

the New Mexico State Parks Division approximately 715 acres of land adjacent to the City of Rocks State Park in Grant County, New Mexico to further offset natural resource losses at the mine sites. Finally, Freeport-McMoRan will reimburse the Department of Interior's remaining unpaid past natural resource damage assessment costs, which amount to \$59,750.99.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Freeport-McMoRan 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 and State of New Mexico v. Freeport-McMoran Corp. et al.*, Case No. 1:11-cv-1140 (D. N.M.), D.J. Ref. 90-11-3-08069.

During the public comment period, the Freeport-McMoRan 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 Freeport-McMoRan 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 "Consent Decree Copy" ([EESDCopy.ENRD@usdoj.gov](mailto:EESDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$14.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

**Ronald G. Gluck,**

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

[FR Doc. 2011-33803 Filed 1-4-12; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on December 29, 2011, a proposed Consent Decree ("Decree") in *United States and State of Rhode Island v. Ashland, Inc., et al.*, Civil Action No. 11-558, was

lodged with the United States District Court for the District of Rhode Island.

The Decree resolves claims of the United States and the State of Rhode Island pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606, 9607, against seven parties in connection with the Davis Liquid Waste Superfund Site located in Smithfield, Rhode Island ("Site"). The Decree requires the settling defendants to perform the remedial action selected in the Amended Record of Decision ("Amended ROD") issued on September 20, 2010.

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, 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 and State of Rhode Island v. Ashland, Inc., et al.*, Civil Action No. 11-558, D.J. Ref. 90-11-2-137/3.

During the public comment period, the Consent Decree also 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 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 "Consent Decree Copy" ([EESDCopy.ENRD@usdoj.gov](mailto:EESDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$71.00 (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 address given above. If requesting a copy exclusive of exhibits, please enclose a check in the amount of \$17.00.

**Ronald Gluck,**

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

[FR Doc. 2011-33804 Filed 1-4-12; 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 29, 2011, a proposed consent

decree in *United States, et al. v. Essroc Cement Company*, Civil Action No. 2:11-cv-0650-DSC was lodged with the United States District Court for the Western District of Pennsylvania.

In this action the United States and Indiana, Pennsylvania, Puerto Rico and West Virginia sought injunctive relief and civil penalties for violations of the following statutory and regulatory requirements of the Clean Air Act (the "Act") at Essroc cement plants: the Prevention of Significant Deterioration ("PSD") provisions of the Act, 42 U.S.C. 7470 to 7492; the nonattainment New Source Review ("nonattainment NSR") provisions of the Act, 42 U.S.C. 7501 to 7515; the federally-approved and enforceable state implementation plans, or SIPs, which incorporate and/or implement the above-listed Federal PSD and/or nonattainment NSR requirements; and, Title V of the Act, 42 U.S.C. 7661 to 7661f, and Title V's implementing Federal and state regulations. The proposed consent decree requires installation and continuous operation of a selective non-catalytic reduction system (SNCR) for NO<sub>x</sub> at five cement kilns. The proposed consent decree also requires testing a selective catalytic reduction system (SCR) for NO<sub>x</sub> control at two cement kilns. If the SCR tests are unsuccessful, Essroc will apply SNCR at each of the kilns. For controlling SO<sub>2</sub>, Essroc will install a Dry Scrubber/Lime Injection system at seven cement kilns. Two cement kilns, under the proposed settlement, will be permanently retired. As mitigation for violations under the Act, Essroc will replace old engines in several off-road vehicles at its facilities. Essroc will also pay a civil penalty of \$1.7 million, with 50 percent (\$850,000) payable to the United States and the remainder allocated among the four states.

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 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, et al. v. Essroc Cement Company*, Civil Action No. 2:11-cv-0650-DSC (D) No. 90-5-2-1-09608).

During the public comment period, the proposed 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

proposed 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 "Consent Decree Copy" ([EEESCDCopy.ENRD@usdoj.gov](mailto:EEESCDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$21.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, please forward a check in that amount to the Consent Decree Library at the address given above.

**Robert Brook,**

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

[FR Doc. 2011-33821 Filed 1-4-12; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on December 22, 2011, a proposed Consent Decree in *United States v. County of Erie* ("Erie"), Civil Action No. 1:11-cv-01083 (WMS), was lodged with the United States Court for the Western District of New York.

The proposed Consent Decree resolves Erie's Resource Conservation and Recovery Act ("RCRA") violations stemming from its failure to meet cathodic protection requirements, release detection requirements, and other record-keeping requirements in to relation to its Underground Storage Tanks ("USTs") at sixteen facilities throughout the county. The Consent Decree also resolves Erie's Clean Water Act ("CWA") violations stemming from its failure to prepare and implement Spill Prevention Control and Countermeasure plans ("SPCC plans") at eleven facilities throughout the county that utilize applicable above ground storage tanks. Under the terms of the Consent Decree, Erie will pay a \$275,000 penalty, prepare and implement eleven SPCC plans, and undertake a full RCRA audit to certify to the United States that it is in complete compliance with all RCRA requirements at the thirty-six facilities it owns or operates that utilize USTs.

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 the matter as *United States v. County of Erie*, D.J. Ref. 90-7-1-09728.

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 "Consent Decree Copy" ([EEESCDCopy.ENRD@usdoj.gov](mailto:EEESCDCopy.ENRD@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$8.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to the Consent Decree Library at the address given above.

**Ronald G. Gluck,**

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

[FR Doc. 2011-33805 Filed 1-4-12; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-66067; File No. SR-CBOE-2011-127]

### Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the CBOE Stock Exchange Fees Schedule

December 29, 2011.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on December 20, 2011, Chicago Board Options Exchange, Incorporated (the "Exchange" or "CBOE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory

organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the CBOE Stock Exchange ("CBSX") Fees Schedule. The text of the proposed rule change is available on the Exchange's Web site (<http://www.cboe.org/legal>), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

CBSX proposes to amend its CBOEdirect Connectivity Charges. Currently, the CBSX Fees Schedule applies CBOE's CBOEdirect Connectivity Charges to CBSX users.<sup>3</sup> However, CBOE recently filed a proposed rule change to increase its CBOEdirect Connectivity Charges.<sup>4</sup> Because CBSX does not desire to adopt all of the proposed changes to CBOE's CBOEdirect Connectivity Charges, CBSX hereby proposes to amend its Fees Schedule to adopt its own CBOEdirect Connectivity Charges.

Currently, CBSX assesses a monthly Network Access Port fee of \$250 for regular access and \$500 for Sponsored User access, as those are the amounts of the Network Access Port fees on CBOE. In SR-CBOE-2011-121, CBOE proposes to increase the fees charged for access to a Network Access Port to \$500 per month for regular access and \$1000 per month for Sponsored User access. CBSX desires to keep the Network Access Port fee rates at their current levels and not

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See CBSX Fees Schedule, Section 1.

<sup>4</sup> See SR-CBOE-2011-121.