

by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$6 (24 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

[FR Doc. 07-3997 Filed 8-14-07; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Pursuant to Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on August 2, 2007, a proposed settlement in *United States v. Ludlow's Sand and Gravel Co., Inc. and G. Kevin Ludlow*, Civil No. 07-cv-00793-GLS-DEP, was lodged with the United States District Court for the Northern District of New York.

In this action, the United States asserts claims against Ludlow's Sand and Gravel Co., Inc. and G. Kevin Ludlow under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Sections 9606 and 9607, for recovery of response costs and injunctive relief related to the Ludlow's Sand and Gravel Superfund Site (the "Site") in Paris, New York. The proposed Consent Decree is based on the Defendants' limited ability-to-pay and provides for Ludlow's Sand and Gravel Co., Inc. to perform services in support of the cleanup activities by the United States at the Site. The Decree provides the Defendants with a covenant not to sue under Sections 106 and 107 of CERCLA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Ludlow's Sand and Gravel Co., Inc. and G. Kevin Ludlow, et al.*, D.J. Ref. 90-11-3-08084/1.

The settlement may be examined at the Office of the United States Attorney, Northern District of New York, 100 S.

Clinton Street, Syracuse, NY 13261-7198 and at the Region II Office of the U.S. Environmental Protection Agency, Region II Records Center, 290 Broadway, 17th Floor, New York, NY 10007-1866. During the public comment period, the settlement may also 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 settlement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$17.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Ronald G. Gluck,**

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

[FR Doc. 07-3999 Filed 8-14-07; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

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

Under 42 U.S.C. 9622(d)(2) and 28 C.F.R. 50.7, notice is hereby given that on August 2, 2007, a proposed consent decree in *United States v. Waste Management of Wisconsin, Inc.*, Civil Action Number 07-C-0424-C, was lodged with the United States District Court for the Western District of Wisconsin.

The consent decree resolves claims against Waste Management of Wisconsin, Inc. ("WMWI") on behalf of the Environmental Protection Agency ("EPA") under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, for response action to be taken and response costs to be incurred in responding to the release and threatened release of hazardous substances at the Hagen Farm Superfund Site ("Site") in Dane County, Wisconsin.

WMWI has been performing the remedial action for the Site under a unilateral administrative order issued by EPA. Under the consent decree,

WMWI will complete performance of the Site remedy and will reimburse the United States for response costs the United States will incur at the Site. The consent decree also provides for disbursement to WMWI, if specified conditions are met, of approximately \$1.525 million credited to the Site from the proceeds of a prior, separate settlement in *In re U.E. Systems, Inc., et al.*, No. 91-32791 (Bankr. N.D. Ind.). The *U.E. Systems* settlement required that amounts recovered therein "shall reduce the liability of the non-settling potentially responsible parties \* \* \* by the amount of the credit." The proposed consent decree with WMWI will implement that provision of the *U.E. Systems* settlement while also providing the United States with essentially full recovery of all response costs incurred or to be incurred by the United States in connection with the Site.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Waste Management of Wisconsin, Inc.*, D.J. Ref. 90-11-2-588/1.

The Consent Decree (including all its Appendices A through N) may be examined at the Office of the United States Attorney for the Western District of Wisconsin, 660 W. Washington Ave., Suite 303, Madison, Wisconsin 53701, and at the Region 5 Office of the Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, Illinois 60604. During the public comment period, the Consent Decree and all Appendices may also 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 may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood, [tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov), Fax No. (202) 514-0097, phone confirmation number (202) 514-1547. Please enclose a check for \$22.25 for the Consent Decree text only, or for \$163.25 for the Consent Decree including all attachments (25 cents per page reproduction costs), payable to the U.S. Treasury, or, if by e-mail or fax, forward a check for the appropriate amount to

the Consent Decree Library at the stated address.

**William D. Brighton,**

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

[FR Doc. 07-3996 Filed 8-14-07; 8:45 am]

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

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

**ACTION:** Notice of petitions for modification of existing mandatory safety standards.

**SUMMARY:** Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification filed by the parties listed below to modify the application of existing mandatory safety standards published in Title 30 of the Code of Federal Regulations.

