

standard template for all COPS programs.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 4,200 respondents annually will complete the form within 9.4 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 39,500 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 2E-508, Washington, DC 20530.

**Jerri Murray,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

[FR Doc. 2011-31535 Filed 12-7-11; 8:45 am]

**BILLING CODE 4410-AT-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on December 2, 2011, a proposed Consent Decree ("Decree") in *United States v. Jack M. Levine & Son, Inc.*, Civil Action No. 1:11-cv-00480-CAB, was lodged with the United States District Court for the Northern District of Ohio.

In this action the United States, on behalf of the U.S. Environmental Protection Agency ("U.S. EPA"), sought penalties and injunctive relief under the Clean Air Act ("CAA") against Jack M. Levine & Son, Inc. ("Defendant") relating to Defendant's Cleveland, Ohio facility ("Facility"). The Complaint alleged that Defendant violated Section 608(b)(1) of the CAA, 42 U.S.C. 7671g(b)(1) (National Recycling and Emission Reduction Program), and the regulations promulgated thereunder, 40 CFR Part 82, Subpart F, by failing to follow the requirement to recover or verify recovery of refrigerant from appliances it accepts for disposal. The Consent Decree provides for a civil penalty of \$3,500 based upon ability to pay. The Decree also requires Defendant to implement the following measures at the Facility: (1) Purchase equipment to recover refrigerant or contract for such services and provide for such recovery at no additional cost; (2) no longer accept small appliances, motor vehicle air conditioners ("MVACs"), or MVAC-like appliances with cut lines unless the supplier can provide appropriate written verification (e.g., that all

refrigerant that had not leaked previously was properly evacuated); (3) require its suppliers to use the verification statement provided in Appendix A that contains the information required by the regulations, unless it has an existing written agreement with that supplier regarding verification; and (4) keep a refrigerant recovery log to document details regarding refrigerant that is recovered by Defendant in the form provided in Appendix B.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and either emailed 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. Jack M. Levine & Son, Inc.*, D.J. Ref. 90-5-2-1-09789. The Decree may be examined at the Office of the United States Attorney, Northern District of Ohio, 801 West Superior Avenue, Suite 400, Cleveland, OH 44113 (contact Assistant U.S. Attorney Steven Paffilas (216) 622-3698) and at U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, IL 60604. 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](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 emailing 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 \$6.50 (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. 2011-31486 Filed 12-7-11; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on December 2, 2011, a proposed Consent Decree in *United States v. Rentech Nitrogen, LLC*, Civil Action No. 3:11-CV-50358, was lodged with the United States District Court for Northern District of Illinois.

The Consent Decree would resolve claims for injunctive relief and the assessment of civil penalties asserted by the United States (Plaintiff), against Rentech Nitrogen, LLC (Defendant) pursuant to Sections 113(b) and 167 of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b) and 7477.

Defendant produces nitric acid, which is used in the production of ammonium nitrate and other fertilizers and explosives. The nitric acid process results in the emissions of regulated air pollutants, including nitrogen oxides ("NO<sub>x</sub>"). The Plaintiff's complaint, filed concurrently with the Consent Decree, alleges that Defendant violated the Prevention of Significant Deterioration ("PSD") provisions of the CAA, 42 U.S.C. 7470-7492, and the implementing regulations at 40 CFR part 52; the New Source Performance Standards ("NSPS") provisions of the CAA, 42 U.S.C. 7411, and the implementing regulations at 40 CFR part 60, subpart G; Title V of the CAA, 42 U.S.C. 7661 *et seq.*; and the State Implementation Plan for the State of Illinois promulgated pursuant to Section 110 of the CAA, 42 U.S.C. 7410, to the extent it incorporates and/or implements the above-listed federal requirements. Specifically, the complaint alleges that Defendant operated a nitric acid plant since inception without a required PSD permit and without using the best available control technology ("BACT") required under the PSD regulatory framework. Additionally, the complaint alleges that Defendant's Title V operating permit is deficient for the same reason. Finally, the complaint alleges that Defendant exceeded emission limits for NO<sub>x</sub>, violating the NSPS.

The Consent Decree would require Defendants to achieve BACT level emissions for NO<sub>x</sub>, comply with the Nitric Acid NSPS, and incorporate these requirements into its Title V permit. The Consent Decree would also provide for a civil penalty of \$108,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comment relating to the Consent Decree.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed 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. Rentech Nitrogen, LLC*, D.J. Ref. No. 90-5-2-1-09773/1.

The Consent Decree may be examined at the United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460. 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 emailing 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 \$12.50 for a copy of the complete Consent Decree (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 Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2011-31520 Filed 12-7-11; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act

Notice is hereby given that on December 1, 2011, a proposed consent decree in *United States v. E.I. DuPont de Nemours and Company* ("DuPont"), Civil Action No. 1:11-7003, was lodged with the United States District Court for the District of New Jersey.

In this action the United States sought civil penalties and injunctive relief to address alleged violations of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901-92k, at DuPont's Secure Environmental Treatment Facility in Deepwater, New Jersey. The complaint alleges that DuPont returned hazardous waste to a facility not permitted to receive it, that DuPont failed to comply with an

information request from the U.S. Environmental Protection Agency, and that DuPont stored railcars containing hazardous waste without a permit and without secondary containment measures. The consent decree requires DuPont to pay a civil penalty of \$250,000 and, among other things, to store railcars containing hazardous waste accepted at the facility after March 30, 2012 only in accordance with the requirements of the RCRA, and to empty all railcars containing hazardous waste that were accepted prior to March 30, 2012 by June 1, 2012.

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 emailed 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. DuPont*, D.J. Ref. 90-5-1-1-09300/1.

The consent decree may 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 emailing 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 \$8.25 (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. 2011-31448 Filed 12-7-11; 8:45 am]

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Safety and Health Act Variance Regulations

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, "Occupational Safety and Health Act Variance Regulations," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

**DATES:** Submit comments on or before January 9, 2012.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, <http://www.reginfo.gov/public/do/PRAMain>, on the day following publication of this notice or by contacting Michel Smyth by telephone at (202) 693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for the Department of Labor, Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, *Telephone:* (202) 395-6929/*Fax:* (202) 395-6881 (these are not toll-free numbers), *email:* [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at (202) 693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Occupational Safety and Health Act allows covered employers to apply for four different types of variances from the requirements of OSHA standards. Employers submit variance applications that specify alternative means of complying with the requirements of applicable OSHA standards to the Agency. The OSHA has developed a proposed information collection for four different optional-use forms (OSHA Forms 5-30-1, 5-30-2, 5-30-3, and 5-30-4) that employers might use as templates in applying for variances. While use of the forms would be optional, employers are required to submit an application that includes all elements specified in regulations 29 CFR part 1905 in order to receive consideration for a variance.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is