

**DEPARTMENT OF JUSTICE****Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

Notice is hereby given that on June 25, 2009, a proposed Consent Decree ("Decree") in *United States v. Holcim (US) Inc.*, Civil Action No. 2:09-cv-12526-LPZ-DAS, was lodged with the United States District Court for the Eastern District of Michigan.

In this action the United States seeks to address violations of the Clean Air Act at a Portland cement manufacturing facility owned and operated by the Defendant, Holcim (US) Inc., in Dundee, Michigan. The violations, which occurred numerous times for several years, involved emissions from the main stack for two kilns which exceeded 15% opacity and the baghouse inlet temperatures for each kiln exceeding its limitation.

During the course of settlement negotiations with the Department of Justice, the Defendant on November 11, 2008 announced that it must reduce production capacity in its cement operations in response to the extensive downturn in the demand for cement products and stated it would permanently close the Dundee facility. The Defendant permanently shut down its two kilns at the Dundee facility, one kiln on November 30, 2008 and the other kiln on March 14, 2009.

The proposed Decree resolves the Defendant's violations by implementing injunctive relief which will ensure, if operating the kilns at the Dundee facility, the Defendant will not exceed the opacity limitation at the main stack and will not exceed the applicable baghouse inlet temperature for the kilns. Additionally, the Defendant has reporting, notification and approval requirements under the Decree to the U.S. Environmental Protection Agency ("EPA") and the Michigan Department of Environmental Quality ("MDEQ"), which includes seeking permission and receiving approval from EPA and MDEQ to re-start a permanently closed kiln. The proposed Decree also requires payment of a civil penalty in the amount of \$159,607.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed 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 v. Holcim (US) Inc.*, D.J. Ref. No. 90-5-2-1-09594.

The proposed Decree may be examined at the Office of the United States Attorney, 211 W. Fort Street, Suite 2001, Detroit, Michigan 48226, and at U.S. EPA Region 5, 77 W. Jackson Blvd., 16th Floor (EPA Library), Chicago, Illinois 60604. During the public comment period, the proposed 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 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 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 \$11.00 (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.

**Maureen Katz,**

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

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**DEPARTMENT OF JUSTICE****Bureau of Alcohol, Tobacco, Firearms and Explosives**

[Docket No. ATF 32N; ATF O 1120.8]

**Delegation Order—Authority To Facilitate Implementation of the NICS Improvement Amendments Act of 2007**

1. *Purpose.* This order delegates the authority to exercise the authorities and responsibilities committed to the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) under the NICS Improvement Amendments Act of 2007, Public Law 110-180 (NIAA). This authority is to establish and enforce the criteria that applicable Federal departments and agencies and states use to create qualifying relief from firearms disabilities programs, to make decisions as to whether applicable Federal departments and agencies and states have properly implemented and certified relief from firearms disabilities programs under the NIAA, and to make any related determinations under the

NIAA regarding such relief from firearms disabilities programs.

2. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco, Firearms and Explosives, by Title 28 U.S.C. 599A, 28 CFR 0.130-0.133, and Attorney General Order Number 3072-2009, Delegation of Authority to the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to Facilitate Implementation of the NICS Improvement Amendments of 2007, I hereby delegate to the Assistant Director, Enforcement Programs and Services, the authority to exercise the authorities and responsibilities committed to the Director of ATF under the NIAA. This authority is to establish and enforce the criteria that applicable Federal departments and agencies and states use to create qualifying relief from firearms disabilities programs, to make decisions as to whether applicable Federal departments and agencies and states have properly implemented and certified relief from firearms disabilities programs under the NIAA, and to make any related determinations under the NIAA regarding such relief from firearms disabilities programs.

3. *Redelegation.* The authority in this order may be redelegated to a position not lower than the Chief, Firearms Programs Division.

4. *Questions.* Questions regarding this order should be addressed to the Chief, Firearms Programs Division at (202) 648-7090.

Signed: June 22, 2009.

**Kenneth Melson,**

*Acting Director.*

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**DEPARTMENT OF JUSTICE****Drug Enforcement Administration****Importer of Controlled Substances; Notice of Application**

Pursuant to 21 U.S.C. 958(i), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under 21 U.S.C. 952(a)(2) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Title 21, Code of Federal Regulations (CFR), 1301.34(a), this is notice that on June 16, 2009, Noramco, Inc., Division of Ortho-McNeil, Inc., 500 Swedes