

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Claim for Damage, Injury, or Death.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form SF95. Civil Division, Torts Branch, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and Businesses. This information is needed to present a claim against the United States Government under the Federal Tort Claims Act, 28 U.S.C. § 2675(a).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 300,000 respondents at 6 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,800,000 annual burden hours.

If additional information is required during the first 60 days of this same regular review period, contact Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, N.W., Washington, D.C. 20530.

Dated: September 29, 1997.

**Robert B. Briggs,**

*Department Clearance Officer, United States Department of Justice.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive, Environmental Response, Compensation and Liability Act ("CERCLA")

Notice is hereby given that a proposed Consent Decree in *United States v. Blue Ridge Electric Membership Corp. et al.*, (Civil Action No. 5:97-CV-138-V) was lodged on September 16, 1997 with the United States District Court for the Western District of North Carolina.

Pursuant to Sections 107 and 113(g)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §§ 9607 and 9613(g)(2), the United States sought the recovery of response costs incurred as a result of a removal action conducted at the Oak Hill Superfund Site located near Lenoir, Caldwell County, North Carolina. Pursuant to the terms of the Consent Decree, Blue Ridge Electric Membership Corp. and Duke Energy Corporation have agreed to pay the United States \$1,881,638.34, plus accrued interest, in reimbursement of the United States' past response costs. The Consent Decree includes a covenant not to sue by the United States for past response costs under Section 107 of CERCLA and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973.

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 *U.S. v. Blue Ridge Electric Membership Corp. et al.*, DOJ #90-11-3-1738. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed Consent Decree may be examined at the office of the United States Attorney, Suite 1700 of the Carillon Building, 227 W. Trade Street, Charlotte, NC 28202; the Region 4 office of the Environmental Protection Agency, 61 Forsyth Street, S.W., Atlanta, GA 30303; 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 for the reproduction costs. If you want a copy of the Consent Decree (plus attachments), then the amount of the check should be \$6.00 (24 pages at 25 cents per page). The check should be

made payable to the Consent Decree Library.

**Walker Smith,**

*Deputy 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 of 1980, as Amended

Consistent with Departmental policy, 28 CFR § 50.7, and 42 U.S.C. § 9622(d), notice is hereby given that on September 19, 1997, a proposed consent decree in *United States v. Ray O. Parker & Son, et al.*, Civil Action No. 2:97-CV-313, was lodged with the United States District Court for the District of Vermont. This proposed consent decree resolves the United States claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, on behalf of the U.S. Environmental Protection Agency ("EPA") against 15 defendants relating to response costs that have been or will be incurred at or from a Site known as the Parker Landfill Superfund Site ("Site") located in the Town of Lyndon, Vermont and to the performance of a portion of the remedial action at the Site.

The consent decree has two components. The first aspect of the settlement requires six defendants to perform a portion of the remedial action at the Site, comprised of the construction of the cap at the Site. In addition, nine parties have entered into a *de minimis* settlement pursuant to Section 122(g) of CERCLA, 42 U.S.C. § 9622(g). Under the terms of the *de minimis* settlement, the nine defendants will pay \$1,134,000 for past and future response costs at the Site, plus a premium payment, which amount will be paid to the six parties performing work at 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. Any 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. Parker & Son, et al.*, D.J. Ref. 90-11-2-1120.