

certain claims of the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607, concerning response costs and remedial actions relating to the Palmerton Zinc Pile Superfund Site ("Site") in Palmerton, Pennsylvania.

The proposed Amendment (1) substitutes and/or adds parties as Settling Defendants under the 2003 Decree and this Amendment, taking into account several corporate reorganizations and other transactions and events that have occurred since entry of the 2003 Decree; and (2) resolves, in a manner consistent with the ongoing remedial process at the Site, certain claims of the United States of America ("United States") and the Commonwealth of Pennsylvania ("Commonwealth") for Natural Resource Damages ("NRD") under Sections 107(a)(4)(C) and 107(f) of CERCLA, 42 U.S.C. 9607(a)(4)(C) and (f), Sections 311(f)(4) and (5) of the Clean Water Act ("CWA"), 33 U.S.C. 1321(f)(4) and (5), and Section 702(a) of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. § 6020.702(a).

Under the terms of the Amendment, the Defendants will make a payment of \$9.875 million to be used to restore, replace, or acquire the equivalent of natural resources injured as a result of releases of hazardous substances at the Palmerton Zinc site. The Defendants will also pay \$2.5 million for damage assessment costs. In addition, the Defendants will transfer twelve hundred acres of valuable property to the Pennsylvania Game Commission and discharge a mortgage on a nature center located at the Lehigh Gap.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Amendment. 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. Horsehead Industries Inc.*, DOJ No. 90-11-2-271/4. The proposed Amendment may be examined at the Offices of the Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103 (contact Assistant Regional Counsel Cynthia Nadolski (215) 814-2673) and at the Office of the United States Attorney for the Middle District of Pennsylvania, Harrisburg Federal Bldg.

and Courthouse, 228 Walnut Street, Suite 220, P.O. Box 11754, Harrisburg, PA 17108-1754 (contact Assistant U.S. Attorney D. Brian Simpson (717) 221-4482). During the public comment period, the Amendment 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 Amendment 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 \$33.50 (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.*

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**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Federal Bureau of Prisons

#### **Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Housing Approximately 1,380 Low-Security, Adult Male Inmates, That Are Predominantly District of Columbia Sentenced Felons and Criminal Aliens at a Privately Owned Institution in Winton, NC or Princess Anne, MD**

**AGENCY:** U.S. Department of Justice, Federal Bureau of Prisons.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] parts 1500-1508), the Federal Bureau of Prisons (BOP) intends to prepare a Draft Environmental Impact Statement (DEIS) and conduct Public Scoping Meetings for the proposed housing of inmates under the District of Columbia (DC) III solicitation, at a facility in Winton, North Carolina or Princess Anne, Maryland.

**SUPPLEMENTARY INFORMATION:** The mission of the United States Department of Justice, BOP, is to protect society by

confining offenders in the controlled environments of prison and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The BOP accomplishes its mission through the appropriate use of community correction, detention, and correctional facilities that are either: federally-owned and operated; federally owned and non-federally operated; and non-federally owned and operated.

### Proposed Action

The BOP is facing a period of unprecedented growth in its inmate population. Projections show the Federal inmate population increasing from approximately 201,600 inmates at the end of fiscal year 2008 to 212,000 inmates by the end of fiscal year 2010. As such, the demand for bed space within the Federal prison system continues to grow at a significant rate. To accommodate a portion of the growing inmate population, the BOP proposes to contract with a contractor owned and operated correctional facility that can house approximately 1,380 low-security, adult male inmates, that are predominantly District of Columbia sentenced felons and criminal aliens.

Proposals received by the BOP from private contractors include an existing facility in Winton, Hertford County, North Carolina and new construction at a site in Princess Anne, Somerset County, Maryland. The BOP has preliminarily evaluated these proposals and determined that the prospective facility/sites appear to be of sufficient size to provide space for inmate housing, programs, administrative services and other support facilities associated with the correctional facility. The DEIS to be prepared by the BOP will analyze the potential impacts of correctional facility construction and/or operation at these locations.

### The Process

In the process of evaluating the sites, several aspects will receive detailed examination including, but not limited to: Topography, geology/soils, hydrology, biological resources, utility services, transportation services, cultural resources, land uses, socio-economics, hazardous materials, and air and noise quality, among others.

