

1995, with the United States District Court for the District of Rhode Island.

The complaint in the *CCL Custom Manufacturing* action was filed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, to recover costs incurred by the United States in taking response actions in connection with the first operable unit cleanup at the Peterson/Puritan, Inc. Superfund Site ("Site") located in the towns of Lincoln and Cumberland, Providence County, Rhode Island, and to obtain an order requiring the defendants to implement the remedy for the first operable unit at the Site selected by EPA in a record of decision dated September 30, 1993 ("ROD"). The first operable unit at the Site includes the facilities owned and operated by CCL Custom Manufacturing, Inc. and Pacific Anchor Chemical Company, the facility formerly owned and operated by SUPERVALU Operations, Inc., as well as the geographical extent of the contamination emanating from those facilities including, but not limited to, the Quinville Wellfield to the extent that it is affected by contamination emanating from the CCL Custom Manufacturing, Inc. facility.

The proposed Consent Decree embodies an agreement by defendants CCL Custom Manufacturing, Inc., CPC International Inc. (as indemnitor of CCL Custom Manufacturing, Inc.), Lonza Inc., Pacific Anchor Chemical Company, and SUPERVALU Operations, Inc. to implement the remedy for the first operable unit set forth in the ROD, to reimburse the United States in the amount of \$1,090,615.56 for past response costs incurred in connection with the first operable unit, and to reimburse the United States for future response costs that will be incurred in connection with the first operable unit. The defendants have also agreed to make a payment of \$43,883 to the United States in order to settle a potential claim of the United States pursuant to Section 107(a)(4)(C) of CERCLA, 42 U.S.C. 9607(a)(4)(C), for damages for injury to, destruction of, or loss of natural resources at the first operable unit. The proposed Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973.

The proposed Consent Decree also embodies a settlement involving Lonza Inc., Pacific Anchor Chemical Company, and SUPERVALU Operations, Inc. of

certain claims of the State of Rhode Island related to the Site.

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 for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. CCL Custom Manufacturing, Inc.*, DOJ Ref. #90-11-3-1233. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d).

The proposed Consent Decree may be examined at the Region I Office of the Environmental Protection Agency, One Congress Street, Boston Massachusetts, at the United States Attorney's Office located at the Westminster Square Building, 10 Dorrance Street, 10th Floor, Providence 02903, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$146.25 for the decree and all appendices, or in the amount of \$51.75 for the decree and Appendices A (Statement of Work) and C-F (lists of settling defendants) (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

[FR Doc. 95-19738 Filed 8-9-95; 8:45 am]

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#### **Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980**

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. § 9622(d)(2), notice is hereby given that on July 26, 1995, two Consent Decrees in *United States v. Hercules, et al.*, Civil Action No. 89-562-SLR, were lodged with the United States District Court for the District of Delaware.

The complaint in this case, as amended, was filed under Section 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9606 and

9607, with respect to the Delaware Sand & Gravel Superfund Site ("DS&G Site") located in New Castle County, Delaware, against numerous defendants, many of whom have agreed to settlement terms under a prior consent decree. The two consent decrees lodged with the Court on July 26, 1995 settle claims brought by the United States against Avon Products, Inc. and MRC Holdings, Inc. Under the first of these two Consent Decrees, Avon Products, Inc. has agreed to reimburse EPA for costs incurred in the amount of \$375,000. Under the terms of the second consent decree, MRC Holdings, Inc. has agreed to reimburse EPA for costs incurred in the amount of \$300,000.

The Department of Justice will receive comments relating to the proposed Consent Decrees for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Hercules, et al.*, Civil Action No. 89-562-SLR, Ref. No. 90-11-2-298. The proposed Consent Decrees may be examined at the office of the United States Attorney, District of Delaware, Chemical Bank Plaza, 1201 Market Street, Suite 100, Wilmington, Delaware 19899. Copies of the Consent Decrees may also be examined and obtained by mail at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, D.C. 20005 (202-624-0892) and the offices of the Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. When requesting a copy by mail, please enclose a check in the amount of \$5.50 for the Avon Products, Inc. agreement or \$5.75 for the MRC Holdings, Inc. agreement (twenty-five cents per page reproduction costs) payable to the "Consent Decree Library."

