

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 \$9.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Henry Friedman,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Second Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on May 15, 2008, a proposed Second Consent Decree in *United States of America and the State of New Hampshire v. City of Dover, et al.*, Civil Action No. 1:92-cv-406-M, was lodged with the United States District Court for the District of New Hampshire.

The proposed Second Consent Decree is between Plaintiffs the United States of America and the State of New Hampshire, and Defendants the City of Dover, BFI Waste Systems of North America, LLC, CVS Pharmacy, Inc., ElectroCraft New Hampshire, Inc., Town of Madbury, Moore Wallace North America, Inc., Leonard Rosen, Siebe Inc., Wentworth-Douglass Hospital, Bayhead Products Corporation, Cleary Cleaners, Dover Technologies International, Inc., Electric Motor Servicer, Inc., J&E Specialty, Inc., General Electric Company, George J. Foster & Company, Inc., Northeast Container Corporation, Portland Glass, Public Service of New Hampshire, United Parcel Service, Inc., Varney's Cleaners and Laundercenter, Verizon New England, Inc., Waste Management of Maine, Inc., and Waste Management of New Hampshire, Inc. (collectively, the "Settling Defendants"). The Second Consent Decree amends an original settlement of the United States' claims against the Settling Defendants under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability

Act, as amended ("CERCLA"), 42 U.S.C. 9606, 9607(a), and Section 7003 of the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. 6973, and the State of New Hampshire's claims against the Settling Defendants under Section 107 of CERCLA, 42 U.S.C. 107, Section 7003 of RCRA, 42 U.S.C. 6973, New Hampshire RSA 147-B, and the New Hampshire common law of nuisance.

Pursuant to the Second Consent Decree, nine Settling Defendants, referred to in the Second Consent Decree as "Work Settling Defendants," will finance and perform the selected source control and groundwater remedies at the Site, estimated to cost \$19.4 million. In addition, the Work Settling Defendants will reimburse the United States for all past and future response costs, with the exception of the first \$100,000 in future response costs incurred by the United States and the first \$25,000 in future response costs incurred by the United States in connection with a contingent groundwater remedy, if this contingent remedy is performed. Further, the Work Settling Defendants will reimburse the State of New Hampshire for all future response costs. The remaining Settling Defendants, referred to as "Cash-Out Settling Defendants" made a financial contribution toward the Site cleanup pursuant to the original settlement, and are not required to make a further payment under the Second Consent Decree.

The Second Consent Decree includes a covenant not to sue by the United States under Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606, 9607(a), and Section 7003 of RCRA, 42 U.S.C. 6973, and a covenant not to sue by the State of New Hampshire under Section 107(a) of CERCLA, 42 U.S.C. 107(a), Section 7003 of RCRA, 42 U.S.C. 6973, New Hampshire RSA 147-A:9 and 147-B:10, and the New Hampshire common law of nuisance.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Second 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 of America and the State of New Hampshire v. City of Dover, et al.*, Civil Action No. 1:92-cv-406-M, D.J. Ref. 90-11-2-735. 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 proposed Second Consent Decree may be examined at the Office of the United States Attorney, District of New Hampshire, 53 Pleasant Street, Concord, New Hampshire 03301, and at the United States Environmental Protection Agency, Region I, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023. During the public comment period, the proposed Second 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 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. If requesting a copy by mail from the Consent Decree Library, please enclose a check in the amount of \$211.00 (\$0.25 per page reproduction cost) payable to the United States Treasury or, if requesting by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. If requesting a copy exclusive of exhibits and the parties' signature pages, please enclose a check in the amount of \$25.50 (\$0.25 per page reproduction cost) payable to the United States Treasury.

Maureen M. Katz,

Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8-11584 Filed 5-22-08; 8:45 am]

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DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Notice of the Availability of the Finding of No Significant Impact for the Proposed Federal Correctional Institution—Hazelton, WV

AGENCY: U.S. Department of Justice, Federal Bureau of Prisons.

ACTION: Finding of No Significant Impact/Final Environmental Assessment.

SUMMARY: The U.S. Department of Justice, Federal Bureau of Prisons (BOP) announces the availability of the Finding of No Significant Impact (FONSI) for the proposed development of a Federal Correctional Institution (FCI) to be located in Hazelton, Preston County, West Virginia.

The BOP is seeking to expand the facilities that currently exist at BOP's USP Hazelton facility due to a growing population of federal inmates and an increased demand in the Mid-Atlantic region for facilities to house the growing inmate population.

Background Information

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and the Council of Environmental Quality Regulations (40 CFR Parts 1500–1508), BOP has prepared a Draft Environmental Assessment (EA) for a medium-security FCI to house approximately 1,200 adult male inmates in Hazelton, West Virginia.

