

### I. Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) hard copy, (2) FAX transmission (facsimile), or (3) electronically through the OSHA webpage. Please note you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. 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 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

### 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 cost) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information-collection burden is correct. The Occupational Safety and Health Act of 1970 (the Act) 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).

The certification requirement specified in the Aerial Lifts Standard demonstrates that the manufacturer or an equally-qualified entity has assessed a modified aerial lift and found that it was safe for use by, or near, employees; and would provide employees with a level of protection at least equivalent to the protection afforded by the lift prior to modification.

### 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 to protect workers, 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 is proposing to extend the information-collection requirements in the Aerial Lift (29 CFR 1926.453(a)(2)). The Agency is requesting an increase of 12 hours, from 3 hours to 15 hours. The increase is a result of increasing the number of aerial lifts, which increased the number being inspected from 60 lifts to 300 lifts. The certification requirement specified in the Aerial Lifts Standard demonstrates that the manufacturer or an equally-qualified entity has assessed a modified aerial lift and found that it was safe for use by employees.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the Aerial Lift Standard.

*Type of Review:* Extension of a currently-approved information-collection requirement.

*Title:* Manufacturer's Certification of Aerial Lifts in Construction (29 CFR 1926.453).

*OMB Number:* 1218-0216.

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

*Number of Respondents:* 300.

*Frequency:* On occasion.

*Total Responses:* 300.

*Average Time Per Response:* 3 minutes.

*Estimated Total Burden Hours:* 15 hours.

*Estimated Cost (Operation and Maintenance):* 0.

### 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), and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

Signed at Washington, DC on October 16, 2003.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 03-26611 Filed 10-21-03; 8:45 am]

BILLING CODE 4510-26-M

### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO, UNITED STATES SECTION

#### Notice of Intent To Prepare a Supplemental Environmental Impact Statement for Clean Water Act Compliance of the South Bay International Wastewater Treatment Plant, San Diego County, CA

**AGENCY:** United States Section, International Boundary and Water Commission.

**ACTION:** Notice of intent to prepare a draft Supplemental Environmental Impact Statement (SEIS).

**SUMMARY:** This notice advises the public that pursuant to Section 102(2) (c) of the National Environmental Policy Act of 1969, as amended, the United States Section, International Boundary and Water Commission (USIBWC) proposes to analyze and evaluate the impacts of alternatives for the South Bay International Wastewater Treatment Plant to achieve compliance with the Clean Water Act. The Draft SEIS will evaluate alternatives for treatment of sewage flows from Tijuana, Mexico that cross into the United States along the U.S./Mexican border in San Diego. This notice is being provided as required by the Council on Environmental Quality Regulations (40 CFR 1501.7) and the USIBWC's Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, published in the **Federal Register** September 2, 1981 (46 FR 44083-44094) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the Draft SEIS. A public scoping meeting will be held to obtain community input to ensure that all concerns are identified and addressed in the Draft SEIS.

**DATES:** The USIBWC will conduct a public scoping meeting from 6 to 8 p.m. PST on Wednesday, November 12, 2003 at the San Ysidro Middle School, 4345 Otay Mesa Road, San Diego, CA. Full public participation by interested federal, State, and local agencies as well as other interested organizations and the general public is encouraged during the scoping process that will end 60 days from the date of this notice. Public

comments on the scope of the Draft SEIS, reasonable alternatives that should be considered, anticipated environmental problems, and actions that might be taken to address them are requested.

**FOR FURTHER INFORMATION CONTACT:**

Comments will be accepted for 60 days following the date of this notice by Mr. Charles Fischer, Environmental Protection Specialist, USIBWC, 2225 Dairy Mart Road, San Diego, California, 92173. Telephone: 619/662-7600, Facsimile: 619/662-7607. E-mail: [cfischer@ibwc.state.gov](mailto:cfischer@ibwc.state.gov)

**SUPPLEMENTARY INFORMATION:** The USIBWC has invited the USEPA to participate as a cooperating agency pursuant to 40 CFR 1501.6, to the extent possible. Other agencies may be invited to become cooperators as they are identified during the scoping process.

**Background**

Since the 1930s, raw sewage flowing into the United States from Mexico has posed a serious threat to public health and the environment in the South Bay communities of San Diego. Although substantial improvements have been implemented over the last two decades, large volumes of untreated wastewater still flow into the Tijuana River Valley today during the rainy season.

In July 1990, the USIBWC and Mexico signed Treaty Minute 283, which outlined a plan for the treatment of renegade sewage flows emanating from Tijuana, Mexico and crossing into the United States along the U.S./Mexican border in San Diego. In the Minute, the two countries agreed to construct an international secondary wastewater treatment plant (IWTP) on the U.S. side of the border that would treat 25 million gallons per day (mgd) of dry-weather sewage flows.

