

issues as selection, fitting, use, and maintenance of respirators is essential for ensuring that workers are properly and effectively using the equipment. Records of fit-testing are essential for determining that the worker is wearing the proper respirator.

Title 30 CFR sections 56.5005 and 57.5005 require metal and nonmetal mine operators to institute a respirator program governing selection, maintenance, training, fitting, supervision, cleaning and use of respirators. To control those occupational diseases caused by breathing air contaminated with harmful dusts, fumes, mists, gases, or vapors, the primary objective is to prevent atmospheric contamination. MSHA's current policy, as prescribed by regulation, is to require that this be accomplished by feasible engineering measures. When effective controls are not feasible, or while they are being instituted, or during occasional entry into hazardous atmospheres to perform maintenance or investigations, appropriate respirators are to be used in accordance with established procedures protecting the miners.

Sections 56.5005 and 57.5005 incorporate by reference requirements of the American National Standards Institute (ANSI Z88.2-1969). These incorporated requirements mandate that miners who must wear respirators be fit-tested to the respirators that they will use. Certain records are also required to be kept in connection with respirators, including records of the date of issuance of the respirator, and fit-test results. The fit-testing records are essential for determining that the worker is wearing the proper respirator.

## II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection requirement related to the respirator program records. MSHA is particularly interested in comments that:

- 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 submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **ADDRESSES** section of this notice or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and then choosing "Statutory and Regulatory Information" and "Federal Register Documents."

## III. Current Actions

The mine operator uses the information to properly issue respiratory protection to miners when feasible engineering and/or administrative controls do not reduce the exposure to permissible levels. Fit-testing records are used to ensure that a respirator worn by an individual is in fact the one for which that individual received a tight fit. MSHA uses the information to determine compliance with the standard.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Respirator Program Records.

*OMB Number:* 1219-0048.

*Recordkeeping:* None.

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

*Cite/Reference/Form/etc.:* 30 CFR 56.5005 and 57.5005.

*Total Respondents:* 310.

*Frequency:* Monthly.

*Total Responses:* 5,220.

*Average Time Per Response:* .428 hour.

*Estimated Total Burden Hours:* 2,235 hours.

*Burden Cost (Capital/Startup):* None.

*Burden Cost (Operating/Maintaining):* \$156,350.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 19th day of October, 2004.

**David L. Meyer,**

*Director, Office of Administration and Management.*

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**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Refuse Piles and Impounding Structures, Recordkeeping and Reporting Requirements

**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 containing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be 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 December 27, 2004.

**ADDRESSES:** Send comments to Melissa Stoehr, Acting Chief, Records Management Branch, 1100 Wilson Boulevard, Room 2134, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on computer disk, or via e-mail to [stoehr.melissa@dol.gov](mailto:stoehr.melissa@dol.gov). Ms. Stoehr can be reached at (202) 693-9837 (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

The Coal Mine Health and Safety Act of 1969 was amended by the Federal Mine Safety and Health Act of 1977 after the Buffalo Creek dam failure in 1972 in West Virginia. The refuse pile and impound standards, Title 30 CFR sections 77.215 and 77.216 had been enacted earlier in 1975 and were incorporated into the Act. Additional parts of these Sections were promulgated and enacted in 1992. The standards require that the agency approve prudently engineered design plans for dams and their impoundments, as well as the plans for hazardous refuse piles that are routinely constructed by coal mine operators. Plan revisions are also required to be submitted for approval. In addition, the

standards also require plans when one of these sites is to be abandoned. And plans are required when spontaneous fires erupt and need to be extinguished at the burning site. Records of weekly inspections and instrument monitoring are also required to ensure that the sites remain safe. Finally, the mine operators are also required to submit an annual status report and certification that guarantees that the site is being constructed in accordance with the approved plan, and the site has not been altered during the construction year.

