("USWA") and its Local 4612 claim that imports of Russian aluminum ingots and coil affected the pricing of aluminum coil.

In its notice of negative determination regarding the USWA, Local 4612 application for reconsideration, the Department found that the articles produced by workers at AlSCO Amerimark Building Products ("Amerimark") are coated or painted aluminum coil, not aluminum ingots or aluminum coil. Accordingly, the Department investigated whether imports of coated aluminum coil contributed importantly to the worker separations and Amerimark's decline in sales.

The Department's denial was based on the fact that the "contributed importantly" test of the Worker Group Eligibility Requirements of the Trade Act was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The Department surveyed Amerimark's major customers for their purchases of painted aluminum coil for the years 1992, 1993, and the January-May time period of 1993 and 1994. None of the respondents reported decreasing their purchases from the subject firm while increasing their purchases of imports in the relevant period.

Other findings showed that Amerimark did not purchase ingots (foreign or domestic) for use in its production process for coated aluminum coil but purchased scrap aluminum cans.

On remand, the Department broadened its investigation to determine whether imports of aluminum coil met the "contributed importantly" test.

The new findings show that Amerimark's Gnadenhutten, Ohio aluminum smelting and rolling mill operation supplied the source of coils