

(Approximately 30 miles remain to be constructed.) During the early construction projects, it was discovered that the route of the proposed road was through very unstable terrain, resulting in the possibility of landslides, both during and after construction, and requiring more invasive engineering techniques than originally considered. In addition, a particular strata encountered (Anakeesta) will produce acidic drainage when disturbed if not properly handled and contained. Due to these environmental concerns and costs, construction was discontinued in 1972. In the succeeding years, several ideas and proposals were explored to recompense the state and county for the flooded lands and road, but no agreement was ever reached. An appropriation of \$16 million was included in the 2001 Department of Transportation budget "for construction of, and improvements to, North Shore Road in Swain County, North Carolina." The DOI is seeking to develop a plan that will discharge and settle any obligations that it is currently under as a result of the circumstances described here, fulfilling its obligations to the Park and public.

Recognizing that the National Environmental Policy Act (NEPA) requires the consideration of a reasonable range of alternatives that will address the purpose and need, the EIS will include a range of alternatives for detailed study. The alternatives will consist of a no-action alternative, as well as a variety of build and no-build alternatives that meet the purpose and need for the action. These alternatives will be developed, screened, and subjected to detailed analysis in the draft EIS based on their ability to address the purpose and need, while attempting to avoid known and sensitive resources.

Letters describing the proposed NEPA study and soliciting input will be sent to the appropriate federal, state and local agencies, which have expressed or are known to have an interest or legal role in this proposal. It is anticipated that a formal scoping meeting will be held as part of the NEPA process to facilitate local, state, and federal agency involvement. Private organizations, citizens, and interest groups will also have an opportunity to provide input into the development of the EIS and identify issues that should be addressed at the public scoping meetings. A comprehensive public participation program will be developed to involve the public throughout the project development process. This will include public meetings at key stages during the process, including the review of the

draft EIS. The draft EIS will be available for public and agency review and comment prior to the public meetings/hearings. Its availability will be announced by **Federal Register** notice, regional and local media, Web site, and direct mailing to all those on the formal mailing list developed during the NEPA/Public Involvement Process. At this time, the draft North Shore Road EIS is anticipated to be available for public review in late 2004.

To ensure that the full range of issues related to this proposed action are identified and taken into account, comments and suggestions are invited from all interested parties. Comments and questions concerning this notice of proposed action, and when the draft environmental impact statement is available, should be directed to the NPS at the addresses provided under the caption **FOR FURTHER INFORMATION CONTACT**.

The public is advised that individual names and addresses may be included as part of the public record. Names and addresses will be available for public review during regular business hours. There are circumstances in which a person prefers to have their name and other information withheld from the public record. Any person wishing to do this must state this prominently at the beginning of any correspondence or comment, and the request will be honored to the extent allowable by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be placed on the public record and will be made available for public inspection in their entirety.

Dated: December 13, 2002.

Patricia A. Hooks,

Acting Regional Director, National Park Service.

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INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-433 (Preliminary) and 731-TA-1029 (Preliminary)]

Allura Red Coloring From India

Determinations

On the basis of the record ¹ developed in the subject investigations, the United

States International Trade Commission (Commission) determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) (the Act), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from India of allura red coloring, provided for in subheading 3204.12.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of India. The Commission also determines, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of the subject imports from India that are also alleged to be sold in the United States at less than fair value (LTFV).

Background

On March 4, 2003, a petition was filed with the Commission and Commerce by Sensient Technologies Corporation, Milwaukee, WI, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized and LTFV imports of allura red coloring from India. Accordingly, effective March 4, 2003, the Commission instituted countervailing duty investigation No. 701-TA-433 (Preliminary) and antidumping duty investigation No. 731-TA-1029 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 11, 2003 (68 FR 11579). The conference was held in Washington, DC, on March 25, 2003, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on April 18, 2003. The views of the Commission are contained in USITC Publication 3595 (April 2003), entitled Allura Red Coloring from India: Investigations Nos. 701-TA-433 (Preliminary) and 731-TA-1029 (Preliminary).

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

By order of the Commission.

Issued: April 18, 2003.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03-10096 Filed 4-23-03; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Between the United States and Alcoa Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on April 9, 2003, a proposed consent decree ("Consent Decree") between Alcoa Inc. ("Alcoa") and the United States, Civil Action No. A03CA222SS was lodged with the United States District Court for the Western District of Texas.

The Consent Decree would resolve claims asserted by the United States against Alcoa pursuant to sections 113(b) and 167 of the Clean Air Act (the "Act"), 42 U.S.C. 7413(b) and 7477, seeking injunctive relief and the assessment of civil penalties for Alcoa's violations of:

(a) The Prevention of Significant Deterioration ("PSD") provisions of the Act, 42 U.S.C. 7470 through 7492, and

(b) The Federally-enforceable Texas State Implementation Plan ("SIP"), which has been approved at 40 CFR part 52, subpart SS, sections 52.2270 through 52.2311, and which includes the Prevention of Significant Deterioration requirements at 40 CFR 52.2270(c) and 30 T.A.C. 116.01, 116.160.

The complaint filed by the United States alleges, among other things, that between approximately 1983 and the present, Alcoa modified and thereafter operated certain boilers units at the lignite-fired Sandow Power Plant (Sandow Units 1-3) located in Milam County, Rockdale, Texas without first obtaining a PSD permit authorizing the construction of physical modifications to the units, and without first installing and operating appropriate control technology to reduce emissions of nitrogen oxides, sulfur dioxide, and particular matter, as required by the PSD provisions in sections 160 through 169(B) of the Act, 42, U.S.C. 7470-7492 and 40 CFR 52.21, and the Texas SIP at 40 CFR 52.2770(c) and 30 T.A.C. 116.01, 116.03, 116.3(a) and 116.160. Three other entities—Neighbors for Neighbors, Inc., Environmental Defense, and Public Citizen, Inc.—also asserted similar claims against Alcoa.

The proposed Consent Decree would require Alcoa to either install comprehensive pollution controls or

shut down these units between 2006 and 2007. The settlement would also require Alcoa to pay \$1.5 million in civil penalties and to undertake \$2.5 million in environmental projects to mitigate the harm caused by the alleged violations.

The Department of Justice will receive for a period of 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. Alcoa Inc.*, D.J. Ref. No. 90-5-2-1-07723.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Texas, 816 Congress Avenue, Suite 1000, Austin, Texas 78701, and at U.S. EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. 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 the mail from the Consent Decree Library, PO 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 \$17.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Benjamin Fisherow,

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

[FR Doc. 03-10081 Filed 4-23-03; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 218 CFR 50.7, notice is hereby given that on April 9, 2003, a proposed Consent Decree in *United States v. Archer Daniels Midland Company*, ("ADM"), Civil Action No. 03-2066 was lodged with the United States District Court for the Central District of Illinois. The Consent Decree addresses claims for violations of the Preventions of Significant Deterioration ("PSD") and New Source Performance Standards ("NSPS") requirements of the Clean Air Act pursuant to section 113(b) of the Clean Air Act ("Act"), 42 U.S.C. 7413(b)

(1983), *amended by*, 42 U.S.C. 7413(b) (Supp. 1991), at 52 plants in 16 states. The Complaint alleges that ADM routinely underestimated its VOC emissions from corn processing and ethanol production units and modified and expanded its oilseed plants without obtaining appropriate pre-construction permits and installing air pollution control equipment.

Under the terms of the Consent Decree, ADM will install state-of-the-art air pollution controls on hundreds of units, shut down older, dirty units and accept restrictive emission limits on others, for a total emission reduction of 63,000 tons per year. In addition ADM will meet NSPS, 40 CFR part 60, Subparts Db, Dc, Dd, Kb, and VV for boilers, grain elevators, coal loading operations, and storage tanks. Finally, ADM is obligated to implement a corporate-wide environmental management system and conduct multi-media audits of each of its facilities at least twice over the life of the Decree.

The injunctive relief package is expected to cost ADM \$328 million over the ten year period of compliance. ADM will also pay a civil penalty of \$4,604,000 (\$2,505,600 paid to the United States and \$2,098,400 paid to the states) and spend \$6,363,000 on environmentally beneficial projects. The states of Arkansas, Indiana, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Carolina, and Texas; the Iowa Counties of Linn and Polk and the Nebraska County of Lancaster have filed Complaints-in-intervention and executed the Consent Decree.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the ADM 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. Archer Daniels Midland Company*, D.J. Ref. 90-5-2-1-2035/2.

The Consent Decree may be examined at the Office of the United States Attorney, Central District of Illinois, 201 S. Vine Street, Room 226, Urbana, IL 61802, and at U.S. EPA Region 5, 775 West Jackson 77 Blvd., Chicago, Illinois 60604-3590. During the public comment period the ADM 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 ADM Consent Decree, may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department