**DATES:** Comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before September 14, 2007.

**ADDRESSES:** You may submit your comments, identified by "docket number" on the subject line, by any of the following methods:

1. *E-Mail:* [Standards-Petitions@dol.gov](mailto:Standards-Petitions@dol.gov).
2. *Telefax:* 1-202-693-9441.
3. *Hand Delivery or Regular Mail:* Submit comments to the Mine Safety and Health Administration (MSHA), Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

We will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Individuals who submit comments by hand delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Edward Sexauer, Chief, Regulatory

Development Division at 202-693-9444 (Voice), [sexauer.edward@dol.gov](mailto:sexauer.edward@dol.gov) (E-mail), or 202-693-9441 (Telefax), or contact Barbara Barron at 202-693-9447 (Voice), [barron.barbara@dol.gov](mailto:barron.barbara@dol.gov) (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers].

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or (2) that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modifications.

##### II. Petitions for Modification

*Docket Number:* M-2007-043-C.

*Petitioner:* Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241.

*Mine:* Robinson Run Mine #95, MSHA I.D. No. 46-01318, located in Harrison County, West Virginia.

*Regulation Affected:* 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35 (Portable (trailing) cables and cords).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the maximum length of trailing cables supplying power to permissible equipment used in continuous mining sections to be increased to 1,000 feet. The petitioner states that: (1) The trailing cables will be used only to supply three-phase, 575-volt power to loading machines, shuttle cars, roof bolters (longwall and section), section ventilation fans and de-gas drills; (2) the trailing cables will not be smaller than # 2 American Wire Gauge (AWG) and the trailing cables for the roof bolter will not be smaller than # 4 AWG; (3) all circuit breakers used to protect # 2 AWG trailing cables exceeding 700 feet in length will have instantaneous trip units calibrated to trip at 800 amperes; (4) the trip setting of the circuit breakers will be sealed or locked and will have permanent and maintained legible labels; (5) each label will identify the circuit breaker as being suitable for protecting # 2 AWG cables;

(6) the circuit breakers used to protect # 4 AWG trailing cables exceeding 600 feet in length will have instantaneous trip units calibrated to trip at 500 amperes and the trip setting of the circuit breakers will be sealed or locked and will have permanent and maintained legible labels; (7) each label will identify the circuit breaker as being suitable for protecting # 4 AWG cables; and (8) replacement instantaneous trip units used to protect # 4 AWG trailing cables will be calibrated to trip at 500 amperes and will be sealed and locked. The petitioner has listed specific additional procedures in this petition that will be used to comply with the proposed alternative method. Individuals may review a complete description of the procedures at the MSHA address listed in this notice. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

*Docket Number:* M-2007-044-C.

*Petitioner:* C.W. Mining Company, P.O. Box 300, Huntington, Utah 84528.

*Mine:* Bear Canyon No. 4 Mine, MSHA I.D. No. 42-02335, located in Emery County, Utah.

*Regulation Affected:* 30 CFR 75.350 (Belt air course ventilation).

*Modification Request:* The petitioner requests a modification of the existing standard to permit the belt-haulage entry to be used as the return entry during two-entry longwall panel development and as an intake entry to provide additional face ventilation during longwall panel retreat mining. The petitioner states that an atmospheric monitoring system (AMS) for early warning fire detection will be utilized throughout the two-entry system and all sensors that are part of the AMS will be diesel-discriminating (carbon monoxide and nitric oxide) sensors. The petitioner has listed specific additional procedures in this petition that will be used to comply with the proposed alternative method. Individuals may review a complete description of the procedures at the MSHA address listed in this notice. The petitioner asserts that the petitioned-for method will at all times guarantee no less than the same measure of protection afforded by 30 CFR 75.350, and that application of the existing standard will result in a diminution of safety to the miners.

*Docket Number:* M-2007-045-C.

*Petitioner:* Alpha & Omega Coal Company, LLC, Drawer 887, Louisa, Kentucky 41230.

*Mine:* No. 2 Deep Mine, MSHA I.D. No. 46-09187, located in Mingo County, West Virginia.