

anticipates the need to improve existing levees in the Presidio FCP or to relocate portions of the Presidio FCP levees. An Environmental Impact Statement (EIS) was prepared to evaluate potential consequences of each action alternative in reference to flood control improvements. Following the evaluation of each alternative in the EIS, the USIBWC selected Alternative 2 (rehabilitation of existing levee to provide 25-year flood protection) as the preferred alternative, and will use the ETS as a guide in developing construction plans.

**FOR FURTHER INFORMATION CONTACT:** Mr. Daniel Borunda, Acting Division Chief, Environmental Management Division, USIBWC, 4171 North Mesa Street, C-100, El Paso, Texas 79902 or e-mail: [daniel.borunda@ibwc.gov](mailto:daniel.borunda@ibwc.gov).

**SUPPLEMENTARY INFORMATION:** The Presidio FCP lies within the Presidio-Ojinaga Valley, in southern Presidio County, Texas. It extends approximately 13.1 river miles along the Rio Grande Texas-Mexico border. The length of the levee system in the United States (north levee of the Presidio FCP) is approximately 15.3 miles, and includes the downstream section of Cibolo Creek, a tributary of the Rio Grande north of the City of Presidio.

During September 2008, the Presidio FCP experienced severe flooding conditions due to water releases from the Luis Leon Reservoir on Rio Conchos in Mexico. The flooding caused substantial damage to the Presidio FCP, including levee breaches, overtopping, piping/sand boils, under-seepage, and severe surface and slope erosion. The flooding also potentially compromised the integrity of the levee foundation within several levee segments, primarily at locations of old river meanders. Emergency responses during the flooding event included filling over 25,000 sand bags and placing the bags on the existing levee to add support, and using Department of Defense helicopters to fill bridge openings with larger sand bags in existing railroad right-of-ways to create secondary levees. The sandbags and secondary levees prevented the City of Presidio from experiencing more extensive flooding.

In response to the September 2008 flooding damage, the USIBWC developed engineering alternatives for long-term improvement of the Presidio FCP flood containment capacity. The EIS evaluates a No Action Alternative and six Action Alternatives for levee rehabilitation or relocation that would allow USIBWC to minimize potential environmental impacts and fulfill the project goal of flood protection. A Draft

EIS was released for a 45-day public review period on November 24, 2009. Oral comments were also received from during a public hearing held in the City of Presidio, Texas on December 10, 2009. The Environmental Protection Agency Notice of Availability of the Final PEIS was published in the **Federal Register** on February 26, 2010 for a 30-day wait period.

**Finding:** Based on engineering, economic, and environmental considerations, the USIBWC has selected Alternative 2 (repair and raise the levee to provide 25-year flood protection) as the preferred option for implementation. Because of the damage to the existing levee during the September 2008 flooding (including severe erosion, levee breaches, and levee under-seepage), the existing levee is insufficient to contain a 25-year design flood. Therefore, under Alternative 2, the existing levee would be repaired, and sections of the existing levee would be raised, as needed, to provide the 25-year design flood protection. This would improve the functionality of the existing levee and provide protection to the City of Presidio and adjacent agricultural areas from a 25-year design flood.

**Availability:** Copies of the Record of Decision may be obtained by request at the above address. Electronic copies may also be obtained from the USIBWC Home Page at: <http://www.ibwc.gov>.

Dated: March 31, 2010.

**Steven M. Fitten,**  
General Counsel.

[FR Doc. 2010-7911 Filed 4-8-10; 8:45 am]

**BILLING CODE 7010-01-M**

## DEPARTMENT OF JUSTICE

### Notice of Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on March 31, 2010, two proposed Consent Decrees were lodged. *United States et al. v. Shell Chemical LP*, Civil Action No. 4:10-cv-01042, was lodged with the United States District Court for the Southern District of Texas. *United States v. Shell Chemical Yabucoa, Inc.*, Civil Action No. 3:10-cv-1268, was lodged with the United States District Court for the District of Puerto Rico.

The Consent Decrees in these Clean Air Act enforcement actions against Shell Chemical LP and Shell Chemical Yabucoa, Inc. (collectively "Shell") resolve allegations by the Environmental Protection Agency, asserted in complaints filed together with the Consent Decrees, under Section

113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged environmental violations at Shell Chemical LP's petroleum refineries in Saraland, Alabama and St. Rose, Louisiana, and at Shell Chemical Yabucoa, Inc.'s petroleum refinery in Yabucoa, Puerto Rico. The proposed Consent Decree in the Shell Chemical LP matter also resolves separate but related state law claims brought by co-plaintiffs Alabama and Louisiana.

