

be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in 29 U.S.C. 1242(a)(1)(B) and to review the November 2009 Pension (EA-2A) Joint Board Examination in order to make recommendations relative thereto, including the minimum acceptable pass score. Topics for inclusion on the syllabus for the Joint Board's examination program for the May 2010 Basic (EA-1) Examination and the May 2010 Pension (EA-2B) Examination will be discussed.

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that the portions of the meeting dealing with the discussion of questions that may appear on the Joint Board's examinations and the review of the November 2009 Joint Board examination fall within the exceptions to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such portions be closed to public participation.

The portion of the meeting dealing with the discussion of the other topics will commence at 1 p.m. on January 7 and will continue for as long as necessary to complete the discussion, but not beyond 3 p.m. Time permitting, after the close of this discussion by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should notify the Executive Director in writing prior to the meeting in order to aid in scheduling the time available and should submit the written text, or at a minimum, an outline of comments they propose to make orally. Such comments will be limited to 10 minutes in length. All persons planning to attend the public session should notify the Executive Director in writing to obtain building entry. Notifications of intent to make an oral statement or to attend must be faxed, no later than December 31, 2009, to 202-622-8300, Attn: Executive Director. Any interested person also may file a written statement for consideration by the Joint Board and the Committee by sending it to the; Internal Revenue Service, Joint Board for the Enrollment of Actuaries, Attn: Executive Director, SE:OPR, 1111 Constitution Avenue, NW., Washington, DC 20224.

Dated: November 2, 2009.

**Patrick W. McDonough,**

*Executive Director, Joint Board for the Enrollment of Actuaries.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7, notice is hereby given that on November 6, 2009, two proposed and related Consent Decrees in *United States v. Carlyle Manufacturing Co., Inc., et al.*, No. 3:09-1784, and *United States v. Timothy Fidgeon as Trustee of the WALC Liquidating Trust*, No. 3:09-1780, were lodged with the United States District Court for the District of Connecticut.

The proposed Consent Decrees resolve claims of the United States, on behalf of the Environmental Protection Agency ("EPA"), under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, in connection with the Solvents Recovery Service of New England, Inc. Superfund Site in Southington, Connecticut ("Site"), against three defendants.

The proposed Consent Decree in *U.S. v. United States v. Carlyle Manufacturing Co., Inc., et al.*, requires Carlyle Manufacturing Co., Inc. to pay the proceeds of an insurance coverage claim which has a value estimated at \$25,000, and for Lukon Inc. to pay \$200,000. The proposed Consent Decree in *U.S. v. Timothy Fidgeon as Trustee of the WALC Liquidating Trust* requires the sole settlor to pay \$907,000.

Both Consent Decrees provide that the settlors are entitled to contribution protection as provided by Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2), for matters addressed by the settlements.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, 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: (1) *United States v. Carlyle Manufacturing Co., Inc., et al.*, No. 3:09-1784, D.J. No. 90-7-1-23/9; or (2) and *United States v. Timothy Fidgeon as Trustee of the WALC Liquidating Trust*, No. 3:09-1780, D.J. No. 90-7-1-23/12. 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 Consent Decrees may be examined at the Office of the United States Attorney, District of Connecticut, Connecticut Financial Center, 157 Church Street, New Haven, CT 06510. During the public comment period, the proposed Consent Decrees may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/ConsentDecrees.html>. Copies of the proposed Consent Decrees may 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 of either of the proposed Consent Decrees, please enclose a check in the amount of \$10.25 for the *United States v. Carlyle Manufacturing Co., Inc., et al.*, settlement (25 cent per page reproduction cost), and/or \$9.25 for the *United States v. Timothy Fidgeon as Trustee of the WALC Liquidating Trust* settlement, payable to the U.S. Treasury.

**Maureen Katz,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on November 6, 2009, a proposed Consent Decree in *United States and State of Tennessee v. John Wieland Homes and Neighborhoods, Inc. et al.*, Civil Action No. 3:09-cv-01066, was lodged with the United States District Court for the Middle District of Tennessee, Nashville Division.

