

date of the final acceptance of this Agreement, for possible violations of the reporting requirements of section 15(b), 15 U.S.C. 2064(b), regarding any Robbie Ducky products. The Commission's agreement not to seek penalties as stated herein will not relieve Jo-Ann from the continuing duty to report to CPSC any new, additional or different information as required by CPSA section 15(b), 15 U.S.C. 2064(b) and the regulations at 16 CFR part 1115. Except as expressly provided herein, nothing in this Agreement is intended nor may be construed to preclude, limit, or otherwise reduce Jo-Ann's potential liabilities under any and all applicable law, statutory provisions, regulations, rules, standards, and/or bans enforced or administered by CPSC.

24. Upon the Commission's provisional acceptance of the Agreement, the Agreement shall be placed on the public record and published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e). In accordance with 16 CFR 1118.20(f), if the Commission does not receive any written request not to accept the Agreement within fifteen (15) days, the Agreement shall be deemed finally accepted on the sixteenth (16th) day after the date it is published in the **Federal Register**.

25. Upon the Commission's final acceptance of the Agreement and issuance of the final Order, Jo-Ann knowingly, voluntarily, and completely waives any rights it may have in this matter to the following: (1) An administrative or judicial hearing; (2) judicial review or other challenge or contest of the validity of the Commission's Order or actions; (3) a determination by the Commission of whether Jo-Ann failed to comply with the CPSA and its underlying regulations; (4) a statement of findings of fact and conclusions of law; and (5) any claims under the Equal Access to Justice Act.

26. The Commission may publicize the terms of the Agreement and Order.

27. The Agreement and Order shall apply to, and be binding upon, Jo-Ann and each of its successors and assigns.

28. The Commission issues the Order under the provisions of the CPSA, and violation of the Order may subject those referenced in ¶ 27 to appropriate legal action.

29. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and Order may not be used to vary or contradict its terms. The Agreement shall not be

waived, amended, modified, or otherwise altered, except in a writing that is executed by the party against whom such waiver, amendment, modification, or alteration is sought to be enforced.

30. If after the effective date hereof, any provision of the Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and Order, such provision shall be fully severable. The balance of the Agreement and Order shall remain in full force and effect, unless the Commission and Jo-Ann agree that severing the provision materially affects the purpose of the Agreement and Order.

Jo-Ann Stores, Inc.

Dated: 1/13/10.

By:

David B. Goldston,
Senior Vice President, General Counsel &
Secretary, Jo-Ann Stores, Inc., 5555 Darrow
Road, Hudson, Ohio.

Dated: 1/13/10.

By:

Joanne E. Mattiace, Esq.,
Law Offices of Joanne E. Mattiace, 58
Stroudwater Place, Westbrook, ME 04092-
4044, Counsel for Jo-Ann Stores, Inc.

U.S. CONSUMER PRODUCT SAFETY
COMMISSION STAFF

Cheryl A. Falvey,
General Counsel, Office of the General
Counsel.

Ronald G. Yelenik,
Assistant General Counsel, Division of
Compliance, Office of the General Counsel.

Dated: 1/14/10.

By:

Sean R. Ward,
Trial Attorney, Division of Compliance,
Office of the General Counsel.

In the Matter of Jo-Ann Stores, Inc. Order

Upon consideration of the Settlement Agreement entered into between Jo-Ann Stores, Inc. ("Jo-Ann") and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Jo-Ann, and it appearing that the Settlement Agreement and Order are in the public interest, it is

Ordered, that the Settlement Agreement be, and hereby is, accepted; and it is

Further ordered, that Jo-Ann shall pay a civil penalty in the amount of fifty thousand dollars (\$50,000.00) within twenty (20) calendar days of service of the Commission's final Order accepting the Agreement. The payment shall be made by check payable to the order of

the United States Treasury. Upon the failure of Jo-Ann to make any of the foregoing payments when due, interest on the unpaid amount shall accrue and be paid by Jo-Ann at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b).

