

**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.*

[FR Doc. 06-2512 Filed 3-14-06; 8:45 am]

**BILLING CODE 4410-15-M**

**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.*

[FR Doc. 06-2513 Filed 3-14-06; 8:45 am]

**BILLING CODE 4410-15-M**

**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.

**2. Laurel Creek Company, Inc.**

[Docket No. M-2006-007-C]

Laurel Creek Company, Inc., P.O. Box 57, Dingess, West Virginia 25671 has filed a petition to modify the application of 30 CFR 75.1002 (Installation of electric equipment and conductors; permissibility) to its No. 5 Mine (MSHA I.D. No. 46-09132) located in Mingo County, West Virginia. The petitioner proposes to use high-voltage (2400-volt) continuous mining machines in and inby the last open crosscut of the No. 5 Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

**Request for Comments**

Persons interested in these petitions are encouraged to submit comments via E-mail: [zzMSHA-Comments@dol.gov](mailto:zzMSHA-Comments@dol.gov); Fax: (202) 693-9441; or Regular Mail/Hand Delivery/Courier: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before April 14, 2006. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 9th day of March 2006.

**Robert F. Stone,**

*Acting Director, Office of Standards, Regulations, and Variances.*

[FR Doc. E6-3748 Filed 3-14-06; 8:45 am]

BILLING CODE 4510-43-P

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-341]

**Detroit Edison Company; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of the Detroit Edison Company (the licensee) to withdraw its March 17, 2005, application for proposed amendment to Facility Operating License No. NPF-43 for Fermi 2, located in Monroe County, Michigan.

The proposed amendment would have revised the facility technical specifications (TSs) pertaining to TS 3.3.6.1, "Primary Containment Isolation Instrumentation," to correct a formatting error introduced during conversion to Improved Technical Specifications by replacing "1" per room with "2" per

room for the required channels per trip system for the reactor water cleanup area ventilation differential temperature high primary containment isolation instrumentation.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on April 26, 2005 (70 FR 21449). However, by letter dated January 31, 2006, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 17, 2005, and the licensee's letter dated January 31, 2006, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams/html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 7th day of March, 2006.

For the Nuclear Regulatory Commission.

**David H. Jaffe,**

*Sr. Project Manager, Plant Licensing Branch III-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E6-3717 Filed 3-14-06; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION****Advisory Committee on the Medical Uses of Isotopes: Call for Nominations**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Call for Nominations.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is advertising for nominations for the position of radiation oncology physician, specialized in gamma stereotactic radiosurgery on the Advisory Committee on the Medical Uses of Isotopes (ACMUI).

**DATES:** Nominations are due on or before May 15, 2006.

**ADDRESSES:** Submit four copies of your resume or curriculum vitae to the Office of Human Resources, Attn: Ms. Joyce Riner, Mail Stop T2D32, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

**FOR FURTHER INFORMATION CONTACT:** Mohammad S. Saba, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone (301) 415-7608; e-mail [mss@nrc.gov](mailto:mss@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The ACMUI advises NRC on policy and technical issues that arise in the regulation of the medical use of byproduct material. Responsibilities include providing comments on changes to NRC rules, regulations, and guidance documents; evaluating certain non-routine uses of byproduct material; providing technical assistance in licensing, inspection, and enforcement cases; and bringing key issues to the attention of NRC, for appropriate action.

ACMUI members possess the medical or technical skills needed to address evolving issues. The current membership is comprised of the following professionals: (a) Nuclear medicine physician; (b) nuclear cardiologist; (c) medical physicist in nuclear medicine unsealed byproduct material; (d) therapy medical physicist; (e) radiation safety officer; (f) nuclear pharmacist; (g) two radiation oncologists; (h) patients' rights advocate; (i) Food and Drug Administration representative; (j) Agreement State representative; and (k) health care administrator.

NRC is inviting nominations for the radiation oncologist physician appointment to the ACMUI. The term of the individual currently occupying this position will end September 30, 2006. Committee members will serve a 4-year term. Committee members may be considered for reappointment to one additional term.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to Committee business. Members who are not Federal employees are compensated for their service. In addition, members are reimbursed travel (including per-diem in lieu of subsistence) and are reimbursed secretarial and correspondence expenses. Full-time Federal employees are reimbursed travel expenses only.

**Security Background Check:** Nominees will undergo a thorough security background check to obtain the security clearance that is mandatory for all ACMUI members. This check will include a requirement to complete