In a 1994 Final Environmental Impact Statement (FEIS) and Record of Decision (ROD), the USIBWC and the EPA, acting as lead agencies, decided to approve the construction of the South Bay International Wastewater Treatment Plant (SBIWTP) and South Bay Ocean Outfall (SBOO). The SBIWTP is located on a 75-acre site just west of San Ysidro, CA near the intersection of Dairy Mart and Monument Roads. Treated effluent is discharged to the Pacific Ocean through the SBOO, a 4.5-mile long 11-foot diameter pipe completed in January 1999.

Pursuant to the completion of an interim operations supplemental environmental impact statement (SEIS), the EPA and the USIBWC decided to construct the SBIWTP in phases: by first building advanced primary facilities

followed later by secondary treatment facilities. The intent of this phased construction was to expedite treatment of up to 25 mgd of untreated sewage from Tijuana, which would otherwise have continued to pollute the Tijuana River and Estuary, and coastal waters in the United States.

Treatment at the SBIWTP was initiated in April 1997 as an advanced primary plant with discharge initially through an emergency connection to the City of San Diego Point Loma treatment facility. In January 1999, the SBIWTP began discharging through the completed SBOO.

After the release of the May 1994 Final EIS and ROD and the decision to construct the SBIWTP in two stages, significant additional information became available and new circumstances occurred which warranted a reconsideration of the best means of achieving the completion of secondary treatment facilities at the SBIWTP. Also as a settlement to a lawsuit which challenged the 1994 FEIS, the USIBWC and EPA decided to prepare a SEIS that examined this new information, and the lawsuit was settled.

In January 1998, the USIBWC and the EPA issued the Draft Long Term Treatment Options SEIS (Draft SEIS), to re-evaluate secondary treatment options for the SBIWTP. In addition, in October 1998, the agencies also issued a supplement to the 1996 Interim Operation SEIS that addressed impacts of the advanced primary treatment. This supplement disclosed new information about the presence of dioxins and acute toxicity in the advanced primary discharge. This new information was incorporated into the Final Long Term Treatment Options Supplemental Environmental Impact Statement (Final SEIS) released in March 1999.

In the 1999 ROD for the Long Term Treatment Options SEIS, the EPA and the USIBWC selected the Completely Mixed Aerated (CMA) Pond System at the Hofer Site as the long-term option to provide secondary treatment of 25 mgd of wastewater at the SBIWTP. However, the construction of these secondary treatment facilities was not funded by Congress and the plant has continued to provide advanced primary treatment.

In February 2001, California's Office of the Attorney General, on behalf of the California Regional Water Quality Control Board, San Diego Region (Regional Board), filed a complaint in U.S. District Court, Southern District of California, alleging violations of the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act. Specifically, the complaint

alleged USIBWC's discharge violated the terms of its National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Board for failing to treat the effluent to secondary standards and for violating other effluent limitations. The matter is now scheduled for trial.

The USIBWC has decided to prepare a Supplemental Environmental Impact Statement to address options/actions to cease violations of the NPDES permit limits either by providing secondary treatment in Mexico pursuant to Pub. L. 106-457; or by some other means, including but not limited to redirecting some or all of the IWTP effluent from California's waters and/or instituting some combination of these options.

Coordination with the U.S. Environmental Protection Agency, California Regional Water Control Board and other government agencies, as required, will take place to ensure compliance with applicable federal and state laws and regulations.

The environmental review of this project will be conducted in accordance with the requirements of NEPA, CEQ Regulations (40 CFR parts 1500-1508), other appropriate federal regulations and the USIBWC procedures for compliance with those regulations. Copies of the Draft SEIS will be transmitted to federal and state agencies and other interested parties for comments and will be filed with the Environmental Protection Agency in accordance with 40 CFR parts 1500 through 1508 and USIBWC procedures.

**Alternatives**

The Draft SEIS to be prepared will consider a range of alternatives, including the no action alternative, based on issues and concerns associated with the project. The Draft SEIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economical, and recreational resources; and evaluate the impacts associated with the alternatives under consideration. Significant issues that have been identified to be addressed in the Draft SEIS include, but are not limited to, impacts to water resources, water quality, cultural and biological resources, and human health effects.

The Draft SEIS will evaluate eight alternatives, as described herein:

**1. No Action**

Operation of IWTP as an advanced primary facility would continue with discharge to the SBOO until secondary treatment facilities are constructed.

**2. Pub. L. 106-457—Secondary Treatment Facility in Mexico**

Operation of IWTP as an advanced primary facility would continue with 25 mgd of primary treated effluent sent to a Secondary Treatment Facility to be constructed in Mexico. Treated effluent would be discharged through the SBOO. Facilities in the U.S. would include: a pump station located on the SBIWTP site; a force main extending from the pump station across the international border to the site of the Secondary Treatment Facility in Mexico; and, a return flow pipeline from the treatment facility to connect with the SBOO.