Provisionally accepted and provisional Order issued on the 28th day of April, 2010.

By Order of the Commission.

Todd A. Stevenson,
Secretary, U.S. Consumer Product Safety
Commission.

[FR Doc. 2010-10386 Filed 5-3-10; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability (NOA) of the Draft Environmental Impact Statement for the Disposal and Reuse of Naval Air Station Brunswick, ME, and To Announce Public Hearings

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), the Department of the Navy (Navy) with the Federal Aviation Administration (FAA) acting as a cooperating agency, has prepared and filed the Draft Environmental Impact Statement (EIS) to evaluate the potential environmental consequences associated with the disposal and reuse of Naval Air Station (NAS) Brunswick, Maine. The Navy is required to close NAS Brunswick per Public Law 101-510, the Defense Base Closure and Realignment Act of 1990, as amended in 2005. Public hearings will be held to provide information and receive oral and written comments on the Draft EIS. Federal, state and local agencies, and interested individuals are invited to be present or represented at the hearings.

DATES AND ADDRESSES: Two public hearings will be held. Each scheduled public hearing will be preceded by an open information session to allow interested individuals to review information presented in the Draft EIS. Navy representatives will be available during the information session to provide clarification as necessary related to the Draft EIS. Afternoon and evening information sessions are scheduled as follows:

1. *Evening Information Session and Public Hearing:* Brunswick Junior High

School, Gymnasium, 65 Columbia Avenue, Brunswick, Maine 04011.

Wednesday, June 2, 2010

Information Session—4:30 p.m. to 6:30 p.m.

Public Hearing—7 p.m. to 9 p.m.

2. Daytime Information Session and Public Hearing: Town of Brunswick, Parks and Recreation Building, 30 Federal Street, Brunswick, Maine 04011.

Thursday, June 3, 2010

Information Session—10 a.m. to 12 p.m.

Public Hearing—12:30 p.m. to 2:30 p.m.

FOR FURTHER INFORMATION CONTACT:

Director, BRAC Program Management Office Northeast, 4911 Broad Street, Building 679, Philadelphia, PA 19112–1303, telephone 215–897–4900, fax 215–897–4902, e-mail: david.drozd@navy.mil.

SUPPLEMENTARY INFORMATION: The Navy acting as a lead agency with the FAA acting as a cooperating agency, has prepared and filed, the Draft EIS for the Disposal and Reuse of NAS Brunswick, Maine in accordance with requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4345) and its implementing regulations (40 CFR parts 1500–1508). A Notice of Intent for this Draft EIS was published in the **Federal Register** on October 24, 2008 (**Federal Register**/Vol. 73, No. 207 pgs 63451 & 63452/Friday, October 24, 2008/Notices). Navy is lead agency for the proposed action. The purpose of the proposed action is to dispose of NAS Brunswick, Maine in a manner consistent with the *Brunswick Naval Air Station Reuse Master Plan* as developed by the Brunswick Local Redevelopment Authority (BLRA) in December 2007. The Navy is required to close NAS Brunswick, Maine, in accordance with Public Law 101–510, the Defense Base Closure and Realignment Act of 1990, as amended in 2005. NAS Brunswick must be closed on or before September 15, 2011. The BRAC Law exempts the decision-making process of the Commission from the provisions of NEPA. The Law also relieves the Department of Defense (DoD) from the NEPA requirements to consider the need for closing, realigning, or transferring functions, and from looking at alternative installations to close or realign. However, in accordance with NEPA, before disposing of any real property, the Navy must analyze the environmental effects of the disposal of the NAS Brunswick property. This Draft EIS has identified and considered two alternatives for the disposal and reuse of NAS Brunswick, and the no-action alternative.

