

and will reimburse future response costs incurred by U.S. EPA in overseeing the response work.

The Department of Justice will receive comments relating to the Consent Decree 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 *United States v. Lorain County Metropolitan Park District, et al.*, DJ Ref. No. 90-11-3-09102.

The Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, OH 44113, by request to Assistant U.S. Attorney Steven J. Paffilas, and at the U.S. EPA Region V, 77 West 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: [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 \$13.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Judgment Pursuant to Resource Recovery and Conservation Act

Notice is hereby given that on December 23, 2008, a proposed Consent Judgment in *United States v. Citygas Gasoline Corporation, et al.*, Civil Action No. CV-03-6374, was lodged with the United States District Court for the Eastern District of New York.

The proposed Consent Judgment will resolve the United States' claims under Section 9006 of the Resource Recovery and Conservation Act, as amended, 42

U.S.C. 6991e, on behalf of the U.S. Environmental Protection Agency against defendants Sidney Esikoff Family Trust ("Seft"), 141-50 Union Turnpike LLC, 83-10 Astoria Boulevard LLC, and 2800 Bruckner Boulevard LLC (collectively "SEFT Defendants"). The United States alleges that the SEFT Defendants violated the regulations governing underground storage tanks ("USTs"), set forth at 40 CFR Part 280, at the following facilities, which were automobile fueling stations with USTs that defendants have owned and/or operated: (1) 83-10 Astoria Boulevard, Jackson Heights, New York; (2) 141-50 Union Turnpike, Flushing, New York; and (3) 2800 Bruckner Boulevard, Bronx, New York. The Consent Judgment requires the SEFT Defendants to pay a civil penalty of \$325,000. The Consent Judgment also provides for injunctive relief to be implemented over the next five years at 141-50 Union Turnpike, Flushing, New York, consisting of maintenance of ongoing compliance with the UST regulations, and submission of reports demonstrating such compliance.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Judgment. 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 v. Citygas Gasoline Corporation, et al.*, Civil Action No. CV-03-6374, D.J. Ref. No. 90-7-1-07464.

The proposed Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, 271 Cadman Plaza East, 7th Fl., Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. During the public comment period, the proposed Consent Judgment 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 proposed Consent Judgment 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 from the Consent Decree Library, please enclose a check in the amount of

\$14.25 (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.

**Henry Friedman,**

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

[FR Doc. E9-67 Filed 1-7-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Judgment Pursuant to Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on December 19, 2008, a proposed Supplemental Consent Judgment in *United States v. Estate of Joseph Vazzana, Sr., et al.*, Civil Action No. CV-04-0620, was lodged with the United States District Court for the Eastern District of New York.

An earlier Consent Judgment, entered by the Court on May 21, 2007, resolved cost recovery claims of the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607(a), in connection with the Spectrum Finishing Corp. Superfund Site in West Babylon, Suffolk County, New York (the "Site"), against defendants Estate of Joseph Vazzana, Sr., Joseph Vazzana, Jr. (hereinafter collectively referred to as "Settling Defendants"), and the approximately one acre of land located contiguously at 51 Cabot and 50 Dale Streets in West Babylon that comprises the Site ("Property"). The original Consent Judgment provided, among other things, that the Defendants would sell the Property and reimburse EPA for its response costs from the proceeds. This Supplemental Consent Judgment provides for the specific terms of sale and distribution of proceeds from the sale of the Property in accordance with a formula set forth in the Supplemental Consent Judgment. This Supplemental Consent Judgment addresses the claims to the Property made in this action by the County of Suffolk, the State of New York, and the Suffolk County District Attorney's Office.

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 Judgment. Comments should be

addressed to the Assistant Attorney General of the 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 v. Estate of Joseph Vazzana, Sr., et al.*, Civil Action No. CV-04-0620, D.J. Ref. No. 90-11-3-07461.

The proposed Supplemental Consent Judgment may be examined at the Office of the United States Attorney, Eastern District of New York, 271 Cadman Plaza East, 7th Floor, Brooklyn, New York 11201, and at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. During the public comment period, the proposed Supplemental Consent Judgment 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 proposed Supplemental Consent Judgment 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. If requesting a copy of the proposed Supplemental Consent Judgment, 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.

**Henry Friedman,**

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

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## DEPARTMENT OF JUSTICE

### Executive Office for Immigration Review

[OMB Number 1125-0008]

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

**ACTION:** 30-day notice of information collection under review: Notice of Appeal from a Decision of an Adjudicating Official in a Practitioner Disciplinary Case.

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the

following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 73, Number 215, page 65885-65886, on November 5, 2008, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 9, 2009. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may also be submitted to OMB via facsimile to (202) 395-5806.

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 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 agency's 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 Collection

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Notice of Appeal from a Decision of an Adjudicating Official in a Practitioner Disciplinary Case.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form EOIR-45, Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* *Primary:* A party who appeals a practitioner disciplinary decision by the adjudicating official to the Board of Immigration Appeals (Board). *Other:* None. *Abstract:* Once the adjudicating official issues a practitioner disciplinary decision, either party or both parties may appeal the decision to the Board for *de novo* review of the record, pursuant to 8 CFR 1003.106(c).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 50 respondents will complete the form annually with an average of one hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 50 total burden hours associated with this collection annually.

If additional information is required, contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: January 5, 2009.

**Lynn Bryant,**

*Department Clearance Officer, PRA, United States Department of Justice.*

[FR Doc. E9-131 Filed 1-7-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-20875]

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 52-21502-01, for Termination of the License and Unrestricted Release of the Becton Dickinson Caribe Ltd.'s Facility in Cayey, Puerto Rico

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.