

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****Notice of Proposed Information Collection**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection requests for the titles described below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The information collection requests describe the nature of the information collections and their expected burden and cost.

**DATES:** Comments must be submitted on or before May 30, 2000, to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of either information collection request, explanatory information and related form, contact John A. Trelease at (202) 208-2783. You may also contact Mr. Trelease at [jtrelas@osmre.gov](mailto:jtrelas@osmre.gov).

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). OSM has submitted two requests to OMB to renew its approval for the collections of information found at 30 CFR part 779, Surface mining permit applications—minimum requirements for environmental resources; and for the Coal Production and Reclamation Fee Report—Form OSM-1. OSM is requesting a 3-year term of approval for these information collection activities.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for these collections of information are 1029-0035 for Part 779 and 1029-0063 for the OSM-1 form.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on these collections of information was published on February 16, 2000 (65 FR 7881). No comments were received. This notice provides the

public with an additional 30 days in which to comment on the following information collection activities.

**Title:** Surface mining permit applications—minimum requirements for environmental resources, 30 CFR part 779.

**OMB Control Number:** 1029-0035.

**Summary:** Applicants for surface coal mining permits are required to provide adequate descriptions of the environmental resources that may be affected by proposed surface mining activities. The information will be used by the regulatory authority to determine if the applicant can comply with environmental protection performance standards.

**Bureau Form Number:** None.

**Frequency of Collection:** Once.

**Description of Respondents:** Coal mining companies and State regulatory authorities.

**Total Annual Responses:** 315.

**Total Annual Burden Hours:** 51,188 hours.

**Title:** Coal Reclamation Fee Report—OSM-1 Form.

**OMB Control Number:** 1029-0063.

**Summary:** The information is used to maintain a record of coal produced for sale, transfer, or use nationwide each calendar quarter, the method of coal removal and the type of coal, and the basis for coal tonnage reporting in compliance with 30 CFR 870 and section 401 of Pub. L. 95-87. Individual reclamation fee payment liability is based on this information. Without the collection of information OSM could not implement its regulatory responsibilities and collect the fee.

**Bureau Form Number:** OSM-1.

**Frequency of Collection:** Quarterly.

**Description of Respondents:** Coal mine permittees.

**Total Annual Responses:** 15,804.

**Total Annual Burden Hours:** 4,280.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden of respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

**ADDRESSES:** Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, 725 17th Street, NW, Washington, DC 20503.

Dated: April 21, 2000.

**Richard G. Bryson,**

*Chief, Division of Regulatory Support.*

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**BILLING CODE 4310-05-M**

**DEPARTMENT OF JUSTICE****Notice of Consent Judgment Pursuant to the Clean Air Act**

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed Consent Decree in *United States v. Big Apple Wrecking Corp., et al.*, 88 Civ. No. 9190 (D.S.N.Y.) (DNE), was lodged in the United States District Court for the Southern District of New York on March 30, 2000. This is an action brought under section 113(b) of the Clean Air Act (the "Act"), 42 U.S.C. 7413(B), for civil penalties and injunctive relief for violations of the Act, 42 U.S.C. 7401 et seq., and of the asbestos National Emission Standard for Hazardous Pollutants (the "asbestos NESHAP"), 40 CFR part 61, Subpart M. promulgated pursuant to section 112 of the Act, 42 U.S.C. 7412.

The proposed Consent Decree resolves the claims against defendants Big Apple Wrecking Corporation ("Big Apple"), DeMatteis Construction Corporation and Crescent-Duane Co. for their failures to comply with work practice standards contained in the asbestos NESHAP during the removal, handling and disposal of asbestos from a building being demolished at 105-107 Duane Street in New York City (the "Duane Street site"). The Consent Decree provides that Big Apple Wrecking Corporation will pay \$15,000.00, and DeMatteis Construction Corporation and Crescent-Duane Co. will pay, collectively, \$25,000.00 to the United States as civil penalties. The Consent Decree also includes general injunctive relief that prohibits future violations of the Act and the asbestos NESHAP, and requires the defendants to provide notice to EPA of future demolition or renovation operations. The Consent Decree resolves only those civil claims alleged in the complaint against settling defendants.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Big Apple Wrecking Corp., et al.*, DOJ