**Bruce S. Gelber,**

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

[FR Doc. 95-19739 Filed 8-9-95; 8:45 am]

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#### **Notice of Lodging of Consent Decree Pursuant to the Clean Air Act**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Princeton Enterprises, Inc., et al.*, Civil Action No. 90-76-C, was lodged on July 25, 1995 with the United States District Court for the Northern District of West Virginia. The

consent decree requires three defendants, Kenneth Riffle, Riffle Equipment Company, and Myron Jackson d/b/a Myron Jackson Trucking to gather asbestos containing materials at the Site and bury them in existing foundations at the Site, in accordance with the National Emissions Standards for Hazardous Air Pollutants applicable to asbestos. The Consent Decree also requires the defendants to pay a civil penalty of \$500.

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 for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Princeton Enterprises, Inc., et al.*, DOJ Ref. #90-5-2-1-1462.

The proposed consent decree may be examined at the office of the United States Attorney, 12th and Chapline Streets, Room 236, Federal Building, Wheeling, WV 26033; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$7.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

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Corporation, Florists' Transworld Delivery, Inc. ("FTDI") and FTD Association should not be found in civil contempt for violating a consent decree entered by the court in 1990. That decree prohibited FTD, then a single entity, from exploiting its position to induce florists to forgo membership in competing floral wire associations. The United States' petition states that the three respondents violated the decree by promoting FTDI's incentive program called "FTD Only." Under the proposed enforcement order, agreed to by the parties, FTD will stop its practice of inducing member florists to use its floral wire service exclusively and will not adopt any similar program in the future. In addition, the corporate ties between FTDI and FTD Association will be significantly curtailed.

The public is invited to comment on the proposed enforcement order. Comments should be addressed to Christopher J. Kelly, Acting Chief, Civil Task Force I, U.S. Department of Justice, Antitrust Division, 3525 7th Street, N.W., Room 400, Washington, D.C. 20530 (202/514-8348). Comments must be received within sixty days.

Copies of the papers filed with the court are available for inspection in Room 207 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, N.W., Washington, DC 20530 (telephone: (202) 514-2481), and at the office of the Clerk of the United States District Court for the Eastern District of Michigan, 231 West Lafayette Street, Detroit, Michigan 48226 (313/226-7200). Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

**Rebecca P. Dick,**

*Acting Deputy Director of Operations.*

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equipment testing and analysis, and witness interviews. Although the Agency is interested in the public's views on its complete investigation procedures, the Agency particularly seeks comments on the witness interview phase. MSHA will use these comments to assist in its review.

**DATES:** Written comments must be submitted on or before October 10, 1995.

**ADDRESSES:** The accident investigation procedures apply to all mines, and comments may be sent to either the Administrator, Coal Mine Safety and Health, 4015 Wilson Boulevard, Room 828, Arlington, Virginia 22203, Fax: 703-235-1517 or to the Administrator, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Boulevard, Room 728, Arlington, Virginia 22203, Fax: 703-235-9173, as appropriate.

Commenters are encouraged to send comments on a computer disk along with an original hard copy.

**FOR FURTHER INFORMATION CONTACT:** Jack Tisdale, Accident Investigation Program Manager, Division of Coal Mine Safety and Health, 703-235-1140, or David Park, Accident Investigation Program Manager, Division of Metal and Nonmetal Mine Safety and Health, 703-235-1565.

**SUPPLEMENTARY INFORMATION:** MSHA accident investigation procedures are designed to identify all relevant facts about a mining accident in an orderly manner and then to determine the contributory causes of a particular accident. After MSHA reviews and analyzes the facts, the Agency issues a report describing its findings and conclusions regarding the accident. The purpose of the report is to help prevent similar accidents from occurring in the future.

The investigation process itself is composed of three phases—physical inspection of the areas of the affected mine, analysis and testing of mining equipment which may have been involved in the accident, and interviews of persons who may have relevant information about the conditions or practices surrounding the accident. While these phases have not changed over the years, issues such as who should be present during witness interviews have been raised.

Specifically, in investigations involving fatalities, concerns have been raised over the attendance of mine operators and their representatives, miners' representatives, families of the victims and their representatives, and the news media. It is MSHA's experience that the attendance of these parties at a witness interview session

## Antitrust Division

### United States v. FTD Corporation; Florists' Transworld Delivery, Inc.; and FTD Association; Proposed Enforcement Order

Notice is hereby given that a proposed enforcement order has been filed with the United States District Court for the Eastern District of Michigan in a civil antitrust case, *United States v. FTD Corporation, et al.*, Supp. to Civ. Action No. 56-15748.

On August 2, 1995, the United States filed a petition for an order to show cause why the respondents FTD

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Accident Investigation Procedures Review

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) is conducting a review of its accident investigation procedures and policies, which were last reviewed in 1991. The typical MSHA accident investigation includes a physical inspection of the mine site,