Alternative 1 includes the disposal of NAS Brunswick and its outlying properties by the Navy and its reuse in a manner consistent with the *Brunswick Naval Air Station Reuse Master Plan*. This alternative would maintain the existing airfield for private aviation purposes. It is anticipated that full build-out of the Plan would be implemented over a 20-year period. The *Brunswick Naval Air Station Reuse Master Plan* calls for the development of approximately 1,630 acres (51%) of the total base property. In addition, approximately 1,570 acres (49%) of the base would be dedicated to a variety of active and passive land uses, including recreation, open space, and natural areas. The plan reuses the existing airfield and its supporting infrastructure, provides a mix of land use types and densities, and preserves open space and natural areas. The Navy has recognized Alternative 1 as the preferred alternative.

Alternative 2 includes the disposal of NAS Brunswick and its outlying properties by the Navy and its reuse in a manner that features a higher density of residential and community mixed-use development and does not include reuse of the airfield. Similar to Alternative 1, this alternative includes a mix of land use types, preserves open space and natural areas. It is anticipated that full build-out of the high-density scenario would be implemented over a 20-year period. Under Alternative 2 there would be development of approximately 1,580 acres (49%) of the total base property. In addition, approximately 1,620 acres (51%) of the base would be dedicated to a variety of active and passive land uses, including recreation, open space, and natural areas. Although this alternative would have less developable acres than Alternative 1, the density of residential and community mixed-uses would be higher.

Alternative 3 is required by NEPA and will evaluate the impacts at NAS Brunswick in the event that the property is not disposed. Under this alternative, existing mission and support operations would be relocated; however, the installation would be retained by the U.S. government in caretaker status. No reuse or redevelopment would occur at the facility. The installation would be placed in caretaker status. The Draft EIS addresses environmental impacts of each alternative pertaining to the disposal and reuse of the NAS Brunswick property.

The Draft EIS addresses any potential environmental impacts under each alternative associated with: water resources; air quality; biological resources; soils, topography, and

geology; land use; noise exposure levels; socioeconomic resources; community facilities; transportation; environmental management; infrastructure; and cultural resources. The analyses includes direct and indirect impacts, and accounts for cumulative impacts from other foreseen Federal, State, or local activities at and around NAS Brunswick. The Navy conducted the scoping process to identify community concerns and local issues that should be addressed in the EIS. Federal, State and local agencies, and interested parties provided written comments to the Navy and identified specific issues or topics of environmental concern that should be addressed in the EIS. The Navy considered these comments in determining the scope of the EIS. The Draft EIS has been distributed to various Federal, State, and local agencies, as well as other interested individuals and organizations. In addition, copies of the Draft EIS have been distributed to the following libraries and publicly accessible facilities for public review:

1. Curtis Memorial Library, 23 Pleasant Street, Brunswick, ME 04011–2261.
2. Town of Brunswick—Department of Planning and Development, 28 Federal Street, Brunswick, Maine 04011.
3. Topsham Public Library, 25 Foreside Road, Topsham, ME 04086–1832.

An electronic copy of the Draft EIS is available for public viewing at <http://www.brunswickeis.com>. Federal, State and local agencies, as well as interested parties, are invited and encouraged to be present or represented at the hearings. To ensure the accuracy of the record, all statements presented orally at the public hearings should be submitted in writing. All comments will become part of the public record and will be responded to in the Final Environmental Impact Statement (FEIS). Equal weight will be given to oral and written statements. In the interest of available time, and to ensure all who wish to give an oral statement at the public hearings have the opportunity to do so, each speaker's comments will be limited to three minutes. If a longer statement is to be presented, it should be summarized at the public hearing and the full text submitted in writing either at the hearing or mailed or e-mailed to: Director, BRAC Program Management Office (PMO) Northeast, 4911 Broad Street, Building 679, Philadelphia, PA 19112–1303, telephone 215–897–4900, fax 215–897–4902, e-mail: david.drozd@navy.mil.

