

Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Massachusetts Bay Transportation Authority* ("MBTA") and *Massachusetts Bay Commuter Railroad Company, L.L.C.*, D.J. Ref. 90-5-2-1-09617.

During the public comment period, the 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 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 \$7.75 (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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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1933-PXI Systems Alliance, Inc.

Correction

In notice document 2010-12033 appearing on page 28294 in the issue of Thursday, May 20, 2010 make the following correction:

In the second column, in the last paragraph, in the second line "April 1, 2010" should read "April 15, 2010".

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[Docket No. ATF 36N]

Hearing Procedures Relating to Federal Firearms Licenses (2010R-2T)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice.

ACTION: General notice.

SUMMARY: In this notice, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) advises federal firearms licensees and other interested parties of its current procedures regarding administrative hearings held as part of firearms license proceedings. The intended purpose of the notice is to ensure that federal firearms licensees and persons applying for a federal firearms license are familiar with the hearing process relative to the denial, revocation, or suspension of a federal firearms license, or the imposition of a civil fine. This notice does not contain any policy guidelines as to whether a notice of denial, revocation, suspension or fine should be issued.

FOR FURTHER INFORMATION CONTACT: Gary Taylor; Office of Field Operations; Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Department of Justice; 99 New York Avenue, NE., Washington, DC 20226, telephone (202) 648-7259.

SUPPLEMENTARY INFORMATION:

I. Background

The Attorney General is responsible for enforcing the provisions of the Gun Control Act of 1968 ("the Act"), 18 U.S.C. Chapter 44. He has delegated that responsibility to the Director of ATF, subject to the direction of the Attorney General and the Deputy Attorney General. 28 CFR 0.130(a). ATF has promulgated regulations that implement the provisions of the Act in 27 CFR Part 478.

Pursuant to the authority vested in the Director of ATF by 28 U.S.C. 599A and 28 CFR 0.130-0.133, the authority to issue notices, conduct licensing hearings, render final decisions and issue final notices after a firearms licensing hearing has been redelegated to the Director of Industry Operations (DIO) in each field division in most instances. However, these same authorities are redelegated to the Deputy Assistant Director, Industry Operations, for all matters that he/she determines to involve novel or unusual issues of fact, law, or enforcement policy; matters of national or international significance; or matters that involve or are related to issues arising in more than one ATF field division. Thus, the term "Director" in this document is referring to the deciding official who may be the ATF Director, or a delegate, including the DIO, in most instances, or the Deputy Assistant Director, Industry Operations.

The regulations in Subpart E of Part 478, §§ 478.71-478.78, relate to proceedings involving federal firearms licenses, including the denial,

revocation, or suspension of a license, or the imposition of a civil fine. In particular, § 478.71 provides that the Director of ATF may issue a notice of denial on ATF Form 4498 (Notice of Denial of Application for License) to an applicant for a license if he has reason to believe that the applicant is not qualified, under the provisions of § 478.47, to receive a license. The notice sets forth the matters of fact and law relied upon in determining that the application should be denied, and affords the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If a request for a hearing is not filed within such time, the application is disapproved and a copy, so marked, is returned to the applicant.

Under § 478.72, an applicant who has been denied an original or renewal license may file a request with the Director of Industry Operations (DIO) for a hearing to review the denial of the application. On conclusion of the hearing and after consideration of all relevant facts and circumstances presented by the applicant or his representative, the Director (or his or her delegate) renders a decision confirming or reversing the denial of the application. If the decision is that the denial should stand, a certified copy of the Director's findings and conclusions are furnished to the applicant with a final notice of denial, ATF Form 4501 (now ATF Form 5300.13), Final Notice of Denial of Application or Revocation of Firearms License. In addition, a copy of the application, marked "Disapproved," is furnished to the applicant. If the decision is that the license applied for should be issued, the applicant will be so notified, in writing, and the license will be issued.

Section 478.73 provides that whenever the Director has reason to believe that a firearms licensee has willfully violated any provision of the Act or part 478, a notice of revocation of the license (ATF Form 4500) may be issued. In addition, a notice of revocation, suspension, or imposition of a civil fine may be issued on Form 4500 whenever the Director has reason to believe that a licensee has knowingly transferred a firearm to an unlicensed person and knowingly failed to comply with the requirements of 18 U.S.C. 922(t)(1), relating to a NICS (National Instant Criminal Background Check System) background check or, in violation of 18 U.S.C. 922(z) and 924(p), has sold, delivered, or transferred any handgun to any unlicensed person without providing a secure gun storage or safety device.