The Decree resolves the claims of the United States and the State of Tennessee against John Wieland Homes and Neighborhoods, Inc. and John Wieland Homes and Neighborhoods of the Carolinas, Inc. (collectively, "Wieland") for violations of the Federal Clean Water Act and State law at Wieland's residential housing developments in North Carolina, South Carolina, Georgia and Tennessee. Under the proposed Decree, Wieland will undertake a compliance program consisting of, among other things: Inspections, training, and enhanced recordkeeping to

reduce discharges of storm water from its developments. Wieland will also pay a civil penalty of \$350,000.00, to be shared between the United States and the State of Tennessee.

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, 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 the Consent Decree between the United States, the State of Tennessee and Wieland, DOJ Ref. No. 90-5-1-1-08419.

The Decree may be examined at EPA's Region 4 office, 61 Forsyth Street, Atlanta, Georgia and at the office of the United States Attorney for the Middle District of Tennessee, 110 Ninth Avenue South, Suite A961, Nashville, Tennessee. 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 \$ 75.25 (25 cents per page reproduction cost) (including Appendices) or \$13.00 (excluding 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 Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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**BILLING CODE 4410-15-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-1374; NRC-2009-0486]

### Notice of Acceptance of Renewal Application for Idaho State University and Opportunity To Request a Hearing, and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information (SUNSI) for Contention Preparation Special Nuclear Materials License SNM-1373 Pocatello, ID

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of acceptance of license renewal application and opportunity to request a hearing.

**DATES:** A request for a hearing must be filed by January 12, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Mary Adams, Senior Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Mail Stop EBB-2-C40M, Washington, DC 20555-0001.

Telephone: (301) 492-3113; Fax: (301) 492-3363; e-mail:

[Mary.Adams@nrc.gov](mailto:Mary.Adams@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated February 27, 2009, a revised application from Idaho State University (ISU) requesting renewal of its Special Nuclear Materials (SNM) License No. SNM-1373 for a period of ten years. SNM-1373 authorizes ISU to possess and use SNM for education, research, and training programs at its campus in Pocatello, Idaho. ISU had previously submitted a renewal application for SNM-1373 on August 27, 2008. However, in a letter dated December 1, 2008, the NRC requested that ISU revise and resubmit the renewal application by January 30, 2009, which date was subsequently extended to February 27, 2009. In the December 1, 2008, communication, the NRC also indicated that, pursuant to 10 CFR 70.38(a), ISU is permitted to continue using special nuclear material in accordance with the existing license SNM-1373, pending a final Commission decision on the renewal request. This license renewal, if approved, would authorize ISU to continue to possess and use SNM under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 70, Domestic Licensing of SNM.

Following an administrative review, documented in a letter to ISU dated June 3, 2009, the NRC staff has determined that the request for renewal contains all essential elements and has been accepted for technical review, and is acceptable for docketing. The application has been docketed in the Docket No. 70-1374, the existing docket for Special Nuclear Materials License SNM-1373. The acceptance letter estimated that the NRC staff would complete the technical review by May 2010. If the NRC approves the renewal application, the approval will be documented in renewal of NRC License No. SNM-1373. However, before approving the proposed amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. These findings will be documented in a Safety Evaluation Report. Because the licensed material will be used for research and development and for educational purposes, renewal of SNM-1373 is an action that is categorically excluded from a requirement to prepare an environmental assessment or environmental impact statement, pursuant to 10 CFR 51.22(c)(14)(v).

##### II. Opportunity To Request a Hearing

The NRC hereby provides notice that this is a proceeding on an application for the renewal of Special Nuclear Material License No. SNM-1373 issued to Idaho State University (ISU) in Pocatello, Idaho. Any person whose interest may be affected by this proceeding, and who desires to participate as a party, must file a request for a hearing and a specification of the contentions which the person seeks to have litigated in the hearing, in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). All documents filed in NRC adjudicatory proceedings, including documents filed by interested governmental entities participating under 10 CFR 2.315(c) and any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, must be filed in accordance with the E-Filing rule. The E-Filing rule requires participants to submit and serve all adjudicatory documents over the Internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the