

*Products, Inc. v. Secretary of Labor*  
(Court No. 04-00410).

The Department's denial of Trade Adjustment Assistance (TAA) and Alternate Trade Adjustment Assistance (TAA) for workers of Wyoming Wood Products, Inc., West Wyoming, Pennsylvania was issued on June 16, 2004 and was published in the **Federal Register** on July 7, 2004 (69 FR 40983). Petitioners had filed as an adversely affected secondary group. The workers produced wood frames used in the production of motion furniture. The investigation revealed that the company to which the subject company supplied component parts was not TAA certified.

A Dismissal of Application for Reconsideration was issued on August 4, 2004 and was published in the **Federal Register** on August 11, 2004 (69 FR 48895). The request was denied because the application contained no new substantial information.

On October 5, 2004, the USCIT granted a consent motion for voluntary remand and ordered the Department to conduct a further investigation and determine whether the petitioning workers are eligible for trade adjustment assistance.

Pursuant to 19 U.S.C. 2272(c)(4), a worker must be employed by a company that produces or supplies "component parts for articles that were the basis for a certification of eligibility" of a group of primarily trade-affected workers to be certified as a secondarily trade-affected worker, per the Trade Act.

The subject company supplied wood frames exclusively to Westside Stitching, Inc., West Wyoming, Pennsylvania, a company that the Department has determined not to be adversely import-impacted (TA-W-54,635).

### Conclusion

After reconsideration on remand, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance for workers and former workers of Wyoming Wood Products, Inc., West Wyoming, Pennsylvania.

Signed at Washington, DC this 2nd day of December 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E4-3580 Filed 12-8-04; 8:45 am]

BILLING CODE 4310-30-P

## 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. Consolidation Coal Company

[Docket No. M-2004-048-C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.507 (Power connection points) to its Blacksville No. 2 Mine (MSHA I.D. No. 46-01968) located in Monongalia County, West Virginia. The petitioner proposes to use non-permissible submersible pumps in bleeder and return entries and sealed areas of the Blacksville No. 2 Mine under specific terms and conditions. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 2. Consolidation Coal Company

[Docket No. M-2004-049-C]

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.507 (Power connection points) to its Loveridge No. 22 Mine (MSHA I.D. No. 46-01433) located in Marion County, West Virginia. The petitioner proposes to use non-permissible submersible pumps in bleeder and return entries and sealed areas of the Loveridge No. 22 Mine under specific terms and conditions. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### Request for Comments

Persons interested in these petitions are encouraged to submit comments via Federal eRulemaking Portal: <http://www.regulations.gov>; e-mail: [Comments@MSHA.gov](mailto:Comments@MSHA.gov); fax: (202) 693-9441; or Regular Mail/Hand Delivery/Courier: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before January 10, 2005. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 3rd day of December 2004.

**Marvin W. Nichols, Jr.,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 04-27035 Filed 12-8-04; 8:45 am]

BILLING CODE 4510-43-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR 1218-0242(2005)]

#### Powered Industrial Trucks; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request for an extension of the information-collection requirements contained in the Powered Industrial Trucks Standard (29 CFR 1910.178).

**DATES:** Comments must be submitted by the following dates:

*Hard copy:* Your comments must be submitted (postmarked or received) by February 7, 2005.

*Facsimile and electronic transmission:* Your comments must be received by February 7, 2005.

**ADDRESSES:** You may submit comments, identified by OSHA Docket No. ICR-1218-0242(2005), by any of the following methods:

*Regular mail, express delivery, hand delivery, and messenger service:* Submit your comments and attachments to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). OSHA Docket Office and Department of Labor hours are 8:15 a.m. to 4:45 p.m., e.t.

*Facsimile:* If your comments are 10 pages or fewer in length, including attachments, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Electronic:* You may submit comments through the Internet at <http://ecomments.osha.gov>. Follow instructions on the OSHA Web page for submitting comments.

