

Some areas adjacent to the toe of the levee contain intact archaeological resources. Adverse effects to archaeological resources may occur from the use of heavy equipment during levee construction that could disturb surface or shallowly buried deposits. Adverse effects may also occur to archaeological deposits that will be buried by the addition of the fill material on the surface above them. Alternatively, levee footprint expansion may protect archaeological resources by capping with fill material, preserving those resources in place.

Architectural resources may be adversely affected by levee height increases or by expansion of the levee footprint. Potential effects include vibration and ground disturbance from the use of heavy equipment during construction. Design for levee improvements is primarily considering avoidance of the structures as much as possible. However, if structures have to be removed or modified, USIBWC will consult with the Texas Historical Commission (THC) to determine the appropriate level of documentation prior to any modification. In addition to documentation, mitigation of impacts to cultural resources may include their replacement with "in-kind" structures that will look and operate the same.

Native American resources may be affected by the levee improvements; consultation with the Native American tribes is ongoing to identify resources or concerns regarding the project.

Under NEPA, there will be no significant impacts (i.e., "unresolvable" adverse effects under National Historic Preservation Act [NHPA]) to cultural resources because all cultural resources will be identified and evaluated for National Register of Historic Places (NRHP) eligibility. Any impacts to National Register of Historic Places-eligible resources will be mitigated prior to implementation of levee height increases or footprint expansion, in consultation with the Texas Historical Commission and Native American Tribes.

#### Water Resources

Flood control improvements to the ACF will increase flood containment capacity to control the design flood event with a negligible increase in water surface elevation. Levee footprint expansion will not affect water bodies.

#### Land Use

Footprint levee expansion, where required, will take place completely within the existing ROW. No urban or agricultural lands will be affected.

#### Soil

Improvement activity contributing to soil disturbance will include geotechnical investigations and adding soil to the top and sides of the levee. Levee fill material will come from local commercial sources and not from borrow areas in the floodplain. The disturbance of soil will occur within areas where soil has been disturbed and modified by prior levee construction and maintenance activities. Therefore, alteration of soil previously unassociated with the existing levee will not occur.

#### Community Resources

In terms of socioeconomic resources, the influx of federal funds into Hidalgo and Cameron Counties from the flood control improvement area will have a positive but minor local economic impact. The impact will be limited to the construction period, and represent less than 1 percent of the annual county employment, income, and sales values. No adverse impacts to disproportionately high minority and low-income populations were identified for construction activities. Moderate utilization of public roads will be required during construction; a temporary increase in access road use will be required for equipment mobilization to staging areas.

#### Environmental Health Issues

Estimated air emissions of five criteria pollutants during construction will be discontinuous and represent less than 0.13 percent of the annual emissions inventory within the air quality control region of Hidalgo, Cameron, and Willacy Counties. There will be a moderate increase in ambient noise levels due to construction activities. No long-term and regular exposure is expected above noise threshold values. A database search indicated that no waste storage and disposal sites were within the proposed ACF levee improvement area, and none will affect, or be affected by, the levee improvement project.

#### Best Management Practices

When warranted due to engineering considerations, or for protection of biological or cultural resources, the need for levee footprint expansion will be eliminated by levee slope adjustment or use of retaining walls or armored banks. Best management practices during construction will include development of a storm water pollution prevention plan to avoid impacts to receiving waters, and use of sediment barriers and soil wetting to minimize erosion.

To protect vegetation cover, the embankment improvement areas will be re-vegetated with native herbaceous species. To protect wildlife, construction activities will be scheduled to occur, to the extent possible, outside the March to August bird migratory season.

#### Availability

Single hard copies of the Final Environmental Assessment and Finding of No Significant Impact may be obtained by request at the above contact information. Electronic copies may also be obtained from the USIBWC Home Page at [http://www.ibwc.gov/Organization/Environmental/reports\\_studies.html](http://www.ibwc.gov/Organization/Environmental/reports_studies.html).

Dated: June 12, 2009.

**Robert McCarthy,**  
General Counsel.

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on June 3, 2009, a proposed Consent Decree in *United States v. General Electric Co.*, Civil Action No. 1:09-cv-00545, was lodged with the United States District Court for the District of New Mexico.

The Consent Decree resolves the United States' claims against General Electric Company ("GE") at the South Valley Superfund Site located in Albuquerque, New Mexico. Those claims were brought under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 107. The Site consists of several industrial facilities, including an aircraft manufacturing plant currently owned and/or operated by GE and formerly owned and/or operated by the United States Air Force ("USAF"), the United States Department of Energy ("DOE"), and others.

