

by the fact that five Morrison & Forester attorneys were involved in the disclosure.

This is the second breach within a two year period of an APO issued in a section 337 investigation by attorneys with the firm of Morrison and Foerster. The earlier breach occurred in Inv. No. 337-TA-419, Certain Excimer Laser Systems for Vision Correction Surgery and Components Thereof and Methods for Performing Such Surgery, Inv. No. 337-TA-419, Notice of June 4, 1999.

Morrison & Foerster is very experienced in Commission practice. However, the current breach and the recent prior breach demonstrate a disturbing and unacceptable pattern of failure to safeguard information released under APO. CBI received from private parties plays an important role in Commission investigations. The Commission's ability to obtain such information depends on the confidence of the submitting parties that their confidential information will be protected.

The authority for this action is conferred by section 337(n) of the Tariff Act of 1930, 19 U.S.C. 1337(n) and by §201.15 (a) of the Commission's rules of practice and procedure (19 CFR 201.15 (a)).

By order of the Commission.

Issued: February 13, 2002.

Marilyn R. Abbott,

Acting Secretary.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under the Policy set out at 28 CFR 50.7, notice is hereby given that on January 24, 2002, a proposed Consent Decree (Decree) in *United States of America v. PSEG Fossil LLC*, Civil Action No. 02CV340, was lodged with the United States District Court for the District of New Jersey. This enforcement action under the Clean Air Act involves alleged violations of requirements intended to prevent the significant deterioration of air quality under the Environmental Protection Agency's "New Source Review" Program. The United States and the State of New Jersey sought injunctive relief and civil penalties from PSEG Fossil LLC ("PSEG"), which owns and operates the coal-fired electric generating stations known as Unit 2 of the Hudson Electricity Generating Station in Hudson County, New Jersey; Units 1 and 2 of the

Mercer Electricity Generating Station in Mercer County, New Jersey; and Unit 2 of the Bergen Electricity Generating Station in Bergen County, New Jersey. The United States and New Jersey alleged that PSEG failed to comply with the requirements of the Clean Air Act at these facilities by failing to seek permits prior to making major modifications to parts of these facilities and by failing to install appropriate pollution control devices to control emissions of air pollutants—specifically, sulfur dioxide, nitrogen oxides, and particulate matter—from these facilities.

The proposed Decree requires PSEG to undertake various activities at the Hudson, Mercer, and Bergen Units in order to reduce the emission of air pollutants, including the following measures: that installation and operation of state-of-the-art equipment to control PSEG's emissions of nitrogen oxides, sulfur dioxide, and particulate matter; the optimization and operation of PSEG's existing pollution control equipment; limitations on the use of certain fuels; and the surrender of certain emission allowances. The Decree also requires PSEG to undertake a series of environmentally beneficial projects, valued at \$6 million, and to pay a civil penalty of \$1.4 million.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and refer to *United States v. PSEG Fossil LLC*, DOJ Case Number 90-5-2-1-1866/1.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of New Jersey, 970 Broad Street, Newark, New Jersey 07102, and at the Region 2 office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007. A copy of the proposed Consent Decree may also be obtained by mailing a request to the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, or by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 616-6584; phone confirmation no. (202) 514-1547. In requesting a copy, please reference *United States v. PSEG Fossil LLC*, DOJ Case Number 90-5-2-1-1866/1, and enclose a check in the amount of

\$17.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

W. Benjamin Fisherow,

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

[FR Doc. 02-3803 Filed 2-14-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree; Corrected Notice

In accordance with Department Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley*, Civil Action No. 3:01CV1853 (RNC) (D. Conn.), was lodged with the United States District Court for the District of Connecticut on October 3, 2001. This notice corrects an inadvertent error in the notice published on January 7, 2002, at 67 FR 758. That Notice improperly referred to the property owner as "John J. Foley, Jr.," instead of Thomas Foley, Jr. This proposed Consent Decree concerns a complaint filed by the United States against Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley, pursuant to Sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344, and imposes civil penalties against Defendant, Specialty Minerals, Inc., for the unauthorized discharge of dredged or fill material into waters of the United States located in wetlands adjacent to a tributary of Blackberry River, located in North Canaan, Connecticut.

The proposed Consent Decree requires the payment of civil penalties, in addition to the performance of onsite mitigation and partial restoration at the site of the violation.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Brenda M. Green, Assistant United States Attorney, United States Attorney's Office, 157 Church Street, 23rd Floor, New Haven, Connecticut 06510 and refer to *United States v. Specialty Minerals, Inc., Thomas Foley, Jr. and Dorothy K. Foley*, DJ #90-5-1-1-05702.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of