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**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 30, 2010, a proposed Settlement Agreement in the bankruptcy matter, *In re Lyondell Chemical Company, et al.*, Jointly Administered Case No. 09-10023 (REG), was lodged with the United States Bankruptcy Court for the Southern District of New York. The Settlement Agreement relates to alleged environmental liabilities of debtor Lyondell Chemical Company and 93 of its affiliates (collectively, the "Lyondell Debtors").

The Settlement Agreement resolves claims of the Environmental Protection Agency ("EPA") against certain Lyondell Debtors for response costs under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601-9675, with respect to the following sites: (1) The 68th Street Dump Site located in Maryland; (2) the Allied Paper/Portage Creek/Kalamazoo River Site located in Michigan; (3) the Barefoot Disposal Site located in Pennsylvania; (4) the Berks Landfill Site located in Pennsylvania; (5) the Chief Supply Site located in Oklahoma; (6) the Clinton Dock Area Site located in Iowa; (7) the Diamond Alkali/Lower Passaic River Study Area Site located in New Jersey; (8) the French Limited Site located in Texas; (9) the Hegeler Zinc Site located in Illinois; (10) the Malone Service Site located in Texas; (11) the Many Diversified Interests Site located in Texas; (12) the Omega Chemical Corporation Site located in California; and (13) the San Fernando Valley Site located in California.

The Settlement Agreement further settles EPA's claims against certain Lyondell Debtors for: (1) Civil penalties under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901-

6992k, with respect to the Brunswick Facility located in Georgia; (2) civil penalties under the Clean Air Act, 42 U.S.C. 7401-7671q, with respect to the Houston Refinery located in Texas; and (3) stipulated penalties under CERCLA Administrative Orders on Consent with respect to the Allied Paper/Portage Creek/Kalamazoo River Site and the Chief Supply Site.

The Settlement Agreement also resolves claims of the Department of the Interior ("DOI") and the National Oceanic and Atmospheric Administration ("NOAA") against certain Lyondell Debtors for natural resource damages and related assessment costs with respect to the following sites: (1) The Allied Paper/Portage Creek/Kalamazoo River Site; (2) the Diamond Alkali/Lower Passaic River Study Area Site; and (3) the Hegeler Zinc Site.

Under the Settlement Agreement, EPA, DOI, and NOAA collectively will receive allowed general unsecured claims in the bankruptcy totaling \$1,135,895,990.

The United States will also receive a cash payment of \$53,628,150, which will be applied to the following six sites: (1) The 68th Street Dump Site; (2) the Allied Paper/Portage Creek/Kalamazoo River Site; (3) the Barefoot Disposal Site; (4) the Berks Landfill Site; (5) the Diamond Alkali/Lower Passaic River Study Area Site; and (6) the French Limited Site.

Pursuant to the Settlement Agreement, the United States may seek to recover response costs and natural resource damages with respect to approximately 380 additional non-debtor-owned sites, and such costs and damages will be treated as general unsecured claims under the Lyondell Debtors' Plan of Reorganization. The United States may pursue injunctive relief against the Lyondell Debtors under RCRA Section 7003 with respect to nine of the approximately 380 sites, but may not otherwise seek injunctive relief under CERCLA Section 106 or RCRA Section 7003 against the Lyondell Debtors with respect to those sites.

Finally, pursuant to the Settlement Agreement and a Custodial Trust Agreement, certain Lyondell Debtors will transfer title to nine debtor-owned real properties to a custodial trust and contribute approximately \$108.4 million to the trust to fund cleanups of these properties and administrative expenses of the trust. The nine custodial trust properties are: (1) The Allied Paper Mill located in Michigan; (2) the Beaver Valley property located in Pennsylvania; (3) the Bully Hill Mine located in California; (4) the Charlotte

property located in North Carolina; (5) the Excelsior Mine located in California; (6) the Gypsum Pile property located in Illinois; (7) the Rising Star Mine located in California; (8) the Saint Helena property located in Maryland; and (9) the Turtle Bayou property located in Texas.

The Department of Justice will receive, for a period of fifteen days from the date of this publication, comments relating to the Settlement Agreement. To be considered, comments must be received by the Department of Justice by the date that is fifteen days from the date of this publication. 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 *In re Lyondell Chemical Company, et al.*, D.J. Ref. 90-5-2-1-2132/3. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The Settlement Agreement and the Custodial Trust Agreement may be examined at the Office of the United States Attorney, 86 Chambers Street, 3rd Floor, New York, New York 10007, and at the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. During the public comment period, the Settlement Agreement and the Custodial Trust Agreement 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). Copies of the Settlement Agreement and the Custodial Trust Agreement 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 \$55.00 (with exhibits) or \$29.75 (without exhibits) (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, please forward a check in that amount to the

Consent Decree Library at the stated address.

