

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on June 1, 2007, a proposed consent decree was lodged with the United States District Court for the Northern District of Iowa in *United States v. MidAmerican Energy Company and the City of LeMars, Iowa*, Civil Action No. 07-4045. The proposed consent decree would resolve civil claims alleged in a complaint filed simultaneously with the decree, asserting liability against MidAmerican Energy Company (MidAmerican) and city of LeMars under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

The United States' complaint, brought pursuant to CERCLA Section 107, 42 U.S.C. 9607, seeks recovery of response costs incurred or to be incurred by the United States for certain response actions taken at or in connection with the release or threatened release of hazardous substances at the LeMars Coal Gas Superfund Site in LeMars, Plymouth County, Iowa. The proposed consent decree would resolve those claims against MidAmerican and the City of Le Mars.

Under the proposed consent decree MidAmerican will pay \$3.1 million and the City of LeMars will pay \$1.5 million to the United States. The consent decree incorporates an administrative order that the City of LeMars agreed to enter into to assist EPA's response actions by performing work and providing institutional controls at the Site. In exchange for the payment of response costs and the performance of work the decree would provide MidAmerican and the City of LeMars with respective covenant not to sue, and the defendants would grant a covenant not to sue to the United States.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, and should refer to *United States v. MidAmerican Energy Company and the City of LeMars, Iowa*, D.J. Ref. No. 90-11-2-08214. (Public comments may be submitted by e-mail to the following e-mail address: [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov).)

The proposed consent decree may be examined at the Office of the United States Attorney, 401 First Street, SE., Suite 400, Cedar Rapids, IA 52401-1825, and U.S. EPA Region, 7901 North 5th Street, Kansas City, Kansas 66101. During the public comment period, the consent decree also may be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the consent decree also may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, or by e-mailing or faxing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please provide a check in the amount of \$42 (25 cents per page reproduction cost) payable to the United States Treasury.

**Robert E. Maher, Jr.,**

*Assistant Section Chief, Environmental Enforcement Section, Environmental and Natural Resources Division.*

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**BILLING CODE 4410-15-M**

## DEPARTMENT OF LABOR

**Office of the Secretary****Submission for OMB Review: Comment Request**

June 8, 2007.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained from RegInfo.gov at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Mine Safety and Health Administration (MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202-395-7316/Fax: 202-395-6974 (these are not a toll-free numbers), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who 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.

*Agency:* Mine Safety and Health Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* Safety Standards for Underground Coal Mine Ventilation—Belt Entry Used as an Intake Air Course to Ventilate Working Sections and Areas Where Mechanized Mining Equipment is Being Installed.

*OMB Number:* 1219-0138.

*Form Number:* None.

*Type of Response:* Reporting and Recordkeeping.

*Affected Public:* Private Sector: Business or other for-profit (mining industry).

*Number of Respondents:* 45.

*Estimated Number of Annual Responses:* 44,768.

*Average Response Time:* Varies.

*Estimated Annual Burden Hours:* 9,083.

*Total Annualized capital/startup costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$87,137.

*Description:* Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813, authorizes MSHA to collect information necessary to carryout its duty in protecting the safety and health of miners.

The Safety Standards for Underground Coal Mine Ventilation—Belt Entry rule provides safety requirements for the use of the conveyor belt entry as a ventilation intake to course fresh air to working sections and areas where mechanized mining equipment is being installed or removed in mines with three or more entries. This rule is a voluntary standard. If the mine operators choose to use belt air to

ventilate working places, the provisions will maintain the level of safety in underground mines while allowing them to implement advances in mining atmospheric monitoring technology. This rule establishes alternate provisions that mine operators need to follow if they want to use belt air to ventilate working sections.

