

**DEPARTMENT OF JUSTICE****Notice of Settlement Agreement Under the Park System Resources Protection Act**

Under 28 CFR 50.7, notice is hereby given of a proposed settlement agreement, *In Re: NTS/Virginia Development Corporation*, for the recovery of damages by the Department of the Interior ("DOI"), under the Park System Resources Protection Act, 16 U.S.C. 191j.

The proposed settlement agreement resolves claims against NTS/Virginia Development Corporation with respect to certain Civil War era earthworks that are part of the Fredericksburg and Spotsylvania National Military Park, a unit of the National Park System, in Spotsylvania County, Virginia. DOI alleges that in an "Incident" on or about July 11, 2001, a maintenance worker employed by NTS/Virginia drove a small tracked BobCat over the earthworks, creating ruts and damaging the earthworks.

Under the proposed settlement agreement, NTS/Virginia will pay \$88,351 for costs and damages. In exchange, DOI will provide a covenant not to sue NTS/Virginia for the incident. DOI intends to use a portion of the settlement funds to define, through accepted archaeological methodology, the scope and condition of Wilderness Cemetery No. 2, and would use at least \$30,821 of the settlement funds to further develop and complete certain interpretive trail facilities along the Orange Plank Corridor in the Wilderness Battlefield.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In Re: NTS/Virginia Development Corporation*, DOJ Ref. #90-5-1-1-08788.

During the public comment period, the proposed settlement agreement may be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed settlement agreement 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) 512-1547. In requesting a

copy from the Consent Decree Library, please enclose a check in the amount of \$1.75 (25 cents per page reproduction cost) payable to the U.S. Treasury, to obtain a copy of the settlement agreement.

**Robert Brook,**

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

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**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree; Pursuant to the Comprehensive, Environmental Response, Compensation and Liability Act ("CERCLA")**

Pursuant to 28 CFR § 50.7, notice is hereby given that on September 13, 2005, a Consent Decree in the case of *United States of America v. Raymond and Donniss Holbrook Trust*, Civil Action No. CV05-6723 (GHK) (VBKx) was lodged in the United States District Court for the Central District of California. This is the second public notice and comment period for this Consent Decree. The first notice was published in the **Federal Register** on October 13, 2005, Volume 70, Number 197, page 59773, and no comments were received.

In this action, under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, the United States sought injunctive relief and recovery of response costs to remedy conditions in connection with the release or threatened release of hazardous substances into the environment at the Waste Disposal, Inc. Superfund Site in Santa Fe Springs, California (hereinafter referred to as the "WDI Site").

The Settlor owns a small portion of the WDI Site, less than 1.5 acres, and the purpose of the settlement is to provide to the United States the access and institutional control which are required to perform the remedial action at the Site. In addition, the Settlor has agreed to pay the United States \$280,000 over a two year time period in partial reimbursement of response costs. In return, the United States has given the Settlor covenants not to sue and contribution protection.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of

Justice, P.O. Box 7811, Washington, DC 20044-7611; and refer to *United States of America v. Raymond and Donniss Holbrook Trust*, DOJ #90-11-2-1000/2. The proposed settlement agreement may be examined at the United States Environmental Protection Agency, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94107, ATTN: Taly Jolish. During the comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>.

A copy of the proposed 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) 512-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Decree from the Consent Decree Library, please enclose a check in the amount of \$56.00 (25 cents per page reproduction cost for 224 pages) payable to the U.S. Treasury.

**Ellen M. Mahan,**

*Assistant Section Chief, Environmental Enforcement Section.*

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**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. FMC Corporation**

[Docket No. M-2006-001-M]

FMC Corporation, Box 872, Green River, Wyoming 82935 has filed a petition to modify the application of 30 CFR 57.22305 (Approved equipment (III mines)) to its FMC Westvaco Mine (MSHA I.D. No. 48-00152) located in Sweetwater County, Wyoming. The petitioner requests a modification of the existing standard to permit a submersible mine pump to be operated in a flooded area of the mine, and installed and operated through a borehole from the surface. The petitioner asserts that the proposed alternative method will not reduce the safety of the miners.