

for Secondary Aluminum Production, codified at 40 CFR part 63, subparts A and RRR; and related provisions of state and local law at 15 of its secondary aluminum production facilities. Specifically, the Amended Complaint alleges that Aleris failed to demonstrate compliance with emission standards through valid performance testing, to design and install adequate capture and collection systems, to correctly establish and monitor operating parameters, and to comply with recordkeeping and reporting requirements.

The Consent Decree would require Aleris to improve its capture of emissions at each emission unit, retest every emission unit using model test protocols, adopt new monitoring practices, use model recordkeeping and reporting documents, and install an additional control device and monitoring equipment at particular facilities. The Consent Decree would also provide for a \$4.6 million civil penalty, to be allowed as a prepetition general unsecured claim in Aleris's pending bankruptcy proceeding in the United States Bankruptcy Court for the District of Delaware.

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 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. Aleris International, Inc. et al.*, D.J. Ref. No. 90-5-2-1-08603.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of Ohio, 801 W. Superior Avenue, Suite 400, Cleveland, OH 44113, and at the United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. 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. 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), 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 \$95.50 for a copy of

the complete Consent Decree (25 cents per page reproduction cost), or \$21.00 for a copy without appendices, 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 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 Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on August 4, 2009, a proposed Consent Decree in *United States of America et al. v. AK Steel Corporation, et al.*, Civil Action No. 97-1863 was lodged with the United States District Court for the Western District of Pennsylvania.

The Consent Decree is identical to one lodged on June 1, 2009, in the same matter ("original decree"), except that it eliminates one settling party, General Motors Corporation, due to its pending bankruptcy. The Consent Decree resolves the United States' claims against 35 parties at the Breslube Penn Superfund Site, located in Coraopolis, Moon Township, Pennsylvania. Those claims were brought under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607. The Settling Defendants consist of two groups, eight Performing Defendants and 27 Non-Performing Defendants. The Commonwealth of Pennsylvania has signed the Consent Decree and has filed a separate complaint.

The Consent Decree requires that Performing Defendants fund and perform the remedy selected in EPA's August 2007 Record of Decision. The estimated cost of the remedy is \$8,070,000, and may increase to \$12,610,000 if EPA decides two contingent remedies are necessary. The settlement also recovers past costs of the United States (\$3,037,491.61), past costs of the Commonwealth (\$41,356.04), and includes an agreement to pay all future response costs.

The Department of Justice published notice of the original decree in the **Federal Register** on June 8, 2009, 74 FR 27181, and the public was invited to submit comments for the thirty day period ending July 8, 2009. No comments were received. The

Department of Justice will receive for an additional period of fifteen (15) days from the date of this publication comments relating to the elimination of General Motors Corporation from the settlement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed 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 of America et al. v. AK Steel Corporation, et al.*, Civil Action No. 97-1863 (W.D. PA), D.J. Ref. 90-11-3-1762.

The Decree may be examined at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103. 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 e-mailing 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 \$23.25 (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 Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amendment to Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act, Clean Water Act, and the Pennsylvania Hazardous Sites Cleanup Act

Notice is hereby given that on August 3, 2009, a proposed Amendment to Consent Decree ("Amendment"), pertaining to *United States v. Horsehead Industries Inc.*, 3:CV-98-0654, was lodged with the United States District Court for the Middle District of Pennsylvania. The proposed Amendment amends the consent decree entered by the Court on November 21, 2003 ("2003 Decree"), which addressed

certain claims of the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607, concerning response costs and remedial actions relating to the Palmerton Zinc Pile Superfund Site ("Site") in Palmerton, Pennsylvania.

The proposed Amendment (1) substitutes and/or adds parties as Settling Defendants under the 2003 Decree and this Amendment, taking into account several corporate reorganizations and other transactions and events that have occurred since entry of the 2003 Decree; and (2) resolves, in a manner consistent with the ongoing remedial process at the Site, certain claims of the United States of America ("United States") and the Commonwealth of Pennsylvania ("Commonwealth") for Natural Resource Damages ("NRD") under Sections 107(a)(4)(C) and 107(f) of CERCLA, 42 U.S.C. 9607(a)(4)(C) and (f), Sections 311(f)(4) and (5) of the Clean Water Act ("CWA"), 33 U.S.C. 1321(f)(4) and (5), and Section 702(a) of the Pennsylvania Hazardous Sites Cleanup Act ("HSCA"), 35 P.S. § 6020.702(a).

Under the terms of the Amendment, the Defendants will make a payment of \$9.875 million to be used to restore, replace, or acquire the equivalent of natural resources injured as a result of releases of hazardous substances at the Palmerton Zinc site. The Defendants will also pay \$2.5 million for damage assessment costs. In addition, the Defendants will transfer twelve hundred acres of valuable property to the Pennsylvania Game Commission and discharge a mortgage on a nature center located at the Lehigh Gap.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed 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. Horsehead Industries Inc.*, DOJ No. 90-11-2-271/4. The proposed Amendment may be examined at the Offices of the Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103 (contact Assistant Regional Counsel Cynthia Nadolski (215) 814-2673) and at the Office of the United States Attorney for the Middle District of Pennsylvania, Harrisburg Federal Bldg.

and Courthouse, 228 Walnut Street, Suite 220, P.O. Box 11754, Harrisburg, PA 17108-1754 (contact Assistant U.S. Attorney D. Brian Simpson (717) 221-4482). During the public comment period, the Amendment 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 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), 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 e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

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

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DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Housing Approximately 1,380 Low-Security, Adult Male Inmates, That Are Predominantly District of Columbia Sentenced Felons and Criminal Aliens at a Privately Owned Institution in Winton, NC or Princess Anne, MD

AGENCY: U.S. Department of Justice, Federal Bureau of Prisons.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] parts 1500-1508), the Federal Bureau of Prisons (BOP) intends to prepare a Draft Environmental Impact Statement (DEIS) and conduct Public Scoping Meetings for the proposed housing of inmates under the District of Columbia (DC) III solicitation, at a facility in Winton, North Carolina or Princess Anne, Maryland.

SUPPLEMENTARY INFORMATION: The mission of the United States Department of Justice, BOP, is to protect society by

confining offenders in the controlled environments of prison and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The BOP accomplishes its mission through the appropriate use of community correction, detention, and correctional facilities that are either: federally-owned and operated; federally owned and non-federally operated; and non-federally owned and operated.

Proposed Action

The BOP is facing a period of unprecedented growth in its inmate population. Projections show the Federal inmate population increasing from approximately 201,600 inmates at the end of fiscal year 2008 to 212,000 inmates by the end of fiscal year 2010. As such, the demand for bed space within the Federal prison system continues to grow at a significant rate. To accommodate a portion of the growing inmate population, the BOP proposes to contract with a contractor owned and operated correctional facility that can house approximately 1,380 low-security, adult male inmates, that are predominantly District of Columbia sentenced felons and criminal aliens.

Proposals received by the BOP from private contractors include an existing facility in Winton, Hertford County, North Carolina and new construction at a site in Princess Anne, Somerset County, Maryland. The BOP has preliminarily evaluated these proposals and determined that the prospective facility/sites appear to be of sufficient size to provide space for inmate housing, programs, administrative services and other support facilities associated with the correctional facility. The DEIS to be prepared by the BOP will analyze the potential impacts of correctional facility construction and/or operation at these locations.

The Process

In the process of evaluating the sites, several aspects will receive detailed examination including, but not limited to: Topography, geology/soils, hydrology, biological resources, utility services, transportation services, cultural resources, land uses, socio-economics, hazardous materials, and air and noise quality, among others.

Alternatives

In developing the DEIS, the options of "no action" and "alternative sites" for the proposed facility will be fully and thoroughly examined.