Residents will be required to sign-in to speak. Comments can be made in the following ways: (1) Oral statements or

written comments at the public hearings; or (2) Written comments mailed to the BRAC PMO address in this notice; or (3) Written comments faxed to the BRAC PMO fax number in this notice; or (4) Comments submitted via e-mail using the BRAC PMO e-mail address in this notice. All written comments postmarked by Monday, June 28, 2010, will become a part of the official public record and will be responded to in the FEIS.

Requests for special assistance, sign language interpretation for the hearing impaired, language interpreters, or other auxiliary aids for scheduled public hearing meeting must be sent by mail or e-mail to Mr. Matthew Butwin, Ecology and Environment, Inc., 368 Pleasant View Drive, Lancaster, NY 14086, telephone: 716-684-8060, e-mail: mbutwin@ene.com.

Dated: April 27, 2010.

A.M. Vallandigham,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2010-10396 Filed 5-3-10; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13011-002]

Shelbyville Hydro LLC; Notice of Intent To File License Application and Approving Use of the Traditional Licensing Process

April 27, 2010.

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 13011-002.

c. *Dated Filed:* March 8, 2010.

d. *Submitted By:* Shelbyville Hydro LLC.

e. *Name of Project:* Lake Shelbyville Dam Hydroelectric Project.

f. *Location:* At the Corps of Engineers' Lake Shelbyville dam on the Kaskaskia River in Shelby County, Illinois.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Applicant Contact:* Brent Smith, COO, Symbiotics, LLC, P.O. Box 535, Rigby, Idaho 83442 at (208) 745-0834 or e-mail at

brent.smith@symbioticsenergy.com or Corrine Servis, at (208) 745-0834 or e-mail

corrine.servis@symbioticsenergy.com.

i. *FERC Contact:* John Baummer, John.Baummer@ferc.gov, (202) 502-6837.

j. Shelbyville Hydro LLC filed its request to use the Traditional Licensing Process on March 8, 2010. In a letter dated April 23, 2010, the Director of the Division of Hydropower Licensing approved Shelbyville Hydro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the Illinois State Historic Preservation Officer, as required by Section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Shelbyville Hydro as the Commission's non-Federal representative for carrying out informal consultation, pursuant to Section 7 of the Endangered Species Act, Section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, and Section 106 of the National Historic Preservation Act.

m. Shelbyville Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission on September 8, 2009, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCONlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

o. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010-10354 Filed 5-3-10; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

April 27, 2010.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP10-634-000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits capacity release agreement containing negotiated rate provisions with Texla Energy Management, Inc.

Filed Date: 04/23/2010.

Accession Number: 20100426-0206.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: RP10-635-000.

Applicants: Carolina Gas Transmission Corporation.

Description: Request for waiver of Carolina Gas Transmission Corporation.

Filed Date: 04/23/2010.

Accession Number: 20100426-0208.

Comment Date: 5 p.m. Eastern Time on Wednesday, May 5, 2010.

Docket Numbers: RP10-636-000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: Southern Star Central Gas Pipeline, Inc. submits First Revised Sheet 6 *et al.* to its FERC Gas Tariff, Original Volume 1, to be effective 6/1/2010.

Filed Date: 04/26/2010.

Accession Number: 20100426-0209.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10-637-000.

Applicants: Texas Eastern Transmission, L.P.

Description: Texas Eastern Transmission, LP submits Second Revised Fifth Revised Sheet 645 *et al.* to FERC Gas Tariff, Seventh Revised Volume 1, to be effective 11/13/09.

Filed Date: 04/26/2010.

Accession Number: 20100426-0210.

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.

Docket Numbers: RP10-638-000.

Applicants: CenterPoint Energy-Mississippi River Transmission Corporation.

Description: CenterPoint Energy-Mississippi River Transmission Corporation submits an amended negotiated rate agreement between MRT and LER.

Filed Date: 04/26/2010.

Accession Number: 20100426-0211

Comment Date: 5 p.m. Eastern Time on Monday, May 10, 2010.