

Commission cease and desist order issued to Jazz in the original investigation. The Commission has further determined not to issue a new cease and desist order as requested by complainant Fuji Photo Film Co., Ltd., or to modify the existing cease and desist order or exclusion order. Finally, the Commission has deemed respondents' request for a stay moot in view of its decision to defer enforcement efforts until appeals of its civil penalty determinations are exhausted.

FOR FURTHER INFORMATION CONTACT:

Mark B. Rees, Esq., telephone 202-205-3106, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission's original investigation in this matter was terminated on June 2, 1999, with a finding of violation of section 337 by 26 respondents by reason of importation or sales after importation of certain lens-fitted film packages (LFFPs) (*i.e.*, disposable cameras) that were found to infringe one or more claims of 15 patents held by complainant Fuji Photo Film Co. (Fuji). 64 FR 30541 (June 8, 1999). The Commission issued a general exclusion order, prohibiting the importation of LFFPs that infringe any of the claims at issue, and issued cease and desist orders to twenty domestic respondents. *Id.* The Commission's orders were upheld by the U.S. Court of Appeals for the Federal Circuit. *Jazz Photo Corp. v. Int'l Trade Comm'n*, 264 F.3d 1094 (Fed. Cir. 2001), *cert. denied*, 536 U.S. 950 (2002).

On September 24, 2002, the Commission initiated enforcement proceedings under Commission rule 210.75(b) against Jazz and Messrs. Benun and Cossentino (enforcement respondents), at the request of

complainant Fuji. The Commission referred the proceedings to the presiding Administrative Law Judge (ALJ) to determine whether enforcement respondents had violated the general exclusion order or cease and desist orders issued by the Commission on June 2, 1999, and to recommend appropriate enforcement measures if necessary. 67 FR 61152 (September 27, 2002).

On April 6, 2004, the ALJ issued his Enforcement Initial Determination (EID) in which he found a violation of the general exclusion order and cease and desist order by respondents. He ultimately recommended penalties of \$13,675,000 against Jazz and Mr. Benun, jointly and severally, and \$154,000 against Mr. Cossentino, for violation of the cease and desist order. He also declined Fuji's request to recommend modification of the existing orders or the issuance of new orders.

Fuji, Jazz, Mr. Benun, and Mr. Cossentino timely filed petitions for review. All parties, including the investigative attorney (IA), filed responses. Based on the petitions and responses, and the record developed below, which fully supported the EID's violation findings (including that Messrs. Benun and Cossentino were subject to individual liability under the circumstances), the Commission determined not to review the violation findings and thereby adopted them. 69 FR 46179-46180 (Aug. 2, 2004). The Commission then requested, per the two-phase review established in the notice of initiation, separate briefing on whether to adopt the specific enforcement measures recommended by the ALJ.

The Commission received briefs and responses from all parties. Based upon its consideration of the EID, the submissions of the parties, and the entire record in this proceeding, the Commission adopts the EID's recommendations and analysis concerning enforcement measures, except as otherwise noted or supplemented in its order and opinion (to be issued later). Accordingly, and subject to final adjudication of any appeal of the same, the Commission has determined to impose a civil penalty in the amount of \$13,675,000 against Jazz and Mr. Benun, jointly and severally, based on a daily penalty rate of \$25,000 and 547 violation days. Against Mr. Cossentino, the Commission has determined to impose a civil penalty in the amount of \$119,750, based on a daily penalty rate of \$250 and 479 violation days.

The Commission has further denied Fuji's request for additional injunctive

or other relief. Finally, with respect to respondents' request to stay enforcement of any order assessing civil penalties, the Commission finds that such relief is unnecessary and the request thus moot because, in this case, the Commission will not pursue enforcement efforts prior to the exhaustion of appeals of its civil penalty determinations, as indicated in its accompanying order and the opinion to be issued.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and § 210.75 of the Commission's Rules of Practice and Procedure (19 CFR 210.75).