*Docket:* For access to the docket to read or download comments or background materials, such as the complete Information Collection Request (ICR) (containing the

Supporting Statement, OMB-83-I Form, and attachments), go to OSHA's Web page at <http://www.OSHA.gov>. In addition, comments, submissions and the ICR are available for inspection and copying at the OSHA Docket Office at the address above. You may also contact Theda Kenney at the address below to obtain a copy of the ICR. For additional information on submitting comments, please see the "Public Participation" heading in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney, Directorate of Standards and Guidance, OSHA, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693-2222.

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions**

You may submit comments and supporting materials in response to this notice by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA Web page. Because of security-related problems, there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning the delivery of submissions by express delivery, hand delivery and courier service.

All comments, submissions and background documents are available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions posted on OSHA's Web page are available at <http://www.OSHA.gov>. Contact the OSHA Docket Office for information about materials not available through the OSHA Web page and for assistance using the Web page to locate docket submissions.

Electronic copies of this **Federal Register** notice as well as other relevant documents are available on OSHA's Web page. Since all submissions become public, private information such as social security numbers should not be submitted.

**II. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the

Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

Paragraph (a)(4) of 1910.178 requires that employers obtain the manufacturer's written approval before modifying a powered industrial truck in a manner that affects its capacity and safe operation; if the manufacturer grants such approval, the employer must revise capacity, operation, and maintenance instruction plates, tags, and decals accordingly. For front-end attachments not installed by the manufacturer, paragraph (a)(5) mandates that employers provide a label (marking) on the truck that identifies the attachment, as well as the weight of both the truck and the attachment when the attachment is at maximum elevation with a laterally centered load. Paragraph (a)(6) specifies that employers must ensure that the markers required by paragraphs (a)(3) through (a)(5) remain affixed to the truck and are legible.

Paragraphs (l)(1) through (l)(6) of the Standard contain the paperwork requirements necessary to certify the training provided to powered industrial truck operators. Accordingly, these paragraphs specify the following requirements for employers:

- Paragraph (l)(1)—Ensure that trainees successfully complete the training and evaluation requirements of paragraph (1) prior to operating a truck without direct supervision.

- Paragraph (1)(2)—Allow trainees to operate a truck only under the direct supervision of an individual with the knowledge, training, and experience to train operators and to evaluate their performance, and under conditions that do not endanger other employees. The training program must consist of formal instruction, practical training, and evaluation of the trainee's performance in the workplace.

- Paragraph (1)(3)—Provide the trainees with initial training on each of 22 specified topics, except on topics that the employer demonstrates do not apply to the safe operation of the truck(s) in the employer's workplace.

- Paragraphs (1)(4)(i) and (1)(4)(ii)—Administer refresher training and evaluation on relevant topics to operators found by observation or formal evaluation to operate a truck unsafely, involved in an accident or near-miss incident, or assigned to operate another type of truck, or if the employer identifies a workplace condition that could affect safe truck operation.

- Paragraph (1)(4)(iii)—Evaluate each operator's performance at least once every three years.

- Paragraph (1)(5)—Train re hires only in specific topics that they performed unsuccessfully during an evaluation and that are appropriate to the employer's truck(s) and workplace conditions.

- Paragraph (1)(6)—Certify that each operator meets the training and evaluation requirements specified by paragraph (1). This certification must include the operator's name, the training date, the evaluation date, and the identity of the individual(s) who performed the training and evaluation.

Requiring markers notifies employees of the conditions under which they can safely operate powered industrial trucks, thereby preventing such hazards as fires and explosions caused by poorly designed electrical systems, rollovers/tipovers that result from exceeding a truck's stability characteristics, and falling loads that occur when loads exceed the lifting capacities of attachments. Certification of training and evaluation provides a means of informing employers that their employees received the training, and demonstrated the performance necessary to operate a truck within its capacity and control limitations. Therefore, by ensuring that employees operate only trucks that are in proper working order, and do so safely, employers prevent severe injury and death to truck operators and other employees who are in the vicinity of the trucks. Finally, these paperwork requirements are the most efficient means for an OSHA compliance officer to determine that an employer properly notified employees regarding the design and construction of, and modifications made to, the trucks they are operating, and that an employer provided them with the required training.

