

reproduction cost) or a check for \$0.25 for the Amended Appendix C alone.

William D. Brighton,

Assistant 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 Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. R&R Distributing Company, Inc.*, No. 1-00-0109 (M.D. Tenn.) was lodged on August 17, 2001, with the United States District Court for the Middle District of Tennessee. The consent decree settles claims for civil penalties and injunctive relief against R&R Distributing Company, Inc. for violations of Section 9006 of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. 6991e, the Federal requirements and standards relating to petroleum underground storage tanks ("UST") promulgated pursuant to section 9003 of RCRA, 42 U.S.C. 6991b, and found at 40 CFR part 280, and the requirements and standards of the State of Tennessee's UST program approved by EPA pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, effective January 19, 1999. The State of Tennessee joined the case as a co-plaintiff and is participating in the settlement. Under the proposed consent decree R&R Distributing Company, Inc. will pay a civil penalty of \$120,000 in installments over three years, plus interest at the rate applicable to judgments. The penalty will be equally divided between the United States and the State of Tennessee. Injunctive relief is not necessary because R&R has properly closed all the underground storage tanks except for those at four facilities, and has upgraded the underground storage tanks at those facilities. In addition, the State of Tennessee, as part of the settlement, will restore R&R's participation in the Underground Storage Tank Fund to achieve compliance with RCRA's financial assurance requirements for underground storage tank owners and operators.

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, DC 20530, and should refer to *United States v. R&R Distributing Company, Inc.*, DOJ Ref.# 90-7-1-06684.

The proposed consent decree may be examined at the office of the United States Attorney, Middle District of Tennessee, 110 Ninth Ave., S., Ste. A961, Nashville, Tennessee 37203-3870; and the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, SW Atlanta, Georgia 30303. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, PO Box 7611, Washington, DC 20044-7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$4.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen M. Mahan,

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

[FR Doc. 01-23165 Filed 9-14-01; 8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Request OMB emergency approval; petition for nonimmigrant worker.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted an emergency information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with 5 CFR part 1320. The INS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. Therefore, OMB approval has been requested by September 12, 2001. If granted, the emergency approval is only valid for 180 days. ALL comments and/or questions pertaining to this pending request for emergency approval MUST be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Karen Lee, Department of Justice Desk Officer, 725-17th Street, NW., Suite 10235, Washington, DC 20503. Comments regarding the emergency submission of this

information collection may also be submitted at facsimile to Ms. Lee at 202-395-6974.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, the INS requests written comments and suggestions from the public and affected agencies concerning this the information collection. Comments are encouraged and will be accepted until November 13, 2001. During 60-day regular review, ALL comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information collection instrument with instructions, should be directed to Mr. Richard A. Sloan, 202-514-3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) 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;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) 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.

Overview of this information collection:

(1) *Type of Information Collection:* Reinstatement of currently approved collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I-129. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-

profit. This form is used to petition for temporary workers and for the admission of treaty traders and investors. It is also in the process of an extension of stay or for a change of nonimmigration status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 368,948 responses at 2 hours and 45 minutes (2.75) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,014,607 annual hours hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: September 11, 2001.

Richard A. Sloan,

Departmental Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01-23152 Filed 9-14-01; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Freeman United Coal Mining Company

[Docket No. M-2001-081-C]

Freeman United Coal Mining Company, PO Box 4630, Springfield, Illinois 62708 has filed a petition to modify the application of 30 CFR 75.332(a)(2) (working sections and working places) to its Crown II Mine (I.D. No. 11-02236) located in Macaupin County, Illinois. The petitioner proposes to use one continuous miner to clean up the working face it previously mined while the other continuous miner on the super section starts to cut and load coal from another working face on the same working section, on the same split of air. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

2. Peabody Coal Company

[Docket No. M-2001-082-C]

Peabody Coal Company, 1970 Barrett Court, PO Box 1990, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its Camp #11 Mine (I.D. No. 15-08357) located in Union County, Kentucky. Due to hazardous rib conditions in certain areas of the return air course, traveling and examining this specific area would be unsafe. The petitioner proposes to establish evaluation points to monitor methane and oxygen concentrations immediately inby and outby portions of the specified return air course on a weekly basis. A certified person will examine the conditions of these evaluation points and record the results in a book maintained on the surface of the mine. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

3. Corbin Collieries, Inc.

[Docket No. M-2001-083-C]

Corbin Collieries, Inc., Rt. 4 Box 142-K, Bluefield, West Virginia has filed a petition to modify the application of 30 CFR 75.1710-1 (canopies or cabs; self-propelled diesel-powered and electric face equipment; installation requirements) to its Mine No. 2 (I.D. No. 44-06857) located in Tazewell County, Virginia. The petitioner proposes to operate self-propelled electric face equipment without cabs or canopies in seams heights of 48 inches or less. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners.

4. A B & J Coal Company, Inc.

[Docket No. M-2001-084-C]

A B & J Coal Company, Inc., PO Box 35, Vansant, Virginia 24656 has filed a petition to modify the application of 30 CFR 75.1710-1 (canopies or cabs; self-propelled diesel-powered and electric face equipment; installation requirements) to its Mine No. 3 (I.D. No. 44-06974) located in Buchanan County, Virginia. The petitioner proposes to operate self-propelled electric face equipment without cabs or canopies in seams heights of 48 inches or less. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via

e-mail to "comments@msha.gov," or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 17, 2001. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 6th day of September 2001.

David L. Meyer,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 01-23169 Filed 9-14-01; 8:45 am]

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DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Exemption Application No. D-10946]

Notice of Proposed Individual Exemption to Amend Prohibited Transaction Exemption (PTE) 99-45, Involving Donaldson, Lufkin & Jenrette Securities Corporation (DLJ), Located in New York, NY

AGENCY: Pension and Welfare Benefits Administration, Department of Labor (the Department).

ACTION: Notice of technical correction.

On September 7, 2001, the Department published, in the **Federal Register** (66 FR 46826), a notice of proposed exemption amending PTE 99-45 (64 FR 61138, November 9, 1999), a securities exemption that had been issued to certain broker-dealer foreign affiliates (the Foreign Affiliates) of DLJ based in the United Kingdom and Australia. If granted, the proposed exemption would expand the scope of PTE 99-45 to include current and future Foreign Affiliates of Credit Suisse First Boston Corporation (CSFB), also located in the United Kingdom and Australia. CSFB is an affiliate of DLJ. The proposed exemption would be effective as of November 3, 2000.

On page 46827 of the proposed exemption, in the section captioned "Supplementary Information," the Department hereby amends the proposal by inserting the following paragraph immediately preceding the final paragraph of that section:

However, to provide certainty as to the scope of the exemption, the Applicants request that PTE 99-45 be amended in order that it may also apply to CSFB and its current and future Foreign Affiliates in the United