**3. Operate the IWTP with Treated Flows Returned to Mexico for Discharge to Pacific Ocean at Punta Bandera**

Operation of IWTP as an advanced primary facility would continue with conveyance of the treated effluent to Mexico via primary effluent return connection (PERC) conveyance/pumping facilities at the SBIWTP and existing conveyance/pumping facilities in Tijuana. If effluent does not enter the San Antonio de los Buenos WWTP, it would be discharged to the surf at a point approximately 5 miles south of the U.S. border at Punta Bandera.

**4. Operate the IWTP With Treated Flows Returned to Mexico for Discharge to Pacific Ocean South of Punta Bandera**

IWTP would continue to be used for advanced primary treatment with discharge of treated effluent to the Pacific Ocean at a point approximately one mile south of Punta Bandera (approximately 6 miles south of U.S. border).

**5. Operate IWTP With City of San Diego Connection**

Operation of IWTP as an advanced primary facility would continue but with a total of 15 mgd of advanced primary treated effluent sent to the City of San Diego's Southbay Water Reclamation Plant (SBWRP) for secondary treatment via a new connection with discharge of treated effluent through SBOO. The IWTP would send 10 mgd of screened effluent to the City's Point Loma Wastewater Treatment Plant for secondary treatment via the City's South Metro Interceptor.

**6. Operate the IWTP With Treated Flows To send to Mexico and SBWRP**

This alternative would be the same as Alternative 5 but instead of sending 10 mgd of screened effluent to Point Loma WWTP, 10 mgd of primary treated effluent would be returned to Mexico for discharge to the Pacific Ocean at Punta Bandera.

**7. Completely Mixed Aeration (CMA) Ponds (i.e., Secondary Treatment) at the IWTP**

As evaluated in the 1999 FEIS and ROD, a CMA pond system would be constructed at the IWTP to provide secondary treatment.

**8. IWTP Closure/Shutdown**

The IWTP would be closed as a result of lawsuit resulting from SBIWTP's noncompliance with Clean Water Act. Mexico's current pumping, conveyance, and treatment facilities would be used to handle projected sewage flows.

**Availability of the Draft SEIS**

The USIBWC anticipates the Draft SEIS will be made available to the public by August 2004.

Dated: October 14, 2003.

**Mario Lewis,**

*Legal Advisor.*

[FR Doc. 03-26620 Filed 10-21-03; 8:45 am]

**BILLING CODE 7010-01-P**

**FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION**

**Sunshine Act, Meetings**

October 15, 2003.

**TIME AND DATE:** 10 a.m., Thursday, October 23, 2003.

**PLACE:** Hearing Room, 9th Floor, 601 New Jersey Avenue, NW., Washington, DC

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following in open session:

*Secretary of Labor v. Rag Shoshone Coal Corporation*, Docket No. WEST 99-342-R, WEST 99-384-R and WEST 2000-349. (Issues include whether the judge correctly concluded that the Secretary of Labor's interpretation of 30 CFR 70.207(e)(7) was reasonable; whether the judge correctly concluded that the Secretary of Labor was not required to engage in notice-and-comment rulemaking before imposing the 060 designed occupation for purposes of sampling levels of respirable cost dust; and whether the judge correctly concluded that the Secretary of Labor's imposition of the 060 designated occupation was not arbitrary, capricious, or an abuse of discretion.)

The Commission heard oral argument in this matter on October 9, 2003.

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform

the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

**FOR FURTHER INFORMATION CONTACT:** Jean Ellen (202) 434-9950/(202) 708-9300 for TDD Relay/1-800-877-9339 for toll free.

**Jean H. Ellen,**

*Chief Docket Clerk.*

[FR Doc. 03-26778 Filed 10-20-03; 1:19 pm]

**BILLING CODE 6735-01-M**

**MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION**

**Notice of Federal Advisory Committee Meeting**

**AGENCY:** U.S. Institute for Environmental Conflict Resolution, Morris K. Udall Foundation.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Environmental Conflict Resolution (ECR) Advisory Committee, of the U.S. Institute for Environmental Conflict Resolution, will conduct a public meeting on Wednesday and Thursday, November 12-13, 2003, at the Westward Look Resort, 245 Ina Road, Tucson, Arizona 85704. The meeting will occur from 8 a.m. to approximately 5 p.m. on November 12, and from 8 a.m. to approximately noon on November 13.

Members of the public may attend the meeting in person. Seating is limited and is available on a first-come, first-served basis. During this meeting, the Committee will discuss: Committee organizational details; environmental conflict resolution (ECR) processes in connection with Section 101 of the National Environmental Policy Act (NEPA); best practices in ECR; reports of subcommittees on NEPA Section 101, best practices, and affected communities; and planning for future Committee work.

Members of the public may make oral comments at the meeting or submit written comments. In general, each individual or group making an oral presentation will be limited to five minutes, and total oral comment time will be limited to one-half hour each day. Written comments may be submitted by mail or by e-mail to [gargus@ecr.gov](mailto:gargus@ecr.gov). Written comments received in the Institute office far enough in advance of a meeting may be provided to the Committee prior to the meeting; comments received too near the meeting date to allow for distribution will normally be provided