**III. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;

- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and

- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

#### IV. Proposed Actions

OSHA proposes to extend the Office of Management and Budget's (OMB) approval of the collection of information (paperwork) requirements necessitated by the Powered Industrial Trucks Standard (29 CFR 1910.178). The Agency will include this summary in its request to OMB to extend the approval of these collection of information requirements.

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

*Title:* Powered Industrial Trucks.

*OMB Number:* 1218-0242.

*Affected Public:* Business or other for-profits; not-for-profit organizations, Federal government, State, local or tribal government.

*Number of Respondents:* 999,000.

*Frequency:* On occasion; annually; triennially.

*Average Time Per Response:* Ranges from two minutes (.03 hour) to mark an approved truck to 6.50 hours to train new truck operators.

*Estimated Total Burden Hours:* 773,145.

*Estimated Cost (Operation and Maintenance):* \$209,790.

#### V. Authority and Signature

John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed in Washington, DC, on December 1, 2004.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 04-27014 Filed 12-8-04; 8:45 am]

**BILLING CODE 4510-26-M**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice.

**SUMMARY:** NARA is giving public notice that the agency proposes to request extension of a currently approved information collection, the Financial Disclosure Form, Standard Form 714, that is used to make personnel security determinations, including whether to grant a security clearance, to allow access to classified information, sensitive areas, and equipment; or to permit assignment to a sensitive national security position. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be received on or before February 7, 2005 to be assured of consideration.

**ADDRESSES:** Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740-6001; or faxed to 301-837-3213; or electronically mailed to [tamee.fechhelm@nara.gov](mailto:tamee.fechhelm@nara.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301-837-1694, or fax number 301-837-3213.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways, including the use of information technology, to minimize the burden of the collection of information on all respondents; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the NARA request for Office

of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

*Title:* Financial Disclosure Form.

*OMB number:* 3095-0058.

*Agency form number:* Standard Form 714.

*Type of review:* Regular.

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

*Estimated number of respondents:* 25,897.

*Estimated time per response:* 2 hours.

*Frequency of response:* On occasion.

*Estimated total annual burden hours:* 51,794 hours.

*Abstract:* Executive Order 12958 as amended, "Classified National Security Information" authorizes the Information Security Oversight Office to develop standard forms that promote the implementation of the Government's security classification program. These forms promote consistency and uniformity in the protection of classified information.

The Financial Disclosure Form contains information that is used to make personnel security determinations, including whether to grant a security clearance; to allow access to classified information, sensitive areas, and equipment; or to permit assignment to sensitive national security positions. The data may later be used as a part of a review process to evaluate continued eligibility for access to classified information or as evidence in legal proceedings.

The Financial Disclosure Form helps law enforcement obtain pertinent information in the preliminary stages of potential espionage and counter terrorism cases.

Dated: December 2, 2004.

**L. Reynolds Cahoon,**

*Assistant Archivist for Human Resources and Information Services.*

[FR Doc. 04-26997 Filed 12-8-04; 8:45 am]

**BILLING CODE 7515-01-P**

## NATIONAL SCIENCE FOUNDATION

### Sunshine Act Meeting

**AGENCY HOLDING MEETING:** National Science Foundation, National Science Board and its Subdivisions.

**DATE AND TIME:** December 15-16, 2004. December 15, 2004: 8 a.m.-5 p.m.

Concurrent Sessions:

8 a.m.-8:45 a.m. (Open).

8:45 a.m.-9:15 a.m. (Open).

9:30 a.m.-12 noon (Open).