

**DEPARTMENT OF JUSTICE****Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

Notice is hereby given that on June 25, 2009, a proposed Consent Decree was filed with the United States District Court for the Eastern District of Pennsylvania in *United States and The Commonwealth of Pennsylvania Department of Environmental Protection v. George R. Rubright and Mary Lou Rubright*, Case No. 5:09-cv-2853 (E.D. Pa.). The proposed consent decree resolves cost recovery claims asserted by the U.S. Environmental Protection Agency ("EPA") under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") Section 107(a), 42 U.S.C. 9607(a), and by the Commonwealth of Pennsylvania Department of Environmental Protection ("PADEP") under the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. 6020, against George R. Rubright and Mary Lou Rubright for costs incurred in connection with the Water Street Battery Site (the "Site") located in Shoemakersville, Berks County, Pennsylvania.

The United States and the Commonwealth incurred about \$1,326,649.99 in response costs to address lead contamination at the Site that resulted from using crushed battery casings as fill material. The Defendants agree to pay \$484,000 to the United States, to settle EPA's claims, and \$1,000 to the Commonwealth, to settle PADEP's claims.

For thirty (30) days after the date of this publication, the Department of Justice will receive comments relating to the Settlement Agreement. 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. In either case, comments should refer to *United States and The Commonwealth of Pennsylvania Department of Environmental Protection v. George R. Rubright and Mary Lou Rubright* (E.D. Pa.), D.J. Ref. No. 90-11-3-08686.

The proposed Settlement Agreement may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106, and at the office of the Environmental Protection Agency

Region 3, 1650 Arch Street, Philadelphia, PA 19103. During the comment period, the proposed Settlement Agreement may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decree.html](http://www.usdoj.gov/enrd/Consent_Decree.html). A copy of the proposed Settlement Agreement may also be obtained by mail from the Department of Justice 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 \$8.00 for the Settlement Agreement (25 cents per page reproduction costs) payable to the United States Treasury or, if by e-mail or fax, 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.*

[FR Doc. E9-15494 Filed 6-30-09; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act**

Notice is hereby given that on June 25, 2009, a proposed Consent Decree in *United States of America et al. v. Saturn Chemicals, Inc., et al.*, Civil Action No. 08-3537 was lodged with the United States District Court for the District of New Jersey.

The Consent Decree resolves claims under CERCLA Section 107(a)(2), as alleged in a Complaint filed July 14, 2008 against Saturn Chemicals, Inc., PolySat, Inc., and Darryl Manuel (the "Saturn Defendants"), as well as third-party claims against two third-party defendants. Under the settlement, the Saturn Defendants will pay to the United States \$550,000 plus interest, third-party defendant Township of Lawrence will pay to the United States \$60,000 plus interest in two installments, and third-party defendant Mercer Wrecking and Recycling Corporation will pay to the United States \$140,000 plus interest up to a total of \$145,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environmental 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 *United States of America et al. v. Saturn Chemicals, Inc., et al.*, Civil Action No. 08-3537 (D. NJ), D.J. Ref. 90-11-3-09114.

The Decree may be examined at the Office of the United States Attorney, District of New Jersey, Peter Rodino Federal Building, 970 Broad Street, Suite 700, Newark, NJ 07102. During the public comment period, the Decree 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). A copy of the 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](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 \$23.25 (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.

**Maureen Katz,**

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

[FR Doc. E9-15503 Filed 6-30-09; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE****Notice of Settlement Agreement Under the Resource Conservation and Recovery Act**

Notice is hereby given that on June 25, 2009, the United States filed a Notice of Settlement Agreement in *In re: Fleming Companies, Inc., et al.*, Case No. 03-10945 (MFW) (Bankr. D. Del.). The proposed Settlement Agreement resolves claims by the United States Environmental Protection Agency ("EPA") and the Arizona Department of Environmental Quality ("ADEQ") under the Resource Conservation and Recovery Act, 42 U.S.C. 6991 *et seq.*, as amended ("RCRA"), against Fleming Companies, Inc. ("Fleming") and the Fleming Post Confirmation Trust ("the PCT") with respect to two underground storage tanks ("USTS") located at the

Food 4 Less facility at 240 W. Warner Road, Chandler, Arizona (the "Facility").

Fleming and certain affiliated debtors filed bankruptcy petitions under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. 101, *et seq.* as amended, in the U.S. Bankruptcy Court for the District of Delaware on April 1, 2003. The Bankruptcy Court entered an Order confirming Fleming's plan of reorganization ("the Plan") on or about July 27, 2004. The Plan created the PCT to administer certain of Fleming's responsibilities under the Plan.

The Settlement Agreement requires the PCT to perform or pay for closure, and corrective action if necessary, with respect to the USTs at the Facility, in accordance with 40 CFR 280, up to a maximum cost of \$150,000. If the required work has not been completed by October 31, 2009, EPA will provide a written estimate to the PCT of the cost of the remaining work and (subject to a limited right to dispute EPA's estimate) the PCT will make payment to ADEQ for that amount (subject to the \$150,000 maximum), and ADEQ will complete the remaining work. The United States and ADEQ covenant not to sue the PCT, Fleming, or the affiliated debtors under RCRA with respect to the Facility.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. 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: Fleming Companies, Inc., et al.*, Case No. 03-10945 (MFW) (Bankr. D. Del.), D.J. Ref. 90-11-2-08148.

The Settlement Agreement may be examined at the U.S. Environmental Protection Agency, Region 9, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, California 94105. 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](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Settlement 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 number (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.

**Maureen Katz,**

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

[FR Doc. E9-15496 Filed 6-30-09; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OMB Number 1121-0321]

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: National Institute of Justice Voluntary Body Armor Compliance Testing Program.

The Department of Justice, Office of Justice Programs, National Institute of Justice (NIJ) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the approval is valid for three years. Comments are encouraged and should be directed to the National Institute of Justice, Office of Justice Programs, Department of Justice, Attention: Cassandra Robinson, 810 7th St., NW., Washington, DC 20503. Comments are encouraged and will be accepted for 60 days until August 31, 2009. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to NIJ at the above address.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used; —Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information:

(1) Type of information collection:

Existing Collection.

(2) The title of the form/collection: NIJ Body Armor Compliance Testing Program. This collection consists of five forms: Compliance Testing Program Applicant Agreement; Ballistic Body Armor Model Application and Body Armor Build Sheet; Declaration for Ballistic Body Armor; Compliance Testing Program Conformity Assessment Follow-up Agreement; NIJ-Approved Laboratory Application and Agreement.

(3) Agency Form Number: None.

Component Sponsoring Collection: National Institute of Justice, Office of Justice Programs, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: Body Armor Manufacturers and Testing Laboratories. Other: None. The purpose of the NIJ Voluntary Compliance Testing Program (CTP) is to ensure to the degree possible that body armor used for law enforcement and corrections applications is safe, reliable, and meets performance requirements over the declared performance period. Body armor models that are successfully tested by the CTP and listed on the NIJ Compliant Products List are eligible for purchase with grant funding through the Ballistic Vest Partnership.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: Total of 60 respondents estimated.

*CTP Applicant Agreement:* Estimated 50 respondents; 1 hour each;

*Ballistic Body Armor Model Application and Body Armor Build Sheet:* Estimated 50 respondents (estimated 250 responses) at 30 minutes each;

*Declaration for Ballistic Body Armor:* Estimated 50 respondents (estimated 250 responses) at 15 minutes each;

*CTP Conformity Assessment Follow-up Agreement:* Estimated 50 respondents (estimated 250 responses) at 15 minutes each;