

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS-IMR-BITH-13318; PPIMBITHR0-PPMRSNR1Z.Y00000]

**Plan of Operations and Related  
Categorical Exclusion for Plugging and  
Reclamation of Two Natural Gas Wells,  
Big Thicket National Preserve, Texas**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** The National Park Service has received from Unit Petroleum Company a plan of operations to plug, abandon, and reclaim two natural gas wells in Big Thicket National Preserve in Polk County, Texas. We are requesting comments on the plan of operations and on the related categorical exclusion from provisions of the National Environmental Protection Act for this proposal.

**DATES:** Submit comments by May 13, 2015.

**ADDRESSES:** The plan of operations and the related categorical exclusion are available for public review and comment at <http://parkplanning.nps.gov/bith> and in the Office of the Superintendent, Edward Comeau—Acting, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625. Copies of the documents are available upon request from the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ryan Desliu, Oil and Gas Program Manager, Big Thicket National Preserve, 6044 FM 420, Kountze, Texas 77625, Telephone: (409) 951-6822; or email at [Ryan\\_Desliu@nps.gov](mailto:Ryan_Desliu@nps.gov).

**SUPPLEMENTARY INFORMATION:** Unit Petroleum Company proposes to plug, abandon, and reclaim the Blackstone #1 and #2 wells currently in shut in status within the Big Sandy Creek Corridor Unit of Big Thicket National Preserve. The wells were drilled before we acquired the land and must be plugged and abandoned to meet Texas Railroad Commission and NPS regulations. The proposed operation will only create minor impacts to resources in the Preserve.

An operator requiring access on, across, or through National Park Service lands or waters may conduct activities only under an approved plan of operations. We must complete an environmental analysis and make a decision on the plan of operations within 60 days of finding the plan to be complete. We must also publish a notice in the **Federal Register** informing the

public that the plan is available for public review and comment.

Public scoping for this proposal was conducted from May 18–June 18, 2012. The scoping brochure was also posted on the NPS's Planning Environment and Public Comment Web site.

If you wish to comment on the plan of operations and categorical exclusion, you may mail comments to the name and address above or post comments online at <http://parkplanning.nps.gov/bith>. The documents will be on public review for 30 days. Please note that the comments submitted in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 14, 2014.

**Edward Comeau,**

*Acting Superintendent, Big Thicket National Preserve, National Park Service.*

[FR Doc. 2015-08375 Filed 4-10-15; 8:45 am]

**BILLING CODE 4312-CB-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Joint  
Stipulation of Settlement Under the  
Clean Air Act, the Comprehensive  
Environmental Response  
Compensation and Liability Act and  
the Emergency Preparedness and  
Community Right-To-Know Act**

On April 7, 2015, the Department of Justice lodged a proposed Joint Stipulation of Settlement with the United States District Court for the Southern District of Alabama in the lawsuit entitled *United States of America v. Millard Refrigerated Services, LLC* Civil Action No. 15-186.

The United States filed a complaint simultaneously with the filing of the Joint Stipulation of Settlement on April 7, 2015. The complaint in this action alleged that Defendant Millard Refrigerated Services, LLC, a Delaware limited liability company, f/k/a Millard Refrigerated Services, Inc. ("Millard") violated Sections 112(r)(1) and 112(r)(7) of the Clean Air Act ("CAA"), 42 U.S.C. 7412(r)(1) and 7412(r)(7), Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9603, and

Section 304 of the Emergency Preparedness and Community Right-To-Know Act ("EPCRA"), 42 U.S.C. 11004, at its facility located in Theodore, Alabama ("the Facility"). Millard operated a cold storage facility with over 242,000 square feet of storage and used over 190,000 pounds of anhydrous ammonia (NH<sub>3</sub>), a highly toxic substance, in its operations. Defendant allowed three releases of NH<sub>3</sub> over a three year period, with the third release of over 32,000 pounds of NH<sub>3</sub> in August of 2010 resulting in 154 hospitalizations.

The Complaint alleges that Millard violated every section of the Program 3 Risk Management Prevention (RMP) Program regulations for a total of 36 violations of the RMP Regulations, three violations of the general duty of care under Section 112(r) of the CAA and four violations of the notice requirements under EPCRA and CERCLA. As regards the notice requirements, the Complaint alleges that Millard failed to timely notify the National Response Center, the State Emergency Response Center and the Local Emergency Planning Committee as required by CERCLA and EPCRA with regard to these releases.