USP Hazelton occupies 915 acres and is currently comprised of a high-security penitentiary housing approximately 1,608 male inmates, a Secured Female Facility (SFF) housing approximately 623 female inmates and a Federal Prison Camp (FPC) housing approximately 124 low-security inmates. Environmental studies were conducted before the construction of the USP Hazelton and the FPC in 1999, and the SFF in 2000. It is the intent of the BOP to construct the FCI on a portion of the existing 915 acres currently owned by BOP. The EA was prepared in accordance with NEPA and published on February 29, 2008 for a 30-day comment period.

Project Information

The proposed action in Hazelton, West Virginia, is part of the BOP's comprehensive expansion effort to accommodate an increasing federal inmate population and reduce system-wide inmate crowding. The proposed action would consist of construction and operation of a medium-security FCI at the existing USP Hazelton facility. The principal function of the correctional facility would be to provide a safe, secure and humane environment for the care and custody of federal inmates, primarily from the Mid-Atlantic region of the country. Upon activation, the facility would have a staff of approximately 250 full-time employees who would provide 24-hour supervision. Development of the proposed facility will occur on 250 acres of the 915 acres comprising the existing USP Hazelton facilities.

An Environmental Impact Statement (EIS) was prepared for the original development of the 915-acre site in 1999, and additional environmental studies were prepared for further development of the site in 2000. The current EA was undertaken to evaluate current environmental, cultural and socioeconomic resources and potential impacts of the proposed FCI. The

previous NEPA documents included the area currently being evaluated in this EA.

The impacts of the proposed build alternatives were considered in an EA published on February 29, 2008. The EA evaluated the effects of the development of the FCI Hazelton site. Review of the EA with the necessary mitigation has led to a FONSI, as that phrase is defined pursuant to NEPA. The proposed build alternative would result in negligible impacts to environmental resources within the community. There would be no significant adverse impacts to surrounding land uses, utility systems, traffic patterns or other community considerations. No significant adverse on-site impacts as defined pursuant to NEPA are anticipated as a result of the Action alternative. After review of the comments received from interested agencies and local citizens concerning the EA, the BOP signed the FONSI for the Action alternative.

Notice of Availability

The BOP provided written notices of the availability of the EA in three local newspapers and the **Federal Register**. The BOP also distributed approximately 135 copies of the EA to federal and state agencies, state and local governments, elected officials, interested organizations, and individuals.

Availability of the Finding of No Significant Impact

The FONSI along with the Final EA and other information regarding this project are available upon request. To request a copy of the Finding of No Significant Impact, please contact: Pamela J. Chandler, Chief, or Issac J. Gaston, Site Selection Specialist, Site Selection and Environmental Review Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534, Tel: 202–514–6470, Fax: 202–616–6024/E-mail: pchandler@bop.gov or igaston@bop.gov.

Copies of the Finding of No Significant Impact and the Final Environmental Assessment are available for public viewing at:

Preston County Courthouse, 101 West Main Street, Room 101, Kingwood, WV 26537.

Kingwood Public Library, 205 West Main Street, Kingwood, WV 26537.

Terra Alta Public Library, 701B East State Avenue, Terra Alta, WV 26764.

FOR FURTHER INFORMATION CONTACT: Pamela J. Chandler, or Issac J. Gaston, Federal Bureau of Prisons.

Dated: May 12, 2008.

Issac J. Gaston,

Site Specialist, Site Selection and Environmental Review Branch.

[FR Doc. E8–11123 Filed 5–22–08; 8:45 am]

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MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities; Proposed Collection

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), the U.S. Merit Systems Protection Board (MSPB) announces that an Information Collection Request (ICR) is to be forwarded to the Office of Management and Budget (OMB) for review and approval in accordance with the procedures prescribed in 5 CFR 1320.12. This is a request for a new collection. The ICR describes the nature of the information collection and its estimated burden and cost. On March 6, 2008 (**Federal Register** Volume 73, Number 45, page 12220), MSPB sought comments on this ICR pursuant to 5 CFR 1320.8(d). MSPB received only one comment.

DATES: Comments must be received on or before June 23, 2008.

ADDRESSES: Submit written comments on the collection of information to the Office of Management and the Budget, care of Brenda Aguilar at baguilar@omb.eop.gov or by fax at (202) 395–6974. You may also submit comments to the MSPB via e-mail to sharon.roth@mspb.gov (please include *Employee Surveys* in the subject line). You also may mail or fax comments to Sharon Roth, U.S. Merit Systems Protection Board, Suite 500, 1615 M Street, NW., Washington, DC 20419. Fax: (202) 653–7211.

FOR FURTHER INFORMATION CONTACT: Sharon Roth by phone on 202–653–6772, ext. 1340, by FAX on 202–653–7211, or by e-mail at sharon.roth@mspb.gov. You may contact Ms. Roth via V/TDD at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Proposed Project: *Disciplinary Process within Agencies*. As part of its purpose, MSPB is responsible for conducting studies of the Federal civil service to ensure that all Federal government agencies follow merit systems practices and avoid prohibited personnel practices. To support this research agenda, MSPB