

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act

Notice is hereby given that on May 23, 2001, a proposed Consent Decree (proposed Decree) in *United States v. Holmes & Co., Inc.*, Civil Action No. 1:01-CV-198, was lodged with the United States District Court for the Northern District of Indiana (Fort Wayne Division).

In this action the United States seeks relief under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607, for recovery of response costs relating to releases of hazardous substances at the Wayne Reclamation and Recycling Site (Site), located near Columbia City, Indiana.

The proposed Decree would resolve certain liability of Holmes & Company, Inc., regarding the Site. Holmes & Co. is alleged to be the owner and operator of portions of the property that make up the Site.

Under the proposed Decree Holmes & Co. receives, among other things, certain contribution protection for response costs incurred and to be incurred in cleaning up the Site, as well as covenants not to sue from the United States under sections 106 and 107(a) of CERCLA and under section 7003 of the Resource Conservation Act (RCRA), subject to various reservations and reopeners.

The State of Indiana, which also has filed a complaint against Holmes & Co. in the same Court concerning this same Site, also is party to the proposed Decree. Under the proposed Decree the State would resolve certain claims it may have against Holmes & Co. regarding the Site.

Under the Decree, Holmes & Co. will, among other things, provide access to portions of the Site and also will place certain environmental easements and institutional controls on certain property that is part of the Site. To resolve certain contribution litigation brought against Holmes & Co. by other, potentially responsible parties who settled previously with the United States and the State and who have helped undertake remedial action at the Site, Holmes & Co. will pay those potentially responsible parties about \$70,000 under this Decree and thus resolve that contribution litigation.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to the proposed Decree. Comments should be addressed to the Acting Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Holmes & Co., Inc.*, Civil Action No. 1:01-CV-198, D.J. Ref. 90-11-3-603B. 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).

A copy of the proposed Decree may be examined at the Office of the United States Attorney, 3128 Federal Building, 1300 S. Harrison Street, Fort Wayne, Indiana 46802, and at the Office of Regional Counsel, U.S. EPA Region 5, Chicago, Illinois. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. When requesting a copy please refer to *United States v. Holmes & Co., Inc.* (N.D. Ind.) DOJ Ref. No. 90-11-3-603B and enclose a check in the amount of \$13.25 (25 cents per page reproduction costs, for the decree and all its appendices), payable to the Consent Decree Library.

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[FR Doc. 01-16593 Filed 6-29-01; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Certificate of Training, MSHA Form 5000-23

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection

requirements on respondents can be properly assessed.

DATES: Submit comments on or before August 31, 2001.

ADDRESSES: Send comments to Lynnette M. Haywood, Deputy Director, Administration and Management, 4015 Wilson Boulevard, Room 611, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to lhaywood@msha.gov, along with an original printed copy. Ms. Haywood can be reached at (703) 235-1383 (voice), or (703) 235-1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Lynnette M. Haywood, Deputy Director, Administration and Management, U.S. Department of Labor, Mine Safety and Health Administration, Room 611, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Ms. Haywood can be reached at lhaywood@msha.gov (Internet E-mail), (703) 235-1383 (voice), or (703) 235-1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 115(a) of the Mine Act requires that each mine operator have a program approved by the Secretary for training miners in the health and safety aspects of mining. Section 115(c) requires (a) that the mine operator certify on a form approved by the Secretary that the miner has received the specified training in each subject area of the approved health and safety training plan; (b) that the certificates be maintained by the operator and be available for inspection at the mine site; and (c) that the miner is entitled to a copy of the certificate upon completion of the training and when he leaves the operator's employ. Title 30, CFR Part 48 implements Section 115 of the Act by setting forth the requirements for obtaining approval of training programs and specifying the kinds of training, including refresher and hazard training, which must be provided to the miners.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Certificate of Training, MSHA Form 5000-23. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;