Under the Joint Stipulation of Settlement, Millard will pay a civil penalty of \$3,009,855 in order to resolve these violations. There is no injunctive relief under this agreement as Defendant's parent, Millard Holdings, Inc., shut down the refrigerated portion of the Facility in July 2013 and is currently using it as a warehouse.

The publication of this notice opens a period for public comment on the Joint Stipulation of Settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Millard Refrigerated Services, LLC* Civil Action No. 15-186. D.J. Ref. No. 90-5-2-1-10384. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

	<i>Send them to:</i>
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General U.S. DOJ-ENRD P.O. Box 7611 Washington, DC 20044-7611.

During the public comment period, the Joint Stipulation of Settlement may be examined and downloaded at this Justice Department Web site: <http://>

[www.usdoj.gov/enrd/ConsentDecrees.html](http://www.usdoj.gov/enrd/ConsentDecrees.html). We will provide a paper copy of the Joint Stipulation of Settlement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$2.75 (25 cents per page reproduction costs for 11 pages) payable to the United States Treasury.

**Henry S. Friedman,**

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

[FR Doc. 2015–08391 Filed 4–10–15; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Exemptions From Certain Prohibited Transaction Restrictions

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Grant of Individual Exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: 2015–01, The United Association of Journeymen and Apprentices of the Plumbers and Pipefitters Local Union No. 189 Pension Plan, D–11750; 2015–02, The Camco Financial & Subsidiaries Salary Savings Plan and Huntington Bancshares, Inc., D–11751; 2015–03, Teamsters Local Union No. 727 Pension Fund, D–11770; 2015–04, Craftsman Independent Union Local #1 Health, Welfare & Hospitalization Trust Fund, L–11775; and 2015–05, Local 268, Sheet Metal Workers International Association, AFL–CIO, L–11794.

**SUPPLEMENTARY INFORMATION:** A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to

submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011)<sup>1</sup> and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

#### **The United Association of Journeymen and Apprentices of the Plumbers and Pipefitters Local Union No. 189 Pension Plan, as Amended (the Plan or the Applicant) Located in Columbus, Ohio [Prohibited Transaction Exemption 2015–01; Exemption Application No. D–11750]**

#### Exemption

The restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975(c)(1)(A), (D) and (E) of the Code, shall not apply to the sale (Sale) of certain improved real property (the Property) by the Plan to Local #189 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (the Union), a party in interest with respect to the

Plan, provided that the following conditions are satisfied:

(a) The Sale is a one-time transaction for cash;

(b) As consideration, the Plan receives \$3,100,000 or the fair market value of the Property as determined by a qualified, independent appraiser (the Appraiser) in a written appraisal of the Property, which is updated on the date of Sale;

(c) The Plan pays no commissions, costs or fees with respect to the Sale;

(d) The terms and conditions of the Sale are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party;

(e) The Sale has been reviewed and approved by a qualified, independent fiduciary, who, among other things: has reviewed and approved the methodology used by the Appraiser and has ensured that the appraisal methodology was properly applied in determining the fair market value of the Property; and has determined that it is prudent to go forward with the Sale.

#### Written Comments

In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments and requests for a hearing on the proposed exemption within 45 days of the publication, on November 26, 2014, of the Notice in the **Federal Register**. All comments and requests for a hearing were due by January 10, 2015.

During the comment period, the Department received one written comment with respect to the Notice that was submitted by a Plan participant (the Commenter), and no requests for a hearing. In addition, the Applicant informed the Department of an updated appraisal of the Property, which was later submitted to the Department and required the Department's modification to the operative language of the Notice.

Discussed below are the comment and the Department's revision to the Notice.

#### The Comment

The Commenter asked the Department to deny the proposed exemption, stating that the proposed transaction is an attempt by the employers to put the financial burden of a pension plan "in the yellow" on the backs of Union members, instead of raising the Plan's contribution rate.

In response, the Applicant states that the comment is factually inaccurate. First, according to the Applicant, the Commenter incorrectly states that the Plan is "in the yellow." To clarify the meaning of this actuarial phrase, the Applicant represents that plans are considered "in the green zone" when

<sup>1</sup> The Department has considered exemption applications received prior to December 27, 2011 under the exemption procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).