

settlement prior to entry of the Decree by the Court), including \$6.4 million from federal departments and agencies, in reimbursement of past costs, with interest on that entire past costs amount payable from December 8, 2007 through the date of payment; (2) \$3,218,700 for natural resource damage (NRD) restoration projects; and (3) an annuity paying \$27 million over thirty years for cleanup and operation and maintenance (O&M) costs to be incurred at the Site in connection with the remedy. In addition, Plaintiffs will recover the net proceeds of contribution actions against non-settling parties.

There have been two prior settlements in these cases. In 2003, in two *de minimis* consent decrees, Plaintiffs resolved the liability of 58 *de minimis* parties for response costs for \$3.26 million and resolved the liability of a subset of those parties for NRD for \$302,000. Subsequently, in 2005, Plaintiffs entered into an ability-to-pay settlement with former Site owners and transporters for \$13,047,121.50.

This Decree does not select the remedy or determine future uses at the Site. Rather, the settlement provides, in part, continued funding for the remedy selected in the 1986 Site Record of Decision. The Decree also provides settling parties a Covenant Not to Sue by the Plaintiffs pursuant to CERCLA and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 9673, for all costs and remedial activities at the Site. The State Plaintiffs similarly provide a Covenant Not to Sue pursuant to the Spill Act and other authorities. In the event new information or conditions are discovered, the Covenants are subject to a reopener against parties specified in the Decree believed to have sent higher volumes of waste to the Site.

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 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 United States Department of Justice, Post Office Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Beckman Coulter, Inc., et al.*, Civil Action No. 98-CV-4812, and DOJ Reference No. 90-11-2-1134/1. 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 Decree may be examined at: (1) The Office of the

United States Attorney for the District of New Jersey, 970 Broad Street—Room 700, Newark, New Jersey 07102 (973-645-2700); and (2) the United States Environmental Protection Agency—Region II, 290 Broadway—17th Floor, New York, New York 10007 (contact: William C. Tucker, Assistant Regional Counsel, 212-637-3139).

During the public comment period, the proposed Decree may also be examined at the 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 Decree may also be obtained by mail from the Consent Decree Library, United States Department of Justice, Post Office Box 7611, 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 202-514-0097, phone confirmation 202-514-1547). In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number and enclose a check for \$59.25 for the Decree (237 pages including Appendices, at 25 cents per page reproduction costs), made payable to the United States Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Ronald G. Gluck,**

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

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**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on January 12, 2009, a proposed Consent Decree (the "Consent Decree") in *United States v. Shell Chemical Yabucoa, Inc.*, Civil Action No. 3:09-cv-1019 was lodged with the United States District Court for the District of Puerto Rico.

In a complaint, filed simultaneously with the Decree, the United States alleges that Shell Chemical Yabucoa, Inc. ("Shell") violated the Clean Water Act, 33 U.S.C. 1251 *et seq.* (the "Act") at its facility in Yabucoa, Puerto Rico ("Facility") by discharging pollutants in excess of effluent limitations contained in its National Pollutant Discharge Elimination System ("NPDES") Permit No. PR0000400, by discharging effluent from unpermitted discharge points as a result of two pipeline ruptures, by discharging unauthorized pollutants from a permitted discharge point, by failing to report violations, and by

failing to provide adequate operation and maintenance at the Facility as required by NPDES Permit No. PR0000400.

The Consent Decree requires Shell to implement injunctive relief to bring the Facility into compliance with the Act, including to install and operate a rain gauge at the Facility, to collect, measure, and maintain records of the rainfall received at the Facility; to conduct maintenance of the Facility's flood control pond to minimize discharges of storm water from the Facility; and to conduct several studies and implement compliance measures to reduce the concentration of pollutants contained in the Facility's storm water discharges. The Facility currently is not conducting any petrochemical production operations, but if the Facility initiates production operations at any time before the Consent Decree terminates, which is estimated to be in approximately 3 years, Shell must design, construct and operate a storm water storage facility that provides for the temporary storage of at least 1.34 million gallons of storm water. The Consent Decree also requires Shell to pay a \$1,025,000 civil penalty to the United States.

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, United States Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Shell Chemical Yabucoa, Inc.*, D.J. Ref. 90-5-1-1-08400.

The Consent Decree may be examined at the Office of the United States Attorney, Torre Chardón, Room 1201, 350 Chardón Street, San Juan, Puerto Rico 00918, and at U.S. EPA Region 2, Office of Regional Counsel, 290 Broadway, New York, New York 10007-1866. 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

\$16.00 (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.

**Ronald Gluck,**

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

[FR Doc. E9-1155 Filed 1-21-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importer of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21 Code of Federal Regulations (CFR), 1301.34(a), this is notice that on September 18, 2008, ISP Freetown Fine Chemicals, 238 South Main Street, Assonet, Massachusetts 02702, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in schedule II.

The company plans to import the Phenylacetone to manufacture Amphetamine.

Any bulk manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic class of controlled substance may file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than February 23, 2009.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted

in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745-46), all applicants for registration to import a basic class of any controlled substances in schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: January 14, 2009.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. E9-1198 Filed 1-21-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 9, 2008 and published in the **Federal Register** on October 17, 2008 (73 FR 61909), Noramco Inc., Division of Ortho McNeil, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801-4417, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
Codeine-N-oxide (9053) .....	I
Dihydromorphine (9145) .....	I
Morphine-N-oxide (9307) .....	I
Methylphenidate (1724) .....	II
Codeine (9050) .....	II
Dihydrocodeine (9120) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Hydrocodone (9193) .....	II
Morphine (9300) .....	II
Thebaine (9333) .....	II
Opium extracts (9610) .....	II
Opium fluid extract (9620) .....	II
Opium tincture (9630) .....	II
Opium, powdered (9639) .....	II
Opium, granulated (9640) .....	II
Oxymorphone (9652) .....	II

The company plans to bulk manufacture the above listed controlled substances for sale and distribution to manufacturers for product development and formulation.

Drug code 1726 (methylphenidate) has been withdrawn from the application for registration as all

manufacturing activity for methylphenidate can be conducted under drug code 1724 for the same substance.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Noramco Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Noramco Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: January 14, 2009.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated September 8, 2008, and published in the **Federal Register** on September 15, 2008 (73 FR 53280), Chattem Chemicals Inc., 3801 St. Elmo Avenue, Building 18, Chattanooga, Tennessee 37409, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedules I and II:

Drug	Schedule
4-Methoxyamphetamine (7411) ...	I
Dihydromorphine (9145) .....	I
Difenoxin (9168) .....	I
Amphetamine (1100) .....	II
Methamphetamine (1105) .....	II
Lisdexamfetamine (1205) .....	II
Methylphenidate (1724) .....	II
Pentobarbital (2270) .....	II
Codeine (9050) .....	II
Dihydrocodeine (9120) .....	II
Oxycodone (9143) .....	II
Hydromorphone (9150) .....	II
Hydrocodone (9193) .....	II
Meperidine (9230) .....	II