**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

#### Meeting of the Compact Council for the National Crime Prevention and Privacy Compact

**AGENCY:** Federal Bureau of Investigation, Justice.

**ACTION:** Meeting notice.

**SUMMARY:** The purpose of this notice is to announce a meeting of the National Crime Prevention and Privacy Compact Council (Council) created by the National Crime Prevention and Privacy Compact Act of 1998 (Compact). Thus far, the Federal Government and 28 states are parties to the Compact which governs the exchange of criminal history records for licensing, employment, and similar purposes. The Compact also provides a legal framework for the establishment of a cooperative federal-state system to exchange such records.

The United States Attorney General appointed 15 persons from state and federal agencies to serve on the Council. The Council will prescribe system rules and procedures for the effective and proper operation of the Interstate Identification Index system. Matters for discussion are expected to include:

(1) Establishment of a Benchmark for National Fingerprint File (NFF) Program Participation and an NET Implementation Plan.

(2) Report on the Bureau of Justice Statistics' Criminal History Record Information Sharing (CHRIS) Project.

(3) Update on the Criminal Justice Information Services (CJIS) Division Security Policy.

The meeting will be open to the public on a first-come, first-seated basis. Any member of the public wishing to file a written statement with the Council or wishing to address this session of the Council should notify Mr. Gary S. Barron at (304) 625-2803, at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short statement describing the topic to be addressed and the time needed for the presentation.

Requesters will ordinarily be allowed up to 15 minutes to present a topic.

**Dates and Times:** The Council will meet in open session from 9 a.m. until 5 p.m., on May 12-13, 2010.

**ADDRESSES:** The meeting will take place at the Hyatt Regency Louisville, 320 West Jefferson, Louisville, Kentucky, telephone (502) 217-6091.

#### FOR FURTHER INFORMATION CONTACT:

Inquiries may be addressed to Mr. Gary S. Barron, FBI Compact Officer, Compact Council Office, Module D3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone (304) 625-2803, facsimile (304) 625-2868.

Dated: March 18, 2010.

**Kimberly J. DelGreco,**

*Section Chief, Biometric Services Section Criminal Justice Information Services Division, Federal Bureau of Investigation.*

[FR Doc. 2010-7519 Filed 4-2-10; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Job Corps: Preliminary Finding of No Significant Impact (FONSI) for the Installation of a Small Wind Turbine at the Pine Ridge Job Corps Center Located at 15710 Highway 385, Chadron, NE 69337

**AGENCY:** Office of the Secretary, Department of Labor.

**Recovery:** This project will be wholly funded under the American Recovery and Reconstruction Act of 2009.

**ACTION:** Preliminary Finding of No Significant Impact (FONSI) for a small Wind Turbine Installation to be located at the Pine Ridge Job Corps Center, 15710 Highway 385, Chadron, NE 69337.

**SUMMARY:** Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500-08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, Office of the Secretary (OSEC) in accordance with 29 CFR 11.11(d), gives notice that an Environmental Assessment (EA) has been prepared for a proposed Wind Turbine Installation to be located at the Pine Ridge Job Corps Center, 15710 Highway 385, Chadron, NE 69337. Through the EA and consultation with the U.S. Fish and Wildlife and the Nebraska Game and Parks Commission, the proposed plan for the construction of a wind turbine at the Pine Ridge Job Corps Center will have no significant environmental impact. This Preliminary

Finding of No Significant Impact (FONSI) will be made available for public review and comment for a period of 30 days.

**DATES:** Comments must be submitted by May 5, 2010.

**ADDRESSES:** Any comment(s) are to be submitted to William A Dakshaw, P.E., Division of Facilities and Asset Management, Department of Labor, 200 Constitution Avenue, NW., Room N-4460, Washington, DC 20210, (202) 693-2867 (this is not a toll-free number).

#### FOR FURTHER INFORMATION CONTACT:

Copies of the EA are available to interested parties by contacting William A Dakshaw, P.E., Division of Facilities and Asset Management, Department of Labor, 200 Constitution Avenue, NW., Room N-4460, Washington, DC 20210, (202) 693-2867 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** This EA summary addresses the proposed construction of a single 100 kW rated or two 50 kW rated wind turbines at the Pine Ridge Job Corps Center.

The wind turbine will be installed on self-supporting towers approximately 120' above the ground. The wind turbine will produce clean energy for the Pine Ridge Job Corps center, demonstrate renewable energy capabilities to Job Corps Students and help the program meet federal requirements in Executive Order 13423 for renewable energy production.

This project is not expected to have a negative impact on population demographics, the surrounding area, environmental quality, or natural systems and heritage. The U.S. Fish and Wildlife Service and the Nebraska Game and Parks Commission were consulted on this project. The Nebraska Game and Parks Commission determined the project will have no effect on state listed threatened or endangered species.

Based on the information gathered during the preparation of the EA and the consultation with the U.S. Fish and Wildlife and the Nebraska Game and Parks Commission, the construction of the Wind Turbine Installation at the Pine Ridge Job Corp Center, 15710 Highway 385, Chadron, NE 69337 will not create any significant adverse impacts on the environment.

Dated: March 31, 2010.

**Edna Primrose,**

*Director of Job Corps.*

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