The Consent Decree requires that GE pay a lump sum of \$257,670.00 to reimburse the United States for past response costs, a lump sum of \$71,715 toward the United States' future response costs, and interest accrued on these two sums during the period from November 1, 2002 to the date of entry of the Consent Decree. The Consent Decree also memorializes the obligation of the USAF and DOE to pay a lump sum of \$2,605,330.00 in reimbursement for past response costs and a lump sum

of \$725,126.00 toward future response costs.

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. General Electric Co.*, D.J. Ref. 90-11-2-443A.

The Consent Decree may be examined at the Office of the United States Attorney, District of New Mexico, 201 3rd Street, NW., Albuquerque, New Mexico 87102, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202. 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 by mail, from the Consent Decree Library, please enclose a check in the amount of \$25.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

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

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## DEPARTMENT OF LABOR

### Comment Request for Information Collection for Petition and Investigative Forms To Assess Group Eligibility for Trade Adjustment Assistance (OMB Control No. 1205-0342), Extension

**AGENCY:** Employment and Training Administration.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed

and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. In response to Section 221(a) of Title II, Chapter 2 of the Trade Act of 1974, as amended by the American Recovery and Reinvestment Act (ARRA), the Employment and Training Administration is soliciting comments concerning the extension of the Petition and Investigative Forms to Assess Group Eligibility for Trade Adjustment Assistance, OMB Control No. 1205-0342, which expires November 30, 2009. This notice utilizes standard clearance procedures in accordance with the Paperwork Reduction Act of 1995 and 5 CFR 1320.12. This information collection follows an emergency review that was conducted in accordance with the Paperwork Reduction Act of 1995 and 5 CFR 1320.13. The submission for OMB emergency review was published in the **Federal Register** on April 29, 2009, see 74 FR 19602. OMB approved the emergency clearance under OMB control number 1205-0342 on May 15, 2009. A copy of this ICR can be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain>.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before August 17, 2009.

**ADDRESSES:** Susan Worden, U.S. Department of Labor, Employment and Training Administration, Room C-5428, 200 Constitution Avenue, NW., Washington, DC 20210. Phone: 202-693-3517, Fax: 202-693-3584, E-mail: [worden.susan@dol.gov](mailto:worden.susan@dol.gov).

**SUPPLEMENTARY INFORMATION:**

I. *Background:* On February 17, 2009, the President signed into law the American Recovery and Reinvestment Act (ARRA). Section 221(a) of Title II, Chapter 2 of the Trade Act of 1974, as amended by ARRA (19 U.S.C. 2271), authorizes the Secretary of Labor and the Governor of each State to accept petitions for certification of eligibility to apply for adjustment assistance. ARRA amended Section 222 of the Trade Act of 1974 to provide for new eligibility criteria designed to expand the number of petitioning worker groups assessed as adversely affected by trade and therefore determined eligible to apply for Trade Adjustment Assistance. To solicit the

data needed to address the new eligibility criteria, ETA significantly expanded the petition and investigation forms under OMB No. 1205-0342.

The Forms ETA-9042 Petition for Trade Adjustment Assistance and its Spanish translation, and ETA-9042a Solicitud De Asistencia Para Ajuste, established a format for filing such petitions. The Department's regulations regarding petitions for worker adjustment assistance may be found at 29 CFR 90. Investigative forms designed to assess eligibility are undertaken in accordance with sections 222, 223 and 249 of the Trade Act of 1974, as amended (19 U.S.C., 2272 and 2273), are used by the Secretary of Labor to certify groups of workers as eligible to apply for worker trade adjustment assistance. The Forms include: ETA-9043a—Business Confidential Data Request Firms that Produce an Article (CDR-A); ETA-9043b—Business Confidential Data Request Firms that Supply a Service (CDR-S); ETA-9043c—Business Confidential Data Request Firms Who Work on a Contractual Basis; ETA-8562a—Business Confidential Customer Survey; ETA-8562a—Business Confidential Customer Survey; ETA-8562a—Business Confidential Customer Survey First Tier Purchases of Articles; ETA-8562a-1—Business Confidential Customer Survey Second Tier Purchases of Articles; ETA-8562b—Business Confidential Customer Survey Services; ETA-8562c—Business Confidential Customer Survey Firms who Work on a Contractual Basis; ETA-8562d—Business Confidential Customer Survey; and ETA-9118—Business Confidential Information Request.

### II. Review Focus:

The Department of Labor is particularly interested in comments which:

- \* Evaluate whether the proposed 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,