

*Affected Public:* Business or other for-profit; not-for-profit institutions; individuals or households; State, local, or tribal government; and Federal government.

*Number of Respondents:* 10.

*Estimated Annual Responses:* 10.

*Average Response Time:* 5 hours.

*Total Annual Burden Hours:* 50.

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

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$20.00.

*Description:* The Equal Access to Justice Act (EAJA) provides for the award of fees and expenses, under certain circumstances, to parties involved in adversary adjudications with the United States. 5 U.S.C. 504. The statute, at 5 U.S.C. 504(a)(2), requires that a party seeking an award of fees and expenses in a covered proceeding must submit to the agency "an application which shows that the party is the prevailing party and is eligible to receive an award" under EAJA.

The Department of Labor's regulations at 29 CFR part 16 implement EAJA, and 29 CFR 16.201 sets forth the required elements of an EAJA award application. Under this regulation, EAJA award applications must include information regarding the following: The identity of the applicant, the proceeding for which an award is sought, the fact that the applicant has prevailed, the agency position alleged not to be substantially justified, the number of employees of the applicant at the time the proceeding was instituted (if the applicant is other than an individual), the type and purpose of the applicant's organization or business (if applicable), net worth and/or other designated information, and amounts requested. Certain certifications, affidavits and other documents also are required. See 29 CFR 16.201–16.204 for a complete description of information required from applicants.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 05–4210 Filed 3–3–05; 8:45 am]

**BILLING CODE 4510–23–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

February 25, 2005.

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:* Underground Construction Standard (29 CFR 1926.800).

*OMB Number:* 1218–0067.

*Frequency:* On occasion and annually.

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

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

*Number of Respondents:* 323.

*Number of Annual Responses:* 885,762.

*Estimated Time Per Response:* Varies from 30 seconds to read and record air-quality test results to one hour to inspect, load test, and complete and maintain a certification record for a hoist.

*Total Burden Hours:* 57,949.

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

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$117,000.

*Description:* Seven paragraphs in the Underground Construction Standard ("the Standard") require employers to post warning signs or notices during underground construction; these paragraphs are (b)(3), (i)(3), (j)(1)(vi)(A), (m)(2)(ii), (o)(2), (q)(11), and (t)(1)(iv)(B). The warning signs and notices required by these paragraphs enable employers to effectively alert employees to the presence of hazards or potential hazards at the job site, thereby preventing employee exposure to hazards or potential hazards associated with underground construction that could cause death or serious harm.

Certification inspection records for hoist. Paragraph (t)(i)(xxi) of the Standard requires employers to inspect and load test hoists when they install them, and at least annually thereafter; they must also inspect and load test a hoist after making any repairs or alterations to it that affect its structural integrity, and after tripping a safety device on the hoist. Employers must also prepare a certification record of each inspection and load test that includes specified information, and maintain the most recent certification record until they complete the construction project.

Establishing and maintaining a written record of the most recent inspection and load test alerts equipment mechanics to problems identified during the inspection. Prior to returning the equipment to service, employers can review the records to ensure that the mechanics performed the necessary repairs and maintenance. Accordingly, by using only equipment that is in safe working order, employers will prevent severe injury and death to the equipment operators and other employees who work near the equipment. In addition, these records provide the most efficient means for OSHA compliance officers to determine that an employer performed the required inspections and load tests, thereby assuring that the equipment is safe to operate.

Developing and maintaining records for air-quality tests. Paragraph (j)(3) of the Standard mandates that employers develop records for air-quality tests performed under paragraph (j), including air-quality tests required by paragraphs (j)(1)(ii)(A) through (j)(1)(iii)(A), (j)(1)(iii)(B), (j)(1)(iii)(C), (j)(1)(iii)(D), (j)(1)(iv), (j)(1)(v)(A), (j)(1)(v)(B), and (j)(2)(i) through (j)(2)(v). Paragraph (j) also requires that air-quality records include specified information, and that employers

maintain the records until the underground-construction project is complete; they must also make the records available to OSHA compliance officers on request.

Maintaining records of air-quality tests allow employers to document atmospheric hazards, and to ascertain the effectiveness of controls (especially ventilation) and implement additional controls if necessary.

Accordingly, these requirements prevent serious injury and death to employees who work on underground-construction projects. In addition, these records provide an efficient means for employees to evaluate the accuracy and effectiveness of an employer's exposure-reduction program, and for OSHA compliance officers to determine that employers performed the required tests and implemented appropriate controls.