These are two of numerous national settlements reached as part of the EPA's Clean Air Act Petroleum Refinery Initiative. Consistent with the objectives of EPA's national initiative, in addition to the payment of civil penalties, the settlements require Shell to perform injunctive relief to reduce emissions of nitrogen oxides, sulfur dioxide, volatile organic compounds, and benzene.

The Department of Justice will receive comments relating to the proposed Consent Decrees 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 the matters as *United States et al. v. Shell Chemical LP*, DOJ Ref. No. 90-5-2-1-08703 and/or *United States v. Shell Chemical Yabucoa, Inc.*, DOJ Ref. No. 90-5-2-1-08703/1.

*Both proposed Consent Decrees may be examined at the following Regional Offices of the United States Environmental Protection Agency:* Region 2, 290 Broadway, New York, New York 10007-1866; Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303-8960; and Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. The Consent Decree addressing Shell Chemical Yabucoa, Inc.'s facility in Yabucoa, Puerto Rico may also be examined at the Office of the United States Attorney, Torre Chardon, Suite 1201, 350 Carlos Chardon Avenue, San Juan, Puerto Rico 00918.

During the public comment period, the proposed agreements 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). Copies of the proposed agreements 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 from the Consent Decree Library a copy of the consent decree for *United States et al. v. Shell Chemical LP*, Civil Action No. 4:10-cv-01042 (S.D. Tx), please enclose a check in the amount of \$29.25 (25 cents per page reproduction cost) payable to the U.S. Treasury. In requesting from the Consent Decree Library a copy of the consent decree for *United States v. Shell Chemical Yabucoa, Inc.*, Civil Action No. 3:10-cv-1268, please enclose a check in the amount of \$15.75 (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. 2010-8086 Filed 4-8-10; 8:45 am]

**BILLING CODE 4410-15-P**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (10-042)]

**NASA Advisory Council; Meeting**

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

**DATES:** Wednesday, April 28, 2010, 8 a.m.-5 p.m. CDT; Thursday, April 29, 2010, 8 a.m.-3 p.m. CDT

**ADDRESSES:** NASA Johnson Space Center, Gilruth Conference Center, Lonestar Room, 2101 NASA Parkway, Houston, TX 77508.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marla King, NAC Administrative Officer, National Aeronautics and Space Administration Headquarters, Washington, DC 20546, 202/358-1148.

**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will include reports from the NAC Committees:

- Aeronautics
- Audit, Finance and Analysis
- Commercial Space
- Education and Public Outreach
- Exploration
- Information Technology Infrastructure
- Science
- Space Operations
- Technology and Innovation

The meeting will be open to the public up to the seating capacity of the

room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Please e-mail Ms. Marla King at [marla.k.king@nasa.gov](mailto:marla.k.king@nasa.gov) if you plan to attend.

Dated: April 6, 2010.

**P. Diane Rausch,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

[FR Doc. 2010-8132 Filed 4-8-10; 8:45 am]

**BILLING CODE 7510-13-P**

**NATIONAL SCIENCE FOUNDATION**

**Comment Request: National Science Foundation—Applicant Survey**

**AGENCY:** National Science Foundation.

**ACTION:** Notice.

**SUMMARY:** The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be received by June 8, 2010 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

**FOR FURTHER INFORMATION CONTACT:** Suzanne Plimpton at (703) 292-7556 or send e-mail to [splimpto@nsf.gov](mailto:splimpto@nsf.gov).

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* "Antarctic Conservation Act Application Permit Form."

*OMB Approval Number:* 3145-0034.  
*Expiration Date of Approval:* July 31, 2010.

*Type of Request:* Intent to seek approval to extend an information collection for three years.

*Proposed Project:* The current Antarctic Conservation Act Application Permit Form (NSF 1078) has been in use for several years. The form requests general information, such as name, affiliation, location, etc., and more specific information as to the type of object to be taken (plant, native mammal, or native bird).

**Use of the Information**

The purpose of the regulations (45 CFR 670) is to conserve and protect the native mammals, birds, plants, and invertebrates of Antarctica and the ecosystem upon which they depend and to implement the Antarctic Conservation Act of 1978, Public Law 95-541, as amended by the Antarctic Science, Tourism, and Conservation Act of 1996, Public Law 104-227.

*Burden on the Public:* The Foundation estimates about 25 responses annually at 45 minutes per response; this computes to approximately 11.25 hours annually.

Dated: April 6, 2010.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2010-8136 Filed 4-8-10; 8:45 am]

**BILLING CODE 7555-01-P**

**NATIONAL SCIENCE FOUNDATION**

**Proposal Review Panel for Materials Research Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

*Name:* Site visit review of the Materials Research Science and Engineering Center (MRSEC) at Brandeis University by NSF Division of Materials Research (DMR) #1203.

*Date and Time:* Thursday, April 29, 2010; 8:30 a.m.-5 p.m.