

means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.  
Issued: May 13, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-11970 Filed 5-18-10; 8:45 am]

**BILLING CODE 7020-02-P**

## JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

### Meeting of the Advisory Committee; Meeting

**AGENCY:** Joint Board for the Enrollment of Actuaries.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a meeting of the Advisory Committee on Actuarial Examinations (a portion of which will be open to the public) in Washington, DC at the Office of Professional Responsibility on June 28 and June 29, 2010.

**DATES:** Monday, June 28, 2010, from 9 a.m. to 5 p.m., and Tuesday, June 29, 2010, from 8:30 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Patrick W. McDonough, Executive Director of the Joint Board for the Enrollment of Actuaries, 202-622-8225.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in at the Internal Revenue Service Building, 1111 Constitution

Avenue, NW., Washington, DC on Monday, June 28, 2010, from 9 a.m. to 5 p.m. and Tuesday, June 29, 2010, from 8:30 a.m. to 5 p.m.

The purpose of the meeting is to discuss topics and questions which may 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 May 2010 Basic (EA-1) and Pension (EA-2B) Joint Board Examinations 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 November 2010 Pension (EA-2A) 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 May 2010 Joint Board examinations 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 June 29 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 must notify the Executive Director in writing prior to the meeting in order to aid in scheduling the time available and must 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 other persons planning to attend the public session must also 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 June 19, 2010, 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 Executive Director: Joint Board for the Enrollment of Actuaries, c/o Internal Revenue Service, *Attn:* Executive Director SE:OPR, Room 7238, 1111 Constitution Avenue, NW., Washington, DC 20224.

Dated: May 6, 2010.

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

[FR Doc. 2010-11922 Filed 5-18-10; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on May 3, 2010, a proposed consent decree in *United States v. T. Frank Flippo & Sons, LLC*, Civil Action No. 3:10-cv-292 was lodged with the United States District Court for the Eastern District of Virginia.

In this action the United States sought the implementation of land use restrictions at the HH Burn Pit Superfund Site located in Hanover, Virginia. The consent decree would resolve the litigation in exchange for implementation of land use restrictions at the site, the filing of a notice to successors in title, and a commitment by the defendant to retain a restrictive easement in the event that defendant conveys the property.

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 v. T. Frank Flippo & Sons, LLC* D.J. Ref. 90-11-3-1408/3.

The consent decree may be examined at the Office of the United States Attorney, 600 East Main Street, Richmond, Virginia, and at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania. 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>. 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 \$10.00 (25 cents per

page reproduction cost) payable to the U.S. Treasury or, if by email 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. 2010-11947 Filed 5-18-10; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Proposed Consent Decree and Proposed Order on Consent Under The Clean Water Act

Notice is hereby given that, on May 12, 2010, a proposed Consent Decree in *United States and State of New York v. City of Oswego, New York*, Civil Action No. 5:10-cv-554, was lodged with the United States District Court for the Northern District of New York.

The proposed Consent Decree will settle the United States' claims on behalf of the U.S. Environmental Protection Agency ("EPA") for violations of Section 301(a) of the CWA, 33 U.S.C. 1311(a), in connection with unpermitted discharges from the City's west side sewer system and failure to comply with a National Pollutant Discharge Elimination System ("NPDES") permit. The State of New York joined the United States as co-plaintiff, pursuant to Section 309(e) of the CWA, 33 U.S.C. 1319(e), and the New York State Environmental Conservation Law ("ECL"), Sections 17-0701 and 17-0803. The Consent Decree resolves all claims in the Complaint, in return for payment by the City of a civil penalty of \$99,000, to be split evenly between the United States and the State, and performance by the City of corrective actions valued at \$87 million.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of 30 days from the date of this publication. Comments on the Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.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 New York v. City of Oswego, New York*, Civil Action No. 5:10-cv-554 (N.D.N.Y.), D.J. Ref. No. 90-5-1-1-08609.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Northern District of

New York, 100 South Clinton Street, Syracuse, New York 13261, and at EPA, Region 2, 290 Broadway, New York, New York 10007-1866. During the public comment period, the proposed 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 proposed 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 number (202) 514-0097, phone number (202) 514-1547. If requesting a copy by mail from the Consent Decree Library, please enclose a check in the amount of \$18.50 (\$0.25 per page reproduction cost) payable to the United States Treasury or, if requesting by e-mail or fax, forward the check in that amount to the Consent Decree Library at the address stated above. If requesting a copy exclusive of appendices, please enclose a check in the amount of \$16.00 (\$0.25 per page reproduction cost) payable to the United States Treasury.

**Maureen Katz,**

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

[FR Doc. 2010-11948 Filed 5-18-10; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 06-55]

#### M & N Distributors; Dismissal of Proceeding

On March 16, 2006, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to M & N Distributors (Respondent), of Springfield, Tennessee. The Order to Show Cause proposed the revocation of Respondent's DEA Certificate of Registration as a distributor of list I chemicals on the ground that its continued registration "is inconsistent with the public interest, as that term is used in 21 U.S.C. 823(h)." Order to Show Cause at 1.

More specifically, the Show Cause Order made three major allegations against Respondent. First, it alleged that on November 22, 2005, Agency Investigators performed an accountability audit of Respondent's handling of three listed-chemical products and found an overage of "732

bottles (more than five cases) of one 36-count combination ephedrine product." *Id.* at 2. Next, the Show Cause Order alleged that in June 2003, Respondent "reported a loss of a case of 144 bottles of ephedrine, which [Respondent] indicated fell out the back door of his truck" and that "this product was never recovered." *Id.*

Finally, the Show Cause Order alleged that between 2001 and 2005, DEA retained an expert "in the field of retail marketing and statistics" "to analyze national sales data for over-the-counter non-prescription drugs" and that based on his "study of hundreds of Tennessee retailers," the expert had concluded "that these retail stores had made purchases of listed chemical products far in excess of amounts of product that could be reasonably sold for legitimate purposes in stores of these [sic] kind in Tennessee." *Id.* at 3. The Order further alleged that "DEA has observed that many smaller or non-traditional stores, such as \* \* \* gas stations [ ] and some small markets, purchase inordinate amounts of these products and become conduits for the diversion of listed chemical[s] into illicit drug manufacturing." *Id.* Because Respondent's owner "told investigators that he had approximately 120 convenience store and gas station customers located in Tennessee and Kentucky," *id.* at 2, the Order implied, without ever expressly alleging, that Respondent sold listed chemical products "far in excess of amounts of product that could be reasonably sold for legitimate purposes." *Id.* at 3.<sup>1</sup>

On April 5, 2006, Respondent's owner, Charles Ramsey, requested a hearing on the allegations and the matter was placed on the docket of the Agency's Administrative Law Judges (ALJ). ALJ Ex. 2. Thereafter, on June 5, 2006, Counsel for Respondent entered his appearance, ALJ Ex. 3, and following pre-hearing procedures, a hearing was held before an ALJ in Nashville, Tennessee on August 23 and 24, 2006. At the hearing, both parties called witnesses to testify and introduced documentary evidence. After the hearing, both parties filed briefs containing their proposed findings, conclusions of law, and argument.

On December 16, 2008, the ALJ issued her Recommended Decision. Therein, the ALJ concluded that the Government had not proved that the continuation of

<sup>1</sup> In her Decision, the Administrative Law Judge (ALJ) formulated the issue as "whether the Respondent sold quantities of listed chemical product which it knew, or should have known, exceeded quantities that could be sold by its customers for legitimate use." ALJ at 31 (citing Gov't Br. at 9).