## II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection requirement related to the Refuse Piles and Impoundment Structures, Recordkeeping and Reporting Requirements. MSHA is particularly interested in comments that:

- \* Evaluate whether the proposed collection of information is necessary for the proper performance of MSHA's functions, including whether the information has practical utility;
- \* Evaluate the accuracy of MSHA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- \* Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- \* Address the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submissions of responses) to minimize the burden of the collection of information on those who are to respond.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **ADDRESSES** section of this notice or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and then choosing "Statutory and Regulatory Information" and "Federal Register Documents."

## III. Current Actions

There are approximately 740 coal mine impounding structures and 30 hazardous refuse piles, for a total of 770 sites. All impoundments and hazardous refuse piles are required by the standards to be constructed and operated in an approved manner. In addition, coal mine operators frequently revise construction plans to accommodate mining conditions, cycles or markets. Since these revisions to the

structures can adversely affect a great number of people, such changes are required to be planned in a prudent manner and approved by the agency. Fire extinguishing plans are only required from an operator when a spontaneous combustion has occurred, and the operator is directed to extinguish the fire. Inspections on a weekly basis, or inspections at a longer interval for long established and stable impoundments (after the regulation changes in 1992), are required to ensure that precipitation, seismic activity, or perhaps an unknown construction flaw, has not adversely affected any part of the dam site. The annual status report and certification ensures that the company's engineers confirm that the site is in accordance with the approved engineering plan. An abandonment plan approved by the agency ensures that a hazardous site is not left in place after all mining activity has ceased.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Impounding Safety and Refuse Piles, Reporting Requirements, Certifications and Recordkeeping.

*OMB Number:* 1219-0015.

*Recordkeeping:* 3 years.

*Frequency:* Annually and 17 times a year.

*Affected Public:* Business or other for profit.

*Cite/Reference/Form/etc.:* 30 CFR Sections 77.215 and 77.216.

*Total Respondents:* 770.

*Total Responses:* 12,885.

*Average Time Per Response:* 8 hours.

*Estimated Total Burden Hours:* 96,432.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Operating and Maintenance Costs:* \$0.

*Total Burden Cost (Capital/Startup):* None.

*Total Burden Cost (Operating/Maintaining):* None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 19th day of October, 2004.

**David L. Meyer,**

*Director, Office of Administration and Management.*

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## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 04-11]

### Notice of November 8, 2004 Millennium Challenge Corporation Board of Directors Meeting; Sunshine Act Meeting

**AGENCY:** Millennium Challenge Corporation.

**TIME AND DATE:** 2-4 p.m., Monday, November 8, 2004.

**PLACE:** Department of State, C Street Entrance, Washington, DC 20520.

**FOR FURTHER INFORMATION CONTACT:** Information on the meeting may be obtained from Joyce B. Lanham at (202) 521-3861.

**STATUS:** Meeting will be open to the public from 2 p.m. until conclusion of the administrative session; a closed session will commence immediately following the conclusion of the open session, at approximately 2:20 p.m.

**MATTERS TO BE CONSIDERED:** The Board of Directors (the "Board") of the Millennium Challenge Corporation ("MCC") will hold a quarterly meeting of the Board to consider the selection of countries that will be eligible for Millennium Challenge Account ("MCA") assistance in FY2005 under Section 607 of the Millennium Challenge Act of 2003, codified at 22 U.S.C. 7706, and certain administrative matters. The majority of the meeting will be devoted to a discussion of MCA candidate countries, which is expected to involve the consideration of classified information and will be closed to the public. The Board may also consider certain matters related solely to the internal practices of MCC during the closed session. A brief open session that will include a CEO update for the Board on MCC operations will precede the closed session.

Due to security requirements at the meeting location, all individuals wishing to attend the open portion of the meeting are encouraged to arrive at least 20 minutes before the meeting begins and comply with all relevant security requirements of the Department of State. Those planning to attend must notify Joyce Lanham at (202) 521-3861 or via email at [lanhamjb@mcc.gov](mailto:lanhamjb@mcc.gov) by noon on Wednesday, November 3, 2004, with the following information: full name, telephone number, e-mail address, affiliation/company name, social security number and date of birth. Please bring a photo ID with you on the day of the meeting. Seating for the brief open session will be available on a first come, first served basis.