

the Gateway Generating Station, a natural gas fired power plant located near Antioch, California. The alleged violation arises from the construction of the plant by PG&E allegedly without an appropriate permit in violation of the Prevention of Significant Deterioration provisions of the Clean Air Act, 42 U.S.C. 7475, and without installing and applying best available control technology at the plant to control emissions of various air pollutants.

The proposed Consent Decree would resolve the claim alleged in the Complaint filed in this matter in exchange for PG&E's commitment to perform injunctive relief including: (1) Achieving more stringent limits for emissions of nitrogen oxides (NO<sub>x</sub>) and carbon monoxide; and (2) installing and operating two computer software programs that are designed to limit the number of start-ups and shut-downs that the Gateway plant will experience and to further reduce NO<sub>x</sub> emissions. The proposed Consent Decree also requires PG&E to pay a \$20,000 civil penalty.

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, and mailed either electronically to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or in hard copy to the United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611. Comments should refer to *United States v. Pacific Gas & Electric Company*, Civil Action No. 09-4503 (N.D. Cal.) and D.J. Ref. No. 90-5-2-1-09753.

The Consent Decree may be examined at: (1) The offices of the United States Department of Justice, 301 Howard Street, San Francisco, California 94105; and (2) the offices of the U.S. Environmental Protection Agency, Region 9, 75 Hawthorne St., San Francisco, CA 94105. During the public comment period, the Consent Decree may also be examined on the following 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 Department of Justice Consent Decree Library, P.O. Box 7611, 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 \$5.25 (21 pages at 25

cents per page reproduction costs) payable to the U.S. Treasury.

**Maureen M. Katz,**

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on September 23, 2009, an electronic version of a proposed Consent Decree was lodged in the United States District Court for the District of Arizona in *United States v. Apache Nitrogen Products, Inc.*, No. 4:09-CV-00542-JMR. The Consent Decree settles the United States' claims against Apache Nitrogen Products ("Apache") under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, ("CERCLA"), 42 U.S.C. 9606 & 9607, in connection with the Apache Powder Superfund Site outside of Bensen, Arizona.

Under the terms of the proposed Consent Decree, Apache will perform the remaining work at the Site, will pay \$1,200,000 out of \$7 million in past response costs, and will pay all future EPA oversight after the first \$200,000. Apache will also relinquish a claim for reimbursement from the Superfund under 106(b) of CERCLA, 42 U.S.C. 9706(b).

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 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. Apache Nitrogen Products, Inc.*, No. 4:09-CV-00542-JMR and DOJ #90-11-2-1088.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Arizona, 405 W. Congress Street, Suite 4800, Tucson, AZ 85701-5040. 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/open.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 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 \$74.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

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## DEPARTMENT OF JUSTICE

### Federal Bureau of Investigation

[OMB Number 1110-0001]

### Agency Information Collection Activities: Proposed Collection, Comments Requested

**ACTION:** 60-day Notice of Information Collection Under Review: Extension of a currently approved collection; Return A—Monthly Return of Offenses Known to the Police; Supplement to Return A—Monthly Return of Offenses Known to the Police

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until December 4, 2009. This process is conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Gregory E. Scarbro, Unit Chief, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS), Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, or facsimile to (304) 625-3566.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments