

identify whether some or all of the areas proposed in 1973 still meet wilderness recommendation criteria, and if there are other refuge areas could meet the criteria.

Proper conservation, management, and interpretation of the refuge's cultural resources, including archaeological sites and historic buildings, constitute an additional management issue. Additional issues may be identified during public scoping.

#### Public Availability of Comments

Before including your address, phone number, e-mail 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 to withhold it from public review, we cannot guarantee we will be able to do so.

Dated: May 22, 2009.

**David J. Wesley,**

*Acting Regional Director, Region 1, Portland, Oregon.*

[FR Doc. E9-15271 Filed 6-26-09; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Residential Lead-Based Paint Hazard Reduction Act

Notice is hereby given that on June 18, 2009 a proposed Consent Decree in *United States v. Carmen Neapolitan*, Civil Action No. 4:09CV1396 was lodged with the United States District Court for the Northern District of Ohio.

The consent decree settles claims against the owner of twenty-five residential properties located in or near Youngstown, Ohio. The claims were brought on behalf of the Environmental Protection Agency ("U.S. EPA") and the Department of Housing and Urban Development ("HUD") under the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4851 *et seq.* ("Lead Hazard Reduction Act"). The United States alleged in the complaint that the Defendant failed to make one or more of the disclosures or to complete one or more of the disclosure activities required by the Lead Hazard Reduction Act.

Under the Consent Decree, the Defendant will certify that it is complying with residential lead paint notification requirements. The Defendant will submit a plan for window replacement work and will replace all windows known to or

believed to contain lead-based paint in all residential properties owned by Defendant that are not certified lead-based paint free. In addition, Defendant will pay an administrative penalty of \$2,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Proposed 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](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to U.S. Department of Justice, Washington, DC 20044-7611, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Carmen Neapolitan*, D.J. Ref. #90-5-1-1-09432.

The Proposed Consent Decree may be examined at the Department of Housing and Urban Development, Office of General Counsel, 451 7th St., NW., Room 9262, Washington, DC 20410; at the office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113 (Attn: Assistant United States Attorney Michelle L. Heyer); and at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](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](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 (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. E9-15257 Filed 6-26-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Amendment to Consent Decree Under the Clean Water Act

Notice is hereby given that on June 23, 2009, a proposed Consent Decree, pertaining to *United States and State of Minnesota v. City of Duluth, Minnesota and the Western Lake Superior Sanitary District*, Civ. No. 09-cv-1590, was lodged with the United States District Court for the District of Minnesota.

In this action, the United States and the State seek civil penalties and injunctive relief for alleged violations of the Federal Water Pollution Control Act (also known as the Clean Water Act), 33 U.S.C. 1251, *et seq.*, applicable provisions of Minn. Stat. section 115 and Minnesota Rules, and certain terms and conditions of a National Pollution Discharge Elimination System/State Disposal System permit that MPCA issued jointly to Duluth and WLSSD, in connection with alleged wastewater discharges, into waters of the United States and the State, from a sanitary sewer system which is jointly owned and operated by Duluth and WLSSD.

The proposed Consent Decree would require the Defendants, by 2016, to complete a variety of programs and capital improvements, which are expected to cost a total of approximately \$130 million, and are intended to eliminate sanitary sewer overflows. The Decree also would require WLSSD and the City each to pay the United States \$106,000 and the State \$94,000 in civil penalties (total civil penalty is \$400,000).

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the 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](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 and State of Minnesota v. City of Duluth, Minnesota and the Western Lake Superior Sanitary Commission*, D.J. Ref. 90-5-1-1-08428. The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Minnesota, 600 U. S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 (contact Asst. U.S. Attorney Fred Siekert (612-664-5697)), and at U.S. EPA Region 5, 7th Floor Records Center, 77 West Jackson Blvd., Chicago, Illinois 60604 (contact Assoc. Regional Counsel

Charles Mikalian (312-886-2242)). 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 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](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 \$20.50 (25 cents per page reproduction cost), for the consent decree alone, or in the amount of \$158.00 (for the consent decree and all appendices) 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. E9-15306 Filed 6-26-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Proposed Administrative Settlement Agreement and Order on Consent Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Notice is hereby given that on June 15, 2009, a proposed Settlement Agreement regarding the Asarco Hayden Plant Site in Hayden, Arizona was filed with the United States Bankruptcy Court for the Southern District of Texas in *In re Asarco LLC*, No. 05-21207 (Bankr. S.D. Tex.). The proposed Agreement, entered into by the United States and Asarco LLC, provides the U.S. Environmental Protection Agency an allowed general unsecured claim of \$3.0 million for response costs incurred by EPA on or before May 27, 2008 at the Asarco Hayden Plant Site.

The Department of Justice will receive comments relating to the proposed Agreement for a period of thirty (30) 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 Asarco LLC*, DJ Ref. No. 90-11-3-08633.

The proposed Agreement may be examined at the Region 9 Office of the United States Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105. During the public comment period, the proposed Agreement may also be examined on the following Department of Justice website: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed 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 \$2.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

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

[FR Doc. E9-15272 Filed 6-26-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21, Code of Federal Regulations (CFR), 1301.34(a), this is notice that on May 22, 2009, Noramco, Inc., Division of Ortho-McNeil, Inc., 1440 Olympic Drive, Athens, Georgia 30601, made application by letter to the Drug Enforcement Administration (DEA) to be registered as an importer of Tapentadol (9780), a basic class of controlled substance listed in schedule II.

The company plans to import an intermediate of the basic class listed for the bulk manufacture of Tapentadol which it will distribute to its customers.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance

may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive, Springfield, VA 22152; and must be filed no later than July 29, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745-46), all applicants for registration to import a basic class of any controlled substances in schedule I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: June 22, 2009.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. E9-15234 Filed 6-26-09; 8:45 am]

BILLING CODE 4410-09-P

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Brookwood-Sago Mine Safety Grants

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of funding and priorities for fiscal year 2009.

**SUMMARY:** The U.S. Department of Labor, Mine Safety and Health Administration (MSHA), is making \$500,000 available in grant funds in FY 2009 for educational and training programs to help identify, avoid, and prevent unsafe working conditions in and around mines. The focus of these grants for FY 2009 will be on training and training materials for mine emergency preparedness and haulage safety for mines. MSHA is expanding this grant opportunity to cover all mines, both surface and underground metal and nonmetal and coal mines. Applicants for the grants may be States