

DEPARTMENT OF JUSTICE

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

Notice is hereby given that on January 24, 2007, a proposed Modified Consent Decree in *United States of America and Commonwealth of Virginia v. American Cyanamid Company, et al.*, Civil Action Nos. 90-0046-C, 91-0003-C, was lodged with the United States District Court for the Western District of Virginia.

In this action, the United States seeks a Third Modification of the Consent Decree that the United States lodged in 1991 to resolve the claims of the United States and the Commonwealth of Virginia under Sections 107 and 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607 and 9606(a), at the U.S. Titanium Superfund Site located at the southern boundary of Nelson County, near the community of Piney River, Virginia (the "Site"). This proposed Third Modification incorporates an EPA amendment to the remedy that requires institutional controls at the Site. Specifically, the modification requires American Cyanamid and its corporate successors, Wyeth Holdings Corporation, Cytec Industries Inc., and Piney Development Corporation to comply with certain land use restrictions and to record a Declaration of Restrictive Covenants documenting those restrictions and providing EPA with access to the Site. These restrictions prohibit or limit (1) Installation of any drinking water wells in areas where the groundwater is contaminated; (2) any new development at the Site that might interfere with the remedy; and (3) unauthorized earth moving activities where remedial actions have occurred.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this proposed Modified Consent Decree. 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 20044-7611, Attention: Nancy Flickinger, and should refer to *United States of America and Commonwealth of Virginia v. American Cyanamid Company, et al.*, Civil Action Nos. 90-0046-C, 91-0003-C, and should refer to D.J. Ref. 90-11-2-562.

The Modified Consent Decree may be examined at the Office of the United

States Attorney for the Western District of Virginia, 310 First Street, SW., Room 906, Roanoke, Virginia 24011, and at U.S. EPA Region III's Office, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the consent decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the proposed Modified 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), 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 \$3.25 (25 cents per page reproduction cost for a full copy) payable to the U.S. Treasury.

Robert D. Brook,

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

[FR Doc. 07-686 Filed 2-14-07; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Stipulation Modifying Settlement Under the Clean Air Act

Notice is hereby given that on February 2, 2007, a proposed Stipulation and Order modifying the Consent Decree in *United States v. City of New York*, Civil No. 99-2207, has been lodged with the United States District Court for the Southern District of New York.

The original Consent Decree resolved the government's claims against New York City and the New York Department of Sanitation (collectively, the "City") for violations of the Clean Air Act arising from the City's improper disposal of appliances containing ozone-depleting substances. The proposed stipulation provides for the City to perform a Supplemental Environmental Project ("SEP") comprising an urban forest project in lieu of two SEPs required under the original Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Stipulation and Order. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC

20044-7611, and should refer to *U.S. v. City of New York*, D.J. Ref. 90-5-2-1-06471.

The Stipulation and Order may be examined at the Office of the United States Attorney, 86 Chambers Street, 3rd Fl., New York, NY 10007, 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 Stipulation and Order may also be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Stipulation and Order 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), 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 \$5.25 (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 Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF JUSTICE

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

Pursuant to Department of Justice policy, notice is hereby given that on January 31, 2007, a proposed Consent Decree in *United States v. USX Corp., et al.*, Civil Action No. 98 C 6398 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois.

The Consent Decree concerns claims for natural resource damages under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601-9675, relating to the Yeoman Creek Landfill Superfund Site in Waukegan, Illinois. Environmental cleanup work at the site is already being performed under a 1999 Consent Decree with several parties. This proposed Consent Decree would require the following parties to pay an additional \$300,000 for natural resource damages

and for reimbursement of natural resource damage assessment costs incurred by government agencies: (1) Browning-Ferris Industries, LLC and BFI Waste Systems of North America, Inc.; (2) the City of Waukegan, Illinois; (3) Abbott Laboratories; (4) Waukegan Community School District No. 60; (5) The Goodyear Tire & Rubber Company; and (6) Invitrogen Corporation.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. USX Corp. et al.*, Civil Action No. 98 C 6389 (N.D. Ill.) and D.J. Ref. No. 90-11-2-1315/3.

The Consent Decree may be examined at the offices of the United States Attorney, 219 S. Dearborn Street, 5th Floor, Chicago, Illinois. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, 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), 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 \$8.00 (32 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.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Notice is hereby given that on January 31, 2007, a proposed Consent Decree in *United States of America v. Estate of David W. St. Germain, Jr. and Zeneca Inc.*, Civil Action No. 07-10181 was lodged with the United States District Court for the District of Massachusetts.

In this action the United States sought recovery of response costs incurred in connection with the cleanup of hazardous substances released at the St. Germain Drum Site, the Oak Street Drum Site, and the Route 44 Disposal Area Site (collectively, the "Sites"), located in Taunton, Bristol County, Massachusetts, pursuant to Section 107 of the Comprehensive Environmental, Response, Compensation, and Liability Act, 42 U.S.C. 9607 ("CERCLA"). The Consent Decree provides that the Estate of David W. St. Germain, Jr. shall pay EPA all net proceeds from the sale of the St. Germain Site, up to the amount of EPA's Unreimbursed Response Costs, as defined in the Consent Decree. It is currently estimated that the net proceeds from the sale of the St. Germain Site will be approximately \$400,000. The Consent Decree also provides that Zeneca will pay EPA a total of \$2,562,260.49, plus interest from May 1, 2006, to resolve its liability at the Sites.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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 or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Estate of David W. St. Germain, Jr. and Zeneca Inc.*, D.J. Ref. 90-11-3-07658.

The Consent Decree may be examined at the Office of the United States Attorney, 1 Courthouse Way, John Joseph Moakley Courthouse, Suite 9200, Boston, MA 02210, and at U.S. EPA Region 1, One Congress Street, Suite 1100, Boston, MA 02210. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, 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), 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 \$7.25 (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 Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

ZRIN 1210-ZA12

[Application Number D-11404]

Proposed Amendment to Prohibited Transaction Exemption 2006-06 (PTE 2006-06) for Services Provided in Connection With the Termination of Abandoned Individual Account Plans

AGENCY: Employee Benefits Security Administration, U.S. Department of Labor.

ACTION: Notice of Proposed Amendment to PTE 2006-06.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed amendment to PTE 2006-06, a prohibited transaction class exemption issued under the Employee Retirement Income Security Act of 1974 (ERISA). Among other things, PTE 2006-06 permits a "qualified termination administrator" (QTA) of an individual account plan that has been abandoned by its sponsoring employer to select itself to provide services to the plan in connection with the plan's termination, and to pay itself fees for those services. This amendment is being proposed in connection with the Department's amendment of regulations relating to the Termination of Abandoned Individual Account Plans at 29 CFR 2578.1, and the Safe Harbor for Distributions from Terminated Individual Account Plans at 29 CFR 2550.404a-3, which are being published simultaneously in this issue of the **Federal Register**. The Department's proposed amendment to PTE 2006-06 reflects changes, enacted as part of the Pension Protection Act of 2006, Pub. L. No. 109-280, to the Internal Revenue Code and would require, as a condition of relief under the class exemption, that benefits for a missing, designated nonspouse beneficiary be directly rolled over into an inherited individual retirement plan that fully complies with Code requirements. If adopted, the proposed amendment would affect plans, participants and beneficiaries of such