By order of the Commission.

Issued: January 14, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-1201 Filed 1-21-05; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Rivers and Harbors Act and Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States v. AT&T Corp., et al.*, (D.V.I.), Civil Action No. 2004-174, was lodged with the District Court of the Virgin Islands, Division of St. Thomas and St. John, on December 17, 2004.

This is a civil enforcement action stating claims against AT&T Corp. and AT&T of the Virgin Islands for violations of the Rivers and Harbors Act ("RHA"), 33 U.S.C. 401 *et seq.*, and the Clean Water Act ("CWA"), 33 U.S.C. 1251 *et seq.*, in connection with the Defendants' construction of a breakwater structure in the Magens Bay in St. Thomas, the U.S. Virgin Islands along the shoreline adjacent to the location where Defendants had installed an "ocean ground bed."

The proposed Consent Decree would resolve these violations and, among other provisions, would require Defendants to (1) Pay a civil penalty in the amount of \$450,000, (2) ensure that the violation area is restored, (3) grant a conservation easement over the beach area to an environmental organization, and (4) abide by certain corporate compliance procedures to help avoid future violations.

The Department of Justice will accept written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this

notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Michele L. Walter, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and must refer to *United States v. AT&T Corp., et al.*, DJ Reference No. 90-5-1-1-16423.

The proposed consent decree is on file at the Clerk's Office, United States District Court, District of the Virgin Islands, 310 Federal Building, 5500 Veterans Drive, Charlotte Amalie, St. Thomas, Virgin Islands 00802, and may be examined there to the extent allowed by the rules of the Clerk's Office. In addition, written requests for a copy of the consent decree may be mailed to Michele L. Walter, Environmental Defense Section, U.S. Department of Justice, P.O. Box 23986, Washington, DC 20026-3986, and should refer to *United States v. AT&T Corp., et al.*, DJ Reference No. 90-5-1-1-16423. All written requests for a copy of the Consent Decree must include the full mailing address to which the Consent Decree should be sent.

Mary F. Edgar,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 05-1186 Filed 1-21-05; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree in *In re Outboard Marine Corporation, Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA)*

Notice is hereby given that on January 12, 2005, a proposed Consent Decree was lodged with the United States Bankruptcy Court for the District of Illinois in *In re Outboard Marine Corp.*, No. 00-37405 (Bankr. N.D. Ill.). The Consent Decree among the United States on behalf of U.S. EPA, the State of Illinois, and the Trustee for Debtor Outboard Marine Corporation resolves CERCLA and RCRA causes of action with respect to the OMC Waukegan Facility in Lake County, Illinois, the HOD Landfill Facility in Antioch, Lake County, Illinois, the Marina Cliffs/Northwestern Barrel Facility in South Milwaukee, Wisconsin, and the Aqua-Tech Environmental Inc. Facility in Greer, South Carolina. Under the

Consent Decree, the Trustee will pay EPA \$2,600,000 towards performance of work relating to a groundwater plume from Plant 2 of the OMC Waukegan Facility under CERCLA, RCRA, and the Illinois Environmental Protection Act. EPA shall also have allowed general unsecured claims of \$243,000 for the HOD Landfill Facility, \$100,000 for the Marina Cliffs/Northwestern Barrel Facility, \$45,000 for the Aqua-Tech Environmental Facility, and \$1,612,000 for Plant 2 and the Waukegan Harbor Facility.

The Department of Justice will receive comments relating to the 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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re Outboard Marine Corp.*, D.J. Ref. Nos. 90-11-3-07051/1, /2. 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 Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, U.S. Courthouse, 1500 South, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, IL 60604 and at the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604. 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), fax no. (202) 515-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

W. Benjamin Fisherow,

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

[FR Doc. 05-1185 Filed 1-21-05; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-day notice of information collection under review: Race and national origin identification.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 69, Number 221, page 67367 on November 17, 2004, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 23, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395-5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of