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Dated: September 11, 2008.

Thomas R. Moyle,

*Acting Assistant Inspector General,
Department of Interior and Chair, Human
Resources Committee, PCIE.*

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on September 8, 2008, a proposed consent decree ("Consent Decree") in *United States v. St. Marys Cement Inc. (U.S.) and St. Barbara Cement Inc.*, Civil Action No. 3:08-CV-50199, was lodged with the United States District Court for the Northern District of Illinois, Western Division.

In this action, brought against St. Marys Cement Inc. (U.S.) and St. Barbara Cement Inc. ("collectively "Defendants") pursuant to sections 113(b) and 167 of the Clean Air Act ("the Act"), 42 U.S.C. 7413(b) and 7477,

the United States has sought injunctive relief and the assessment of civil penalties for violations of the Prevention of Significant Deterioration ("PSD") provisions of the Act, 42 U.S.C. 7470-92, and the PSD regulations incorporated into the federally approved and enforceable Illinois State Implementation Plan ("the SIP") at a Portland cement plant located in or near Dixon, Illinois ("Facility"). The United States' complaint alleges, among other things, that the Facility's prior owner and/or operator, CEMEX Central Plains Cement LLC ("CEMEX"), conducted a major modification of the Facility and that thereafter CEMEX and the Defendants, after they became the owner (St. Barbara Cement Inc.) and operator (St. Marys Cement Inc. (U.S.)) of the Facility, operated the Facility as modified without obtaining a PSD permit authorizing the major modification and without installing the best available technology to control emissions of nitrogen oxides ("NO_x"), as required by the Act and the SIP.

The proposed consent decree would resolve the civil claims of the United States alleged in the complaint and in a Notice of Violation and Finding of Violation and a Notice of Violation issued by the U.S. Environmental Protection Agency, as well as any civil liability of CEMEX's successor for these same violations. The proposed consent decree would require, among other things, that the Defendants: Have installed emission controls (selective non-catalytic reduction) at three of the Facility's kilns and achieve specified NO_x emission limits by April 30, 2009; permanently retire a fourth kiln; install NO_x continuous emissions monitoring systems to measure NO_x emissions at the Facility's kilns; apply for appropriate permits or permit modifications to incorporate various requirements of the consent decree; and pay a civil penalty to the United States in the amount of \$800,000.00. If the Defendants elect to build a new kiln to replace the retired kiln, the proposed consent decree establishes specific limitations and conditions governing the use of any NO_x emission credits from the shutdown of the kiln, including specific requirements that would apply to any new kiln.

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@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. St. Marys Cement Inc. and St. Barbara Cement Inc.*, D.J. Ref. 90-5-2-1-08782.

The consent decree may be examined at the Office of the United States Attorney, 308 West State Street, Suite 300, Rockford, Illinois 61101. During the public comment period, the consent decree may also be examined on the following Justice Department Web site: <http://www.usdoj.gov/enrd/ConsentDecrees.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), 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 \$12.00 (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.

William D. Brighton,

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

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

September 10, 2008.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at <http://www.reginfo.gov/public/do/PRAMain> or by contacting Darrin King on 202-693-4129 (this is not a toll-free number)/e-mail: DOL_PRA_PUBLIC@dol.gov.

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the