

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Between the United States of America and Wainwright Industries, Inc. Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**

Under 28 CFR 50.7, notice is hereby given that on November 18, 2004, a proposed Consent Decree ("Consent Decree") in the case of *United States of America v. Wainwright Industries, Inc.*, Civil Action No. 02-CV-1548-SNL, was lodged with the United States District Court for the Eastern District of Missouri, Eastern Division.

The Consent Decree resolves the United States' claims under Section 107 of CERCLA, 42 U.S.C. 9607, against Wainwright Industries, Inc. for costs the Environmental Protection Agency incurred responding to contamination at the Valley Park TCE Site ("Site"), in St. Louis County. Under the Consent Decree, Wainwright Industries will pay \$542,000 plus interest in two installments, plus future EPA oversight costs at its former property. The amount is based upon Wainwright Industries' certified inability to pay more. In exchange, Wainwright Industries will receive a covenant not to sue for past and future costs related to known contamination at the Site, and contribution protection, subject to standard reservations of rights. The covenant not to sue is conditioned upon Wainwright Industries' satisfactory completion of a cleanup at its former property, which is required by a prior consent decree with the State of Missouri.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Wainwright Industries, Inc.*, D.J. Reference No. 90-11-3-07637.

The Consent Decree may be examined at the office of the United States Attorney, 111 South 10th Street, Room 20.333, St. Louis, MO 63102 and at U.S. EPA Region 7, 901 N. 5th Street, Kansas City, KS 66101. During the comment period, the Consent Decree may be examined on the following Department of Justice Web Site: <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S.

Department of Justice, Washington DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$5.75 (25 cents per page reproduction cost) payable to the United States Treasury for payment.

Dated: November 22, 2004.

**Robert E. Maher, Jr.,**

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

[FR Doc. 04-26510 Filed 11-30-04; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF LABOR

**Office of the Secretary****Submission for OMB Review: Comment Request**

November 23, 2004.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Occupational Safety and Health Administration.

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

*Title:* Cranes and Derricks Standards for Construction: Recording Tests for Toxic Gases and Oxygen-Deficient Atmospheres in Enclosed Spaces.

*OMB Number:* 1218-0054.

*Form Number:* None.

*Frequency:* On occasion.

*Type of Response:* Recordkeeping and Third party disclosure.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

*Number of Respondents:* 50.

*Number of Annual Responses:* 2,950.

*Estimated Time Per Response:* 15 minutes.

*Total Burden Hours:* 728.

*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$18,000.

*Description:* The Cranes and Derricks Standard for Construction [29 CFR 1926.550] addresses conditions in which a crane or derrick powered by an internal-combustion engine is exhausting in an enclosed space that employees occupy or will occupy. Under these conditions, employers must record tests made of the breathing air in the space to ensure that adequate oxygen is available and that concentrations of toxic gases are at safe levels. Establishing a test record allows employers to document oxygen levels and specific atmospheric contaminants, ascertain the effectiveness of controls, implement additional controls if necessary, and readily provide this information to other crews and shifts who may work in the enclosed space. Accordingly, employers will prevent serious injury and death to equipment operators and other employees who use or work near this equipment in an enclosed space.

*Agency:* Occupational Safety and Health Administration.

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

*Title:* Cranes and Derricks Standards for Construction; Notification of Operational Specifications and Hand Signals.

*OMB Number:* 1218-0115.

*Form Number:* None.

*Frequency:* On occasion.

*Type of Response:* Recordkeeping and Third party disclosure.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

*Number of Respondents:* 70,544.

*Number of Annual Responses:* 70,544.

*Estimated Time Per Response:* 5 minutes.

*Total Burden Hours:* 5,640.

*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$477,802.

*Description:* The Cranes and Derricks Standard for Construction [29 CFR 1926.550] requires employers to provide notification of specified operating characteristics through documentation, posting, or revising maintenance-instruction plates, tags, or decals, and to notify employees of hand signals used to communicate with equipment operators by posting an illustration of applicable signals at the worksite. By operating the equipment safely and within specified parameters, and communicating effectively with equipment operators, employers will prevent serious injury and death to the equipment operators and other employees who use or work near the equipment.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 04-26449 Filed 11-30-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

November 24, 2004.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Darrin King on 202-693-4129 (this is not a toll-free number) or e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employee Benefits Security Administration (EBSA), Office of

Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employee Benefits Security Administration.

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

*Title:* Notice to Participants and Beneficiaries and the Federal Government to Electing One Percent Increased Cost Exemption.

*OMB Number:* 1210-0105.

*Frequency:* On occasion.

*Type of Response:* Reporting; Record keeping; and Third party disclosure.

*Affected Public:* Business or other for-profit; Not-for-profit institutions; and Individuals or households.

*Number of Respondents:* 10.

*Number of Annual Responses:* 10,000.

*Estimated Time Per Response:* 2 minutes.

*Total Burden Hours:* 333.

*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$5,000.

*Description:* The Mental Health Parity Act of 1996 (Pub. L. 104-204) requires that group health plans provide parity in the application of dollar limits between mental health and medical/surgical benefits. The statute exempts plans from this requirement if its application results in an increase in the cost under the plan or coverage by at least one percent. The Interim Final Rules under 29 CFR 2590.712(f)(3)(i) and (ii) require a group health plan electing to take advantage of this exemption to provide a written notice to

participants and beneficiaries and to the federal government of the plan's election. To satisfy the requirements to notify the federal government, a group health plan may either send the Department a copy of the summary of material reductions in covered services or benefits sent to participants and beneficiaries, or the plan may use the Department's model notice published in the Interim Final Rule which was developed for this purpose.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 04-26450 Filed 11-30-04; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Qualification/Certification Program and Man Hoist Operators Physical Fitness

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps ensure that requested data is provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before January 31, 2005.

**ADDRESSES:** Send comments to Debbie Ferraro, Records Management Branch, 1100 Wilson Boulevard, Room 2171, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via E-mail to [ferraro.debbie@dol.gov](mailto:ferraro.debbie@dol.gov). Ms. Ferraro can be reached at (202) 693-9821 (voice), or (202) 693-9801 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** Contact the employee listed in the **ADDRESSES** section of this notice.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Persons performing tasks and certain required examinations at coal mines related to miner safety and health,