

exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 20, 2005.

**Marilyn R. Abbott,**

Secretary to the Commission.

[FR Doc. 05-21317 Filed 10-25-05; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on October 12, 2005, a proposed consent decree in *United States v. ARCO Terminal Services Corp.*, Case No. 05-07358, was lodged with the United States District Court for the Central District of California.

In this action, the United States sought injunctive relief and civil penalties under Section 113 of the Clean Air Act ("CAA"), against ARCO Terminal Services Corp. ("ATSC") for failure to use the required control equipment to control emissions that resulted in 294 separate loading events that were subject to the control requirements of Rule 1142 at its marine loading facility in Long Beach, California. The Consent Decree requires ATSC to employ its existing control technology on all loading events subject to the requirements of Rule 1142 and to pay a civil penalty of \$225,000.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. ARCO Terminal Services Corp.*, D.J. Ref. #90-5-2-1-06988.

The proposed Consent Decree may be examined during the public comment period on the following United States 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, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, 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 number (202) 514-0097, phone confirmation number (202) 514-1547. When requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in

the amount of \$12.25 (\$.25 per page reproduction cost).

**Ellen M. Mahan,**

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

[FR Doc. 05-21363 Filed 10-25-05; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Partial Consent Decree Under the Clean Water Act

Notice is hereby given that on October 6, 2005, a proposed Consent Decree in *United States and Department of Health, State of Hawaii v. Hawaii Department of Transportation*, Civil Action No. 05-00636 was lodged with the United States District Court for the District of Hawaii.

The United States and the Department of Health, State of Hawaii ("DOH"), brings this action against the State of Hawaii Department of Transportation ("HDOT"), pursuant to Sections 309(b) and (d), of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. 1319(b) and (d) and Sections 342D-50(a) of the Hawaii Revised Statutes (2004). The Consent Decree provides for extensive injunctive relief, civil penalties, and two supplemental environmental projects ("SEP"s). Pursuant to the terms of the first project, HDOT will create an Environmental Management System ("EMS") for the operations at HDOT's airports, harbors, and highways that incorporate Best Management Practices and Pollution Prevention at each of its facilities.

Under the terms of the second project, HDOT will develop and conduct "Compliance Assistance Workshops" for construction contractors and will sponsor them at six locations on four of the islands, Hawaii, Kauai, Maui and Oahu.

Pursuant to 28 C.F.R. 50.7, the United States 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 U.S. Department of Justice, Assistance Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States and Department of Health, State of Hawaii v. Hawaii Department of Transportation*, Civil Action No. 05-00636, D.J. Ref. No. 90-5-1-1-07488.

The Consent Decree may be examined during the public comment period 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, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, 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 number (202) 514-0097, phone confirmation number (202) 514-1547. When requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$25.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 05-21362 Filed 10-25-05; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Between the United States of America and Fremont Lumber Company, Kerr-McGee Company and Western Nuclear, Inc., Under the Comprehensive Environmental Response, Compensation, and Liability Act

Under 28 CFR 50.7, notice is hereby given that on October 14, 2005, a proposed Consent Decree ("Consent Decree"), in the case of *United States v. Kerr-McGee Corp., et al.*, Civil Action No. 04-CV-00032 (D. OR.), has been lodged with the United States District Court for the District of Oregon.

The Complaint sought performance of work and the recovery of costs incurred in connection with the response action taken at the White King/Lucky Lass Superfund Site ("Site") in Lakeview County, Oregon. Under the terms of this Consent Decree Defendants agree to: (1) Implement the remaining remedial action at the Site; (2) pay approximately \$3 million in past costs incurred by EPA and the United States Department of Agriculture, Forest Service; (3) pay a civil penalty of \$ 50,000; (4) perform a Supplemental Environmental Project for their failure to timely comply with an existing Unilateral Administrative Order ("UAO"); (5) grant a covenant not to sue for all claims against the United States; and (6) dismiss a citizen suite under CERCLA Section 310. In addition, as part of this settlement the United States agrees to pay Defendants \$2,000,000 to resolve the contribution claims that have been asserted against U.S. Forest Service and other federal agencies. In exchange, the United States will provide