

**Note:** Exhibit 15 is available for inspection in Room 200 of the Antitrust Division, Department of Justice, 325 7th Street, NW., Washington, DC 20530 (telephone: 202-514-2481) and at the Clerk's Office, United States District Court for the District of Columbia, 333 Constitution Avenue, NW., Washington, DC 20001. Copies of these materials may be obtained upon request and payment of a copying fee. Exhibit 15 is also available on the Antitrust Division's website at <<http://www.usdoj.gov/atr.cases/f202800/202847.htm>>.

### **Defendants' Description and Certification of Written or Oral Communications Concerning the Proposed Final Judgment in This Action**

Pursuant to Section 2(g) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(g), defendants Alcan, Inc., Alcan Aluminum Corp., Pechiney, S.A., and Pechiney Rolled Products, LLC, ("Defendants") by their attorneys, submit the following description and certification of all written or oral communications by or on behalf of any of the Defendants with any officer or employee of the United States concerning or relevant to the proposed Final Judgment filed in this action on September 29, 2003. In accordance with Section 2(g), the description excludes any communications "made by counsel of record alone with the Attorney General or the employees of the Department of Justice alone."

### **Description**

From September 2, 2003 to October 1, 2003, Defendants had numerous meetings and telephone conferences with employees of the United States concerning a possible settlement; from October 1, 2003 to the present date, Defendants have had additional conversations relating to the settlement. All of those contacts related to negotiation of a settlement in the general form contained in the proposed Final Judgment. Listed below are the individuals who participated in one or more of the meetings or telephone conferences.

#### *Defendants*

David McAusland, Alcan Inc.  
Mac Tracy, Alcan Inc.  
Martha Brooks, Alcan Inc.  
D. Stuart Meiklejohn, Sullivan & Cromwell LLP  
Steven Holley, Sullivan & Cromwell LLP  
Michael Miller, Sullivan & Cromwell LLP

#### *United States Department of Justice*

Deborah Majoras, Antitrust Division  
J. Robert Kramer II, Antitrust Division  
Maribeth Petrizzi, Antitrust Division  
Anthony Harris, Antitrust Division  
Joseph Miller, Antitrust Division

Ronald Drennan, Antitrust Division

### **II. Certification**

Defendants certify that they have complied with the requirements of Section 2(g) and that the description above of communications by or on behalf of Defendants, known to Defendants, of which Defendants reasonably should have known, or otherwise required to be reported under Section 2(g), is true and complete.

Dated: March 15, 2004.

Respectfully submitted,  
Sullivan & Cromwell LLP  
Peter Gronvall (Bar #475630)  
*Counsel for Alcan, Inc., Alcan Aluminum Corp., Pechiney, S.A., and Pechiney Rolled Products, LLC.*

### **Certificate of Service**

I hereby certify that on this 15 day of March, 2004, I caused a true copy of the foregoing Defendants' Description and Certification of Written or Oral Communications Concerning the Proposed Final Judgment in this Action to be served via messenger to: Anthony E. Harris, U.S. Department of Justice, Antitrust Division, Litigation II Section, 1401 H Street, NW., Suite 3000, Washington, DC 20530. (202) 307-6583.

### **Attorney for Plaintiff United States of America**

Dated: March 15, 2004.

Peter B. Gronvall (Bar No. 475630),  
*Sullivan & Cromwell, LLP,*  
1701 Pennsylvania Avenue NW.,  
Washington, DC 20006-5805, Tel:  
(202) 956-7500.

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BILLING CODE 4410-11-M

## **DEPARTMENT OF LABOR**

### **Employment Standards Administration, Wage and Hour Division**

### **Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions**

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

### Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

#### Volume I

##### Connecticut

CT030001 (Jun. 13, 2003)  
CT030002 (Jun. 13, 2003)  
CT030003 (Jun. 13, 2003)  
CT030004 (Jun. 13, 2003)  
CT030005 (Jun. 13, 2003)

##### New York

NY030001 (Jun. 13, 2003)

#### Volume II

##### Maryland

MD030057 (Jun. 13, 2003)

#### Volume III

##### Florida

FL030001 (Jun. 13, 2003)  
FL030009 (Jun. 13, 2003)  
FL030017 (Jun. 13, 2003)  
FL030032 (Jun. 13, 2003)  
FL030103 (Jun. 13, 2003)  
FL030004 (Jun. 13, 2003)

#### Volume IV

##### Illinois

IL030001 (Jun. 13, 2003)  
IL030004 (Jun. 13, 2003)  
IL030011 (Jun. 13, 2003)  
IL030012 (Jun. 13, 2003)  
IL030013 (Jun. 13, 2003)  
IL030014 (Jun. 13, 2003)  
IL030015 (Jun. 13, 2003)  
IL030016 (Jun. 13, 2003)  
IL030017 (Jun. 13, 2003)  
IL030020 (Jun. 13, 2003)  
IL030021 (Jun. 13, 2003)  
IL030022 (Jun. 13, 2003)  
IL030024 (Jun. 13, 2003)  
IL030027 (Jun. 13, 2003)  
IL030028 (Jun. 13, 2003)  
IL030029 (Jun. 13, 2003)  
IL030031 (Jun. 13, 2003)  
IL030032 (Jun. 13, 2003)  
IL030033 (Jun. 13, 2003)  
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IL030036 (Jun. 13, 2003)  
IL030037 (Jun. 13, 2003)  
IL030039 (Jun. 13, 2003)  
IL030043 (Jun. 13, 2003)  
IL030044 (Jun. 13, 2003)  
IL030045 (Jun. 13, 2003)  
IL030046 (Jun. 13, 2003)

IL030050 (Jun. 13, 2003)  
IL030051 (Jun. 13, 2003)  
IL030054 (Jun. 13, 2003)  
IL030063 (Jun. 13, 2003)  
IL030066 (Jun. 13, 2003)  
IL030067 (Jun. 13, 2003)  
IL030068 (Jun. 13, 2003)  
IL030069 (Jun. 13, 2003)  
IL030070 (Jun. 13, 2003)

##### Minnesota

MN030005 (Jun. 13, 2003)  
MN030007 (Jun. 13, 2003)  
MN030008 (Jun. 13, 2003)  
MN030010 (Jun. 13, 2003)  
MN030015 (Jun. 13, 2003)

#### Volume V

##### Kansas

KS030010 (JUN. 13, 2003)  
KS030011 (JUN. 13, 2003)  
KS030021 (JUN. 13, 2003)

##### Missouri

MO030003 (JUN. 13, 2003)  
MO030010 (JUN. 13, 2003)  
MO030041 (JUN. 13, 2003)  
MO030051 (JUN. 13, 2003)  
MO030055 (JUN. 13, 2003)  
MO030056 (JUN. 13, 2003)  
MO030059 (JUN. 13, 2003)

##### Oklahoma

OK030013 (JUN. 13, 2003)

##### Texas

TX030009 (JUN. 13, 2003)  
TX030064 (JUN. 13, 2003)

#### Volume VI

##### Montana

MT030001 (JUN. 13, 2003)

#### Volume VII

##### None

### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at <http://www.access.gpo.gov/davisbacon>. They are also available electronically by subscription to the Davis-Bacon Online Service (<http://davisbacon.fedworld.gov>) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage

decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to Subscribers.

Signed at Washington, DC this 1st Day of April 2004.

**John Frank,**

*Acting Chief, Branch of Construction Wage Determinations.*

[FR Doc. 04-7772 Filed 4-8-04; 8:45 am]

**BILLING CODE 4510-27-M**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

#### 1. The Sabine Mining Company

[Docket No. M-2004-012-C]

The Sabine Mining Company, 6501 Farm Road 968 West, Hallsville, Texas 75650-7413 has filed a petition to modify the application of 30 CFR 77.803 (Fail safe ground check circuits on high-voltage resistance grounded systems) to its South Hallsville No. 1 Mine (MSHA I.D. No. 41-03101) located in Harrison County, Texas. The petitioner requests a modification of the existing standard to allow an alternative method of compliance when the boom/mast is raised or lowered during necessary repairs. The petitioner states that during the procedure for raising and lowering the boom for construction/maintenance, the machine will not be performing mining operations. The procedure would also be applicable in instances of disassembly or major maintenance which require the boom to be raised or lowered. The petitioner further states that the procedures of raising and lowering the boom/mast during disassembly or major maintenance would be performed on an as needed basis; and training and review of the