

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")**

Pursuant to 28 CFR 507 notice is hereby given that on December 10, 2004, a proposed Consent Decree in the case of *United States v. MW Custom Papers, LLC et al.* Civil Action No. 1:04-CV-383, was lodged with the United States District Court for the Eastern District of Tennessee.

In this action, the United States sought injunctive relief and recovery of response costs under Sections 106(a) and 107 of CERCLA, 42 U.S.C. 9606(a) and 9607, to remedy conditions in connection with the release or threatened release of hazardous substances into the environment at the Tennessee Products Superfund Site in Chattanooga, Tennessee (hereinafter referred to as the "Site"). The Settlers under the proposed Consent Decree, MW Custom Papers, LLC, Reilly Industries, Inc., and Southern Wood Piedmont Company, each arranged for the disposal of hazardous substances at the Site.

Under a proposed Consent Decree, the Settlers have agreed to perform the remedy chosen by EPA to clean up the Site, and to pay \$6.35 million which will go towards the cleanup and partial reimbursement of EPA's past response costs. The United States has also agreed to pay \$17.4 million in settlement of its liability at the Site.

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. MW Custom Papers, LLC et al.*, D.J. Ref. 90-11-3-1709/1.

The Consent Decree may be examined at U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia, 30303—Attn: William Sapp. 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 of the Decree from the Consent Decree Library, please enclose a check in the amount of \$95.00 (25 cents per page reproduction cost for 380 pages) payable to the U.S. Treasury. In requesting a copy of the Consent Decree, exclusive of exhibits, please enclose a check in the amount of \$21.25 (25 cents per page reproduction cost for 85 pages) payable to the U.S. Treasury.

**Ellen M. Mahan,**

*Assistant Section Chief, Environmental Enforcement Section.*

[FR Doc. 04-28045 Filed 12-22-04; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Proposed Consent Decree Under the Clean Water Act**

Under 28 CFR 50.7, notice is hereby given that on December 9, 2004, a proposed Consent Decree in *United States v. City of Reading, Pennsylvania*, Civil Action No. 04-5696, was lodged with the United States District Court for the Eastern District of Pennsylvania, simultaneously with a complaint.

The complaint alleges discharges of pollutants and other violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, by the City of Reading and seeks injunctive relief and civil penalties for its operation of its sewage treatment plant.

The consent decree lodged concurrently with the complaint resolves the claims in the complaint and obligates the City of Reading to pay a civil penalty of \$239,000 to be divided equally between the United States and the Commonwealth of Pennsylvania. In the settlement, the City agrees to extensive remedies to or replacements of parts of the existing sewage treatment plant. The City also will perform a Supplemental Environmental Project in the Angelica Park wetlands.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. City of Reading*, DOJ #90-5-1-1-07869 and Civil Action No. 04-5696.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, c/o Margaret Hutchinson,

615 Chestnut Street, Suite 1250, Philadelphia, PA, 19106, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029. 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, D.C. 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 \$14.00, payable to the U.S. Treasury.

**Robert Brook,**

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

[FR Doc. 04-28046 Filed 12-22-04; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Partial Consent Decree Under the Solid Waste Disposal Act (a.k.a the Resource Conservation and Recovery Act, "RCRA")**

Under 28 CFR 50.7, notice is hereby given that on December 3, 2004, a complaint was filed and a proposed consent Decree was lodged in *United States v. United States Ceramic Tile Company, et al.*, Civil Action Number 5:04 CV 2394, with the United States District Court for the Northern District of Ohio.

This Consent Decree resolves specified claims against the United States Ceramic Tile Company ("U.S. Ceramic") under the Solid Waste Disposal Act, 42 U.S.C.A. 6901, *et seq.* U.S. Ceramic Tile owns and operates a ceramic tile manufacturing facility at 10233 Sandyville Road, East Sparta, Ohio.

The proposed consent decree obligates U.S. Ceramic to (1) undertake certain additional work to correct the improper closure of its facility's surface impoundment and waste pile; (2) pay \$1.27 million in stipulated penalties for all of its violations of a prior court filed consent decree; and (3) conduct investigations of and perform all corrective measures necessary at its facility solid waste management units.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. United States Ceramic Tile Company, et al.*, D.J. Ref. 90-7-1-376C.

The proposed consent decree may be examined at U.S. EPA Region V, 77 West Jackson Blvd, Chicago, IL 60604-3590. During the public comment period, the proposed 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 proposed 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 of the proposed consent decree, please enclose a check in the amount of \$45.75, payable to the U.S. Treasury, for reproduction costs.

**William D. Brighton,**

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

[FR Doc. 04-28044 Filed 12-22-04; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Foreign Claims Settlement Commission

[F.C.S.C. Meeting Notice No. 1-04]

#### Sunshine Act Meeting Notice

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of Commission business and other matters specified, as follows:

**DATE AND TIME:** Thursday, December 30, 2004, at 11 a.m.

**SUBJECT MATTER:** Issuance of Proposed Decisions in claims against Albania.

**STATUS:** Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616-6988.

Dated at Washington, DC.

**Mauricio J. Tamargo,**  
*Chairman.*

[FR Doc. 04-28207 Filed 12-21-04; 3:16 pm]

**BILLING CODE 4410-01-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,871]

#### Merrow Machine Company, Newington, CT; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 27, 2004 in response to a worker petition filed by International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers—Communications Workers of America, Local 249, on behalf of workers at Merrow Machine Company, Newington, Connecticut.

The Department issued a negative determination (TA-W-55,871) applicable to the petitioning group of workers on July 13, 2004. No new information or change in circumstances is evident which would result in a reversal of the Department's previous determination. Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 2nd day of December, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04-28038 Filed 12-22-04; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

##### 1. W.A. Mining, Inc.

[Docket No. M-2004-050-C]

True Line, Inc., P.O. Box 85, Thorpe, West Virginia 24888 has filed a petition for W. A. Mining, Inc., to modify the application of 30 CFR 77.214(a) (Draw-off tunnels; stockpiling and reclaiming operations; general) to its Caretta Mine No. 2 (MSHA I.D. No. 46-08240) located

in McDowell County, West Virginia. The petitioner proposes to remove an old abandoned refuse pile near the mine site and backfill the mine bench with the refuse material in accordance with Surface Mining Coal Reclamation Act (SMCRA) regulations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

##### 2. Kingwood Mining Company, LLC

[Docket No. M-2004-051-C]

Kingwood Mining Company, LLC, Route 1, Box 294C, Newburg, West Virginia 26410 has filed a petition to modify the application of 30 CFR 75.364(b)(2) (Weekly examination) to its Whitetail K-Mine (MSHA I.D. No. 46-08751) located in Preston County, West Virginia. The petitioner proposes to: (i) examine the airway of the return air course in its entirety up to both sides of the area in question (16XC and 20XC) due to deteriorating roof conditions, the affected area cannot be traveled in its entirety; and (ii) provide date boards at both ends of the affected area and have a certified person examine the area on a weekly basis to measure for quantity and quality of air outby (downwind) location (16XC) and record results of the measurements in a book and made available to interested parties. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### Request for Comments

Persons interested in these petitions are encouraged to submit comments via Federal eRulemaking Portal: <http://www.regulations.gov>; E-mail: [Comments@MSHA.gov](mailto:Comments@MSHA.gov); Fax: (202) 693-9441; or Regular Mail/Hand Delivery/Courier: Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before January 24, 2005. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 16th day of December 2004.

**Marvin W. Nichols, Jr.,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 04-28082 Filed 12-22-04; 8:45 am]

**BILLING CODE 4510-43-P**