

and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 17, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8-22142 Filed 9-22-08; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Oil Pollution Act of 1990

Notice is hereby given that on September 12, 2008, a proposed consent decree in *United States of America, the State of Washington, and Suquamish Tribe v. Foss Maritime Co.*, Civil Action No. 08-cv-1364, was lodged with the United States District Court for the Western District of Washington.

The Complaint, filed by the Plaintiffs who are Trustees for natural resources, alleges that the defendant, Foss Maritime Company, is liable for natural resource damages pursuant to the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. 2701 *et seq.*, resulting from the discharge of oil into Puget Sound on December 30, 2003, from a tank barge owned and operated by the defendant at the Point Wells terminal in Shoreline, Washington (hereinafter "Foss Oil Spill"). In the Consent Decree, the defendant has agreed to pay \$382,123 to the Trustees. This amount will reimburse the Trustees for their natural resource damage assessment costs and finance several restoration projects that will be undertaken to restore the natural resources lost and damaged in the Foss Oil Spill.

For thirty (30) days after the date of this publication, the Department of Justice will receive 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](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In either case, the comments should refer to *United States, et. al. v. Foss Maritime Co.*, Civil Action No. 08-cv-1364, Ref. No. 90-5-1-1-08642.

During the comment period, the Consent Decree may be examined on the following Department of Justice 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 examined at the Office of the United States Attorney, Western District of Washington, 700 Stewart Street Suite 5220, Seattle, WA

98101-1271, (206) 553-7970. 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 \$6.50 (25 cents per page reproduction cost) payable to the United States Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Robert E. Maher, Jr.,**

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

[FR Doc. E8-22118 Filed 9-22-08; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Notice is hereby given that on September 9, 2008, a proposed Settlement Agreement Regarding Miscellaneous Federal and State Environmental Sites was filed with the United States Bankruptcy Court for the Southern District of Texas in *In re ASARCO LLC, et al.*, Case No. 05-21207 (Bankr. S.D. Tex.) (Docket No. 9101-5, Plan Exhibit 12-B). The settlement provides the United States with an allowed general unsecured claim in the amount indicated for each of the following Sites: The Tacoma Site—Operable Units ("OU") 02, 04, and 06 of the Commencement Bay Nearshore Tidelands Superfund Site in and around Tacoma and Ruston, Washington, \$27,000,000; the Circle Smelting Site—a former zinc smelter facility located in the Village of Beckemeyer, Illinois, \$6,052,390; the Terrible Mine Site—a 44-acre former lead mining and milling site located in the Old Isle Mining District of Custer County, Colorado, \$1,400,000; Stephenson/Bennett Mine Site—a 150-acre former mining and milling area in Doña Ana County, New Mexico, \$550,000; the Coy Mine Site—a zinc mine in Jefferson County, Tennessee, \$200,000; the Richardson Flat Tailings Site—a 160-acre former mine tailings impoundment and the Lower Silver Creek area in Summit County, Utah, \$7,400,000; the Jack Waite Mine Site—several mine adits, a

former mill site, four tailings ponds, and one or more waste rock piles located on land administered by the Forest Service in the Coeur d'Alene National Forest east of Prichard, Idaho, \$11,300,000; the Black Pine Mine Site—mill tailings, a large mine waste rock dump, a seep, and associated wastes located on land administered by the Forest Service in the Beaverhead-Deerlodge National Forest northwest of Philipsburg, Montana, \$190,000; the Combination Mine Site—a tailings pond and associated wastes in Lower Willow Creek located on land administered by the Forest Service in the Beaverhead-Deerlodge National Forest northwest of Philipsburg, Montana, \$542,000; the Flux Mine Site—a former zinc and silver mine and associated mine adits and waste rock dumps located on land administered by the Forest Service in the Coronado National Forest southeast of Patagonia, Arizona, \$487,000; the International Boundary Water Commission ("IBWC") Site—the American Dam and Canal portion of the Rio Grande Canalization Project and the American Dam Field Office in El Paso, Texas, \$19,000,000; the Monte Cristo Mining District Site—a historic mining district including mines, mill facilities, adits, and waste piles located partly on land administered by the Forest Service within the Mt. Baker-Snoqualmie National Forest, in Snohomish County, Washington, \$5,500,000 (the Settlement also provides the State of Washington an allowed general unsecured claim of \$5,500,000 for this Site); the Vasquez Boulevard/I-70 Site—a historic smelter and the residential areas surrounding it, comprising OU1, OU2, and OU3 of the Vasquez Boulevard/Interstate-70 Superfund Site, in north-central Denver, Colorado, \$1,500,000. The Settlement Agreement is subject to confirmation of Debtors' Plan of Reorganization.

For thirty (30) days after the date of this publication, the Department of Justice will receive comments relating to the Settlement Agreement. 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. In either case, comments should refer to *In re Asarco LLC*, Case No. 05-21207 (Bankr. S.D. Tex.), D.J. Ref. No. 90-11-3-08633. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Settlement Agreement may be examined at: The Office of the