*Agency:* Occupational Safety and Health Administration.

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

*Title:* Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits.

*OMB Number:* 1218-0093.

*Frequency:* On occasion.

*Type of Response:* 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:* 74,325.

*Number of Annual Responses:* 74,325.

*Estimated Time per Response:* 2 minutes for posting an emergency telephone number and 15 minutes for posting floor load limits.

*Total Burden Hours:* 8,901.

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

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* Two Construction standards, "Medical Services and First Aid" (Sec. 1926.50), and "General Requirements for Storage" (Sec. 1926.250), contain posting provisions. Paragraph (f) of Sec. 1926.50 requires employers to post emergency telephone numbers for physicians, hospitals, or ambulances at the worksite if the 911 emergency telephone services is not available; in the event an employee has a serious injury at the worksite, this posting requirement expedites emergency medical treatment of the employee. Paragraph (a)(2) of Sec. 1926.250 specifies that employers must post the maximum safe load limits of floors located in storage areas inside buildings or other structures, unless the floors are on grade. This provision

prohibits employers from overloading floors in areas used to store material and equipment in multi-story units that are under construction, thereby preventing the floors from collapsing and seriously injuring employees.

*Agency:* Occupational Safety and Health Administration.

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

*Title:* Cranes and Derricks Standards for Construction: Posting Weight and Load Capacity of Personnel Platforms.

*OMB Number:* 1218-0151.

*Frequency:* On occasion.

*Type of Response:* 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:* 2,750.

*Number of Annual Responses:* 2,750.

*Estimated Time per Response:* 5 minutes.

*Total Burden Hours:* 229.

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

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* Paragraph (g)(4)(ii)(I) of the Cranes and Derricks Standard for Construction (Sec. 1926.550) requires employers to post conspicuously with a plate or other permanent marking the weight and rated load capacity or maximum intended loads of each platform used to raise and lower employees to a worksite using a crane or derrick. This requirement helps employers to avoid exceeding the lifting capacity of such platforms and the cranes or derrick being used to lift the platforms. Therefore, this requirement can prevent the platform, crane, or derrick from collapsing and causing serious injury or death to employees on or below the platform.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 05-4211 Filed 3-3-05; 8:45 am]

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**DEPARTMENT OF LABOR**

**Employment and Training Administration**

**Revised Schedule of Remuneration for the UCX Program**

Under Section 8521(a)(2) of Title 5 of the United States Code, the Secretary of Labor is required to issue a Schedule of Remuneration specifying the pay and allowances for each pay grade of members of the military services. The

schedules are used to calculate the base period wages and benefits payable under the Unemployment Compensation for Ex-servicemembers (UCX) Program.

The revised schedule reflects increases in military pay and allowances which are effective as of January 2, 2005.

Accordingly, the following new Schedule of Remuneration, issued pursuant to 20 CFR 614.12(c), applies to UCX "first claims" filed beginning with the first day of the first week which begins on or after January 2, 2005.

Pay grade	Monthly wage rate
<i>(1) Commissioned Officers</i>	
0-10 .....	\$15,794.44
0-9 .....	15,505.47
0-8 .....	14,332.05
0-7 .....	13,029.68
0-6 .....	11,110.25
0-5 .....	9,350.01
0-4 .....	7,980.46
0-3 .....	6,243.46
0-2 .....	4,978.80
0-1 .....	3,793.06
<i>(2) Commissioned Officers With Over 4 Years Active Duty As An Enlisted Member or Warrant Officer</i>	
0-3E .....	7,261.85
0-2E .....	5,954.09
0-1E .....	5,070.74
<i>(3) Warrant Officers</i>	
W-5 .....	8,241.70
W-4 .....	7,290.50
W-3 .....	6,237.04
W-2 .....	5,348.60
W-1 .....	4,486.11
<i>(4) Enlisted Personnel</i>	
E-9 .....	6,979.58
E-8 .....	5,876.55
E-7 .....	5,176.04
E-6 .....	4,475.77
E-5 .....	3,704.19
E-4 .....	3,071.39
E-3 .....	2,751.65
E-2 .....	2,618.25
E-1 .....	2,388.62

The publication of this new Schedule of Remuneration does not revoke or change the period of time for any prior schedule that was in effect.

Signed at Washington, DC, on February 28, 2005.

**Emily Stover DeRocco,**

*Assistant Secretary of Labor.*

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