

respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for 30 CFR Parts 735 and 886 that require grant submittals are currently approved under OMB control number 1029-0059. OSM is adding 30 CFR Part 885 to this collection, but it will not change the burden for this collection package since the burden associated with Part 885 is derived from Part 886.

As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on this collection of information was published on October 9, 2008 (73 FR 59671). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

*Title:* 30 CFR Parts 735, 885, and 886.

*OMB Control Number:* 1029-0059.

*Summary:* State and Tribal reclamation and regulatory authorities are requested to provide specific budget and program information as part of the grant application and reporting processes authorized by the Surface Mining Control and Reclamation Act.

*Bureau Form Numbers:* OSM-47, OSM-49 and OSM-51.

*Frequency of Collection:* Semi-annually, annually and on occasion.

*Description of Respondents:* State and Tribal reclamation and regulatory authorities.

*Total Annual Responses:* 133.

*Total Annual Burden Hours:* 957 hours.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the addresses listed under **ADDRESSES**. Please refer to OMB control number 1029-0059 in your correspondence.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 8, 2009.

**John R Craynon,**

*Chief Division of Regulatory Support.*

[FR Doc. E9-951 Filed 1-21-09; 8:45 am]

**BILLING CODE 4310-05-M**

## DEPARTMENT OF JUSTICE

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

Under 28 CFR 50.7, notice is hereby given that on January 12, 2009, a proposed Consent Decree ("Consent Decree") in the case of *United States, et al. v. Chemtrade Logistics (US), Inc., et al.*, Civil Action No. 3:09-cv-00067, was lodged with the United States District Court for the Northern District of Ohio.

In a complaint that was filed simultaneously with the Consent Decree, the United States, the State of Louisiana, the State of Ohio, and the Oklahoma Department of Environmental Quality ("ODEQ") sought injunctive relief and civil penalties against Chemtrade Logistics (US), Inc., Chemtrade Refinery Services Inc., and Marsulex Inc. (collectively "Defendants"), pursuant to Sections 113(b) and 304(a) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b), 7604(a), for alleged violations of the standards of performance for new stationary sources, 42 U.S.C. 7411, also known as New Source Performance Standards ("NSPS"); preconstruction requirements, 42 U.S.C. 7470-92, 7501-7509a, also known as Prevention of Significant Deterioration ("PSD") and Nonattainment New Source Review ("Nonattainment NSR") requirements; and permit requirements, 42 U.S.C. 7503, also known as Title V requirements. The claims relate to six sulfuric acid manufacturing facilities located in Cairo, Ohio; Oregon, Ohio; Beaumont, Texas; Shreveport, Louisiana; Tulsa, Oklahoma; and Riverton, Wyoming.

The Consent Decree requires the Defendants to pay a civil penalty of \$700,000 of which \$460,000 (66 percent) will be paid to the United States and the rest will be divided among the State of Louisiana, the State of Ohio, and the ODEQ. The Consent Decree further requires Defendants, at all six facilities, to meet certain emission limits (for sulfur dioxide and acid mist) and to comply with applicable NSPS requirements (including performance testing and monitoring). The Northern Arapaho Tribe also joined the Consent Decree because the Riverton, Wyoming facility is located on tribal land.

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, et al. v. Chemtrade Logistics, et al.*, D.J. Ref. No. 90-5-2-1-06944/1.

The Consent Decree may be examined at the Office of the United States Attorney, 801 West Superior Ave., Suite 400, Cleveland, OH 44113, and at U.S. EPA Region 5, 77 W. Jackson St., Chicago, IL 60604. 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 number (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 \$ 34.75 (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.

**William D. Brighton,**

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

[FR Doc. E9-967 Filed 1-16-09; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on January 9, 2009, a proposed amendment to the consent decree ("Second Consent Decree Amendment") in *United States v. American Cyanamid, et al.*, Civil Action No. 2:93-0654 was lodged with the United States District Court for the Southern District of West Virginia.

The original consent decree, entered on February 19, 1997, resolved claims that the United States filed under Sections 106 and 107 of CERCLA, 42

U.S.C. 9606 and 9607, for implementation of response actions to remediate contamination and for past response costs incurred at the Fike/Artel Chemical Company Superfund Site ("Site"), located near Nitro, West Virginia. The original consent decree was amended on July 10, 1997 to include the final two parties in this matter.