### Alternatives

In developing the DEIS, the options of "no action" and "alternative sites" for the proposed facility will be fully and thoroughly examined.

**Scoping Process**

During the preparation of the DEIS, there will be opportunities for public involvement in order to determine the issues to be examined in the DEIS. A Public Scoping Meeting will be held at 7 p.m. August 27, 2009 at the County Commissioners Meeting Room in the County Office Building, located at 704 King Street in Winton, North Carolina.

In addition, a Public Scoping meeting will be held at 7 p.m., September 1, 2009 at the Washington Academy High School, located at 10902 Old Princess Anne Road in Princess Anne, Maryland. The meeting locations, dates, and times will be well publicized and have been arranged to allow for public involvement, as well as interested agencies and organizations to attend. The meetings are being held to allow interested persons to formally express their views on the scope and significant issues to be studied as part of the DEIS process. The meetings will provide for timely public comments and understanding of Federal plans and programs with possible environmental consequences as required by the NEPA of 1969, as amended, and the National Historic Preservation Act of 1966, as amended.

**DEIS Preparation**

Public notice will be given concerning the availability of the DEIS for public review and comment at a later date.

**Address**

All are encouraged to provide comments on the proposed action and alternatives at either Public Scoping Meetings and anytime during the 30-day public scoping period, which ends September 15, 2009. There are two ways in which comments may be submitted: (1) By attending one of the scoping meetings or (2) by mail. All written comments concerning the proposed action should be postmarked no later than September 15, 2009.

Comments submitted by mail or questions concerning the proposed action and the DEIS may be directed to: Richard A. Cohn, Chief or Issac J. Gaston, Site Selection Specialist, Capacity Planning and Site Selection Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534. Tel: 202-514-6470/Fax: 202-616-6024/E-mail: [racohn@bop.gov](mailto:racohn@bop.gov).

Dated: August 4, 2009.

**Richard A. Cohn,**

*Chief, Capacity Planning and Site Selection Branch.*

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**BILLING CODE P**

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice 09-270]

**NASA Advisory Council; Science Committee; Earth Science Subcommittee; Meeting**

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

**ACTION:** Notice of meeting.

**SUMMARY:** The National Aeronautics and Space Administration (NASA) announces a meeting of the Earth Science Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The Meeting will be held for the purpose of soliciting from the scientific community and other persons scientific and technical information relevant to program planning.

**DATES:** Monday, August 31, 2009, 1 p.m. to 3 p.m.

**ADDRESSES:** NASA Headquarters, 300 E Street, SW., Room 8R40, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-4452, fax (202) 358-4118, or [mnorris@nasa.gov](mailto:mnorris@nasa.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topic:

—Earth Science Program's Annual Performance Appraisal and Rating on Fiscal Year 2009 Government Performance and Results Act Metrics

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide a copy of their passport, visa, or green card in addition to providing the following information no less than 7 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with

U.S. citizenship can provide identifying information 3 working days in advance by contacting Marian Norris via e-mail at [mnorris@nasa.gov](mailto:mnorris@nasa.gov) or by telephone at (202) 358-4452.

Dated: July 31, 2009.

**P. Diane Rausch,**

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

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**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

[Notice (09-071)]

**Review of U.S. Human Space Flight Plans Committee; 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 Review of U.S. Human Space Flight Plans Committee. This is a contingency public meeting if required by the committee and is subject to cancellation on short notice. For the most up-to-date information, refer to the Committee Web site (<http://hsf.nasa.gov>) or contact the NASA Designated Federal Official by e-mail ([philip.mcalister@nasa.gov](mailto:philip.mcalister@nasa.gov)) or phone (202-358-0712).

**DATES:** Monday, August 24, 2009, 1 p.m.-5:30 p.m.

**ADDRESSES:** JW Marriott Hotel, Grand Ballroom, 1331 Pennsylvania Avenue, Washington, DC 20004, phone: 202-626-6906.

**FOR FURTHER INFORMATION CONTACT:** Mr. Philip R. McAlister, Office of Program Analysis and Evaluation, National Aeronautics and Space Administration, Washington, DC 20546, at 202-358-0712.

**SUPPLEMENTARY INFORMATION:** The agenda topics for the meeting include Committee deliberations on the Final Report. 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.