

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 or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Allied Waste of Puerto Rico, Inc., Motorola Electronica de Puerto Rico, Inc., and Pfizer, Inc.*, DJ Ref. No. 90-11-3-07244.

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 emailing 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 \$33.50 (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.

Ronald G. Gluck,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on December 15, 2011, a proposed Consent Decree ("proposed Decree") in *United States v. CalPortland Company*, Civil Action No. 1:11-at-00790, was lodged with the United States District Court for the Eastern District of California, Fresno Division.

In this action under Sections 113(b) and 167 of the Clean Air Act, 42 U.S.C. 7413(b) and 7477, the United States seeks injunctive relief and civil penalties for violations of the Prevention of Significant Deterioration ("PSD") provisions of the Clean Air Act, 42 U.S.C. 7470-7492, the PSD regulation set forth at 40 CFR 52.21, and Title V of the Clean Air Act, 42 U.S.C. 7661-7661f, and Title V's implementing federal and state regulations, at a

portland cement manufacturing plant located near Mojave, California.

The proposed Decree resolves the United States' claims against CalPortland Company ("Defendant") by requiring Defendant to install and operate appropriate emission controls at its kiln, and requires Defendant to pay a civil penalty of \$1,425,000 to the United 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 or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. CalPortland Company*, D.J. Ref. No. 90-5-2-1-08306/2.

The proposed Decree may be examined at the office of the United States Attorney's Office, Eastern District of California, 501 I Street, Suite 10-100, Sacramento, California 95814, and at the United States Environmental Protection Agency, Region IX, *attention:* Chief, Air Enforcement Office, 75 Hawthorne Street, AIR-5, San Francisco, California 94105. 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. A copy of the proposed Decree may also be obtained via U.S. mail by making a written request to 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), 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 \$15.50 (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 stated address.

Henry Friedman,

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

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140-0020]

Agency Information Collection Activities; Proposed Collection: Emergency Request for Approval of Collection of Information Under Review Firearms Transaction Record, Part 1, Over-the-Counter

ACTION: Emergency 60-day notice.

The Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995 ("the Act"). OMB approval will be requested by January 10, 2012. If granted, the emergency approval will only be valid for 180 days.

Emergency review is being requested in accordance with the Act (44 U.S.C. 3507(j)), because if normal clearance procedures are followed, significant public confusion is reasonably likely to result. The Department believes that in the absence of emergency clearance, there will be widespread confusion among Federal firearms licensees, as well as among aliens lawfully present in the United States who wish to purchase a firearm, about a process that if not performed correctly can result in the imposition of civil or criminal sanctions. This public harm can be avoided by emergency review. *See* 44 U.S.C. 3507(j)(1)(B)(i). The Department is making conforming changes to the information collection instrument (ATF Form 4473, Firearms Transaction Record Part I—Over-the-Counter) so that the information collected is consistent with the requirements of law. The Department has recently concluded that two existing applications of the Gun Control Act (GCA) by ATF impose restrictions upon the lawful receipt and possession of firearms by aliens present in the United States that are not supported by the GCA. In particular, ATF regulations that extend the reach of 18 U.S.C. 922(g)(5)(B) to prohibit the possession of firearms by all nonimmigrant aliens (unless they qualify for one of the exceptions contained in 18 U.S.C. 922(y)(2)) are unwarranted in existing law, and may only extend to nonimmigrant aliens who have been admitted to the United States under a nonimmigrant visa. Moreover, the Department has also concluded that