Pursuant to the original consent decree, and as amended July 10, 1997, Settling Work Defendants agreed to undertake future response actions at the Site. On September 28, 2001, EPA issued a ROD for the groundwater and soil remediation component of the Site clean-up. After further investigation and data collection, EPA amended this ROD in December 2006 by selecting *in situ* biosparging rather than extraction and treatment as the preferred remedy to address groundwater contamination at the Site. The proposed Second Consent Decree Amendment incorporates the Work required by the amended ROD for groundwater remediation at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Second Consent Decree Amendment. 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. American Cyanamid, et al.*, D.J. Ref. 90-11-3-706.

The Second Consent Decree Amendment may be examined at the Office of the United States Attorney, 300 Virginia Street, East, Charleston, WV, 25301, and at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Second Consent Decree Amendment may also be examined on the following Department of Justice Web site, to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Second Consent Decree Amendment 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 from the Consent Decree Library, please enclose a check in the amount of \$5.50 (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.

**Robert Brook,**

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

[FR Doc. E9-1046 Filed 1-16-09; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### U.S. Antitrust Division

#### **Federal Register Notice; United States v. Cemex, S.A.B. de C.V. and Rinker Group Limited; Proposed Modification of the Modified Final Judgment**

Take notice that a Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment, a Memorandum of Plaintiff United States in Support of Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment have been filed, and a proposed Order to Establish Notice and Comment Procedures for the Modification of the Modified Final Judgment has been entered, in the United States District Court for the District of Columbia in *United States v. Cemex, S.A.B. de C.V. and Rinker Group Limited*, Civil No. 1:07-cv-00640. On April 4, 2007, the United States filed a Complaint (and an Amended Complaint on May 2, 2007) alleging that Cemex, S.A.B. de C.V.'s ("Cemex") proposed acquisition of Rinker Group Limited ("Rinker") would violate Section 7 of the Clayton Act, 15 U.S.C. 18, by substantially lessening competition in the production and distribution of ready mix concrete in the metropolitan areas of Fort Walton Beach/Panama City/Pensacola, Jacksonville, Orlando, Tampa/St. Petersburg, Fort Myers/Naples, Florida, and the metropolitan areas of Flagstaff and Tucson, Arizona. In addition, the acquisition would have substantially lessened competition in the production and distribution of concrete block in metropolitan Tampa/St. Petersburg and Fort Myers/Naples, Florida. Finally, the acquisition would have substantially lessened competition in the production and distribution of aggregate in metropolitan Tucson, Arizona.

The Modified Final Judgment, entered on November 28, 2007, required Cemex to divest 39 ready mix concrete, concrete block, and aggregate plants that served metropolitan areas in Florida and Arizona, including the Orlando, Florida area. On November 30, 2007, Cemex divested these assets to CRH plc ("CRH"). The current proposed

modification would allow Cemex to reacquire Rinker's Kennedy ready mix concrete plant, located at 1406 Atlanta Avenue, Orlando, Florida 32806, which was one of the plants divested to CRH. Cemex's reacquisition of the Kennedy plant is conditioned on CRH's acquisition of Cemex's own plant in Orlando, which is located only one-half mile away from the Kennedy plant.

Copies of the Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment, the Memorandum of Plaintiff United States in Support of Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment, and the proposed Order to Establish Notice and Comment Procedures for the Modification of the Modified Final Judgment, and all other papers filed with the Court in connection with the motion are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street, NW., Suite 1010, Washington, DC 20530 (202-514-2481), on the Department of Justice Web site (<http://www.usdoj.gov/atr>), and at the Office of the Clerk of the United States District Court for the District of Columbia.

Interested persons may address comments to Maribeth Petrizzi, Chief, Litigation II, Antitrust Division, U.S. Department of Justice, City Center Building, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (202-307-0924), within 30 days of the date of this notice.

**Patricia Brink,**

*Deputy Director of Operations.*

[FR Doc. E9-1042 Filed 1-16-09; 8:45 am]

**BILLING CODE 4410-11-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association**

Notice is hereby given that, on December 5, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), DVD CCA ("DVD CCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages