

**DEPARTMENT OF JUSTICE****Notice of Lodging of a Modified Consent Decree Under the Clean Water Act**

Notice is hereby given that on January 27, 2010, a proposed Modified Consent Decree in *United States v. Sewerage & Water Board of New Orleans et al.*, Civil Action No. 93-3213, was lodged with the United States District Court for the Eastern District of Louisiana.

The proposed settlement modifies a 1998 Clean Water Act ("CWA") Consent Decree between the U.S. Environmental Protection Agency, joined by several Plaintiff-Intervenor citizen groups, and the Sewerage & Water Board of New Orleans ("Board"), the City of New Orleans ("City"), and the State of Louisiana as statutory defendant. In that original Consent Decree, which resolved a 1993 lawsuit brought by the United States alleging CWA violations including unauthorized discharges from the East Bank Collection System, the Board agreed to a 12-year comprehensive program to remediate its antiquated sewage collection system in order to reduce or eliminate sewage overflows into the Mississippi River, Lake Pontchartrain and the City's storm drainage canal system. The program was stalled for several years due to the devastating effects of Hurricane Katrina.

Under the proposed Modified Consent Decree, the Board agrees to continue the comprehensive remediation program and complete it by no later than July 2015. Among other things, the Board will repair its 62 pump stations damaged by the hurricane as well as other hurricane damage in the portions of the collection system served by those pump stations. The Board will also design and implement a new preventive maintenance plan to inspect and clean its pump stations and sewer lines and will proceed under its sewage overflow action plan to take steps to minimize the impact of sewage overflows on the environment. The Board will undertake additional remedial measures including measures designed to provide dependable electrical services at its treatment plant in the event of a future catastrophic event.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Modified Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC

20044-7611, and should refer to *United States v. Sewerage & Water Board of New Orleans et al.*, D.J. Ref. 90-5-1-1-4032.

The proposed Modified Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Louisiana, 500 Poydras Street, Suite B-210, New Orleans, LA 70130 (contact Sharon Smith, 504-680-3000), and at U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (contact Ellen Chang-Vaughan, 214-665-7328). During the public comment period, the proposed Modified Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed Modified 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 \$33.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen M. Katz,**

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

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**BILLING CODE 4410-15-P**

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Qualification and Certification of Electrical Training**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance 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 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.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the Title 30, CFR 75.153(a)(2) and § 77.103(a)(2) require that a program be provided for the qualification of certain experienced personnel as mine electricians. A qualified person is one who has had at least one year of experience in performing electrical work underground in a coal mine, in the surface work area of an underground coal mine, in a surface coal mine, in a noncoal mine, in the mine equipment manufacturing industry, or in any other industry using or manufacturing similar equipment, and has satisfactorily completed a coal mine electrical training program.

**DATES:** Submit comments on or before April 5, 2010.

**ADDRESSES:** Send comments to John Rowlett, Management Services Division, 1100 Wilson Boulevard, Room 2141, Arlington, VA 22209-3939. Commenters are encouraged to send their comments via E-mail to [Rowlett.John@DOL.GOV](mailto:Rowlett.John@DOL.GOV). Mr. Rowlett can be reached at (202) 693-9827 (voice), or (202) 693-9801 (facsimile). Because of potential delays in receipt and processing of mail, respondents are strongly encouraged to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

**FOR FURTHER INFORMATION 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 which are related to miner safety and health, and which require specialized experience, are required to be either "certified" or "qualified". The regulations recognize State certification and qualification programs. However, where state programs are not available, under the Mine Act and MSHA standards, the Secretary may certify and qualify persons for as long as they continue to satisfy the requirements needed to obtain the certification or qualification, fulfill any applicable retraining requirements, and remain employed at the same mine or by the same independent contractor.

Applications for Secretarial certification must be submitted to the MSHA Qualification and Certification Unit in Denver, Colorado. MSHA Form 5000-1 provides the coal mining industry with a standardized reporting format that expedites the certification process while ensuring compliance with the regulations. The information provided on the forms enables the Secretary of Labor's delegate—MSHA, Qualification and Certification Unit—to determine if the applicants satisfy the requirements to obtain the certification or qualification. Persons must meet certain minimum experience requirements depending on the type of certification or qualification applied for.

## II. Desired Focus of Comments

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 **FOR FURTHER INFORMATION** section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov/>) and selecting "Rules & Regs", and then selecting "FedReg. Docs". On the next screen, select "Paperwork Reduction Act Supporting Statement" to view documents supporting the **Federal Register** Notice.

## III. Current Actions

This request for collection of information contains provisions whereby persons may be temporarily qualified or certified to perform tests and examinations; requiring specialized expertise; related to miner safety and health at coal mines.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Qualification and Certification of Electrical Training.

*OMB Number:* 1219-0001.

*Recordkeeping:* MSHA Form 5000-1 is used by instructors, who may be mining personnel, consultants, or college professors, to report to MSHA those miners who have satisfactorily completed a coal mine electrical training program. Based on the information submitted on Form 5000-1, MSHA issues certification cards that identify these individuals as qualified to perform certain tasks at the mine.

*Frequency:* On Occasion.

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

*Respondents:* 17,960.

*Responses:* 2,796.

*Total Burden Hours:* 160.

*Total Burden Cost (operating/maintaining):* \$13,124.

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 29th day of January 2010.

**John Rowlett,**

*Director, Management Services Division.*

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**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Publication of Model Notice for Employers to Use Regarding Eligibility for Premium Assistance Under Medicaid or the Children's Health Insurance Program, Notice

**AGENCY:** Employee Benefits Security Administration, Department of Labor.

**ACTION:** Notice of the Availability of the Model Notice for Employers Regarding Premium Assistance under Medicaid or the Children's Health Insurance Program, with Request for Comments.

**SUMMARY:** On February 4, 2009, President Obama signed the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA, Pub. L. 111-3). CHIPRA includes a requirement that the Departments of Labor and Health and Human Services develop a model notice for employers to use to inform employees of potential opportunities currently available in the State in which the employee resides for group health plan premium assistance

under Medicaid and the Children's Health Insurance Program (CHIP). The Department of Labor (Department) is required to provide the model notice to employers within one year of CHIPRA's enactment. This document announces the availability of a Model Employer CHIP Notice. This notice also requests comments regarding compliance with the Employer CHIP Notice requirement for use in the development of future compliance assistance materials and/or regulations.

**DATES:** *Comment Date:* Comments are due on or before April 5, 2010.

**ADDRESSES:** Written comments may be submitted via any of the methods specified below. Please do not submit duplicates. All comments will be made available to the public. *Warning:* Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are posted on the Internet exactly as received, and can be retrieved by most Internet search engines. No deletions, modifications, or redactions will be made to the comments received, as they are public records. Comments may be submitted anonymously.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [E-OHPSCA.EBSA@dol.gov](mailto:E-OHPSCA.EBSA@dol.gov).

- *Mail or Hand Delivery:* Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, Room N-5653, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, *Attention:* Employer CHIP Notice.

Comments will be posted without change to <http://www.regulations.gov> and <http://www.dol.gov/ebsa>, and available for public inspection at the Public Disclosure Room, N-1513, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Amy Turner or Beth Baum, Office of Health Plan Standards and Compliance Assistance, Employee Benefits Security Administration, (202) 693-8335. This is not a toll-free number.

#### SUPPLEMENTARY INFORMATION:

##### I. Purpose

This document addresses the Employer CHIP Notice requirement under CHIPRA and announces the availability of a model notice that can be used to satisfy the content requirements for the Employer CHIP Notice.