Section 75.351(b)(3) requires the posting at the surface location of an up-to-date map or schematic showing air flow directions and the location and type of all Atmospheric Monitoring System (AMS) sensors. Section 75.351(n)(1) requires that sensors used to detect CO or smoke be visually examined at least once each shift, when belts are operated as part of a production shift. If hazardous conditions are found during the visual exam, then a log of such conditions must be filed under existing Section 75.363(b)—Hazardous conditions; posting, correcting and recording (OMB approval 1219–0088).

Sections 75.351(n)(2) and 75.351(n)(3) require that a log be kept of every seven-day alarm test and every 31-day CO, smoke, or methane sensor calibration, respectively.

Section 75.351(o)(1)(i) requires that a record be made if the AMS emits an alert or alarm signal. The record would consist of the date, time, location, and type of sensor, and the reason for its activation. Section (o)(1)(ii) requires that, if a malfunction in the system occurs, a record be made of the malfunction and the corrective action to return the system to proper operating condition. We (MSHA) believe that such records are useful to the miner, the mine operator, and the Agency in determining areas of recurring problems. This will aid in ensuring proper operation of AMSs.

Section 75.351(o)(1)(iii) requires that the persons doing the weekly test of alert and alarm signals, the monthly calibration, or maintenance of the system make a record of these tests, calibrations, or maintenance. Section § 75.351(o)(3) requires that all records concerning the AMS be kept in a book or electronically in a computer system, that is secure and not susceptible to alteration. Section 75.351(p) requires the mine operator to keep these records for at least one year at a surface location and to make them available for inspection by authorized representatives of the Secretary and representatives of miners.

Section 75.351(q) requires that a record of annual AMS operator training be kept. The record will include the content of training, the person conducting the training, and the date

the training is conducted. The record needs to be maintained at the mine site by the mine operator for at least one year.

Sections 75.352(a) and 75.352(b) require the designated AMS operator or other appropriate personnel to take actions promptly when malfunction, alert, or alarm signals are received. These requirements are parallel to those of Section 75.351(o).

Numerous provisions require action to modify the mine ventilation plan. Provisions under Section 75.371 Mine Ventilation Plan include: Section 75.371(ii) requires the locations where dust measurements are made in the belt entry, in accordance with Section 75.350(b)(3) be included in the mine ventilation plan; Section 75.371(jj) requires the locations where velocities in the belt entry exceed limits set forth in Section 75.350(a)(2), and the maximum approved velocity for each location must be shown in the mine ventilation plan; Section 75.371(kk) requires the locations where air quantities are measured as set forth in Section 75.350(b)(6) be included in the mine ventilation plan; Section 75.371(ll) requires the inclusion of point feed locations and their use in the mine ventilation plan; and Sections 75.371(nn), 75.371(oo), and 75.371(pp) require modification of the mine ventilation plan to show the length of the time delay or any other method used for reducing the number of non-fire related alert and alarm signals from CO sensors, the lower alert and alarm setting for CO sensors, and the alternate instrument and the alert and alarm levels associated with the instrument, respectively.

The respondents are mine operators that elect to use belt air to ventilate working sections and areas where mechanized equipment is being installed or removed. The records will be used by coal mine supervisors and employees, State mine inspectors, and Federal mine inspectors. The records show that the examinations and tests were conducted and give insight into the hazardous conditions that have been encountered and those that may be encountered. The records of inspections greatly assist those who use them in making decisions that will ultimately affect the safety and health of miners working in belt air mines.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

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**BILLING CODE 4510–43–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

June 7, 2007.

The Department of Labor (DOL) has submitted the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained from RegInfo.gov at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: [king.darrin@dol.gov](mailto:king.darrin@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), within 30 days from the date of this publication in the **Federal Register**.

The OMB 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who 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.

*Agency:* Employment Standards Administration.

*Type of Review:* Extension without change of currently approved collection.

*Title:* Survivor's Form for Benefits.

*OMB Number:* 1215–0069.

*Form Number:* CM–912.

*Frequency:* On occasion.

*Type of Response:* Reporting.

*Affected Public:* Individuals or households.