

Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. N.P. Industrial Center et al.*, D.J. Ref. 90-11-2-06024/8.

The proposed consent decree may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. 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, 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](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 \$4.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Brook,**

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

[FR Doc. 05-1445 Filed 1-25-05; 8:45 am]

BILLING CODE 4410-15-M

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on January 3, 2005, an electronic version of a proposed consent decree was lodged in *United States v. Reichhold Limited*, et al., No. 5:03-CV-0077-3 (CAR) (M.D. Ga.). The consent decree settles the United States claims against Reichhold Limited, Reichhold, Inc; Canadyne Corporation, and Canadyne-Georgia Corporation under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606, 9607, in connection with the Woolfolk Chemical Superfund Site in Fort Valley, Georgia (the "Site"). Under the proposed consent decree Reichhold Limited, Reichhold, Inc; Canadyne Corporation, and Canadyne-Georgia Corporation will pay \$5 million in four annual installments of \$1.25 million each, plus interest from the first payment date. The funds will be placed into a Superfund special account for 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. Reichhold Limited*, et al., No. 5:03-CV-0077-3 (CAR) (M.D. Ga.) and DOJ #90-11-3-07282.

The consent decree may be examined at the Office of the United States Attorney for the Middle District of Georgia, 433 Cherry St., Macon, Georgia 31202. 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, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7511, 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 \$8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 05-1444 Filed 1-25-05; 8:45 am]

BILLING CODE 4410-15-M

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. U.S. Energy Partners, LLC*, Civil Action No. 05-1011-JTM, was lodged on January 12, 2005, with the United States District Court for the District of Kansas. This consent decree requires the defendants to pay a civil penalty of \$30,000 and to perform injunctive relief in the form of installation of control technology to address Clean Air Act violations for the failure to obtain permits and install best achievable control technology (BACT) as required by the regulations for the Prevention of Significant Deterioration (PSD) at the defendant's ethanol plant.

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, Environmental and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. U.S. Energy Partners, LLC*, DOJ Ref. 90-5-2-1-08117.

The proposed consent decree may be examined at the Office of the United States Attorney, 1200 Epic Center, 301 North Main Street, Wichita, Kansas 67212, and at U.S. EPA Region 7, 901 N. 5th Street, Kansas City, Kansas 66101. During the comment period, the consent decree may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies of the consent decree also may be obtained by 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](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$12.25 for *United States v. U.S. Energy Partners, LLC*, (25 cents per page reproduction cost) payable to the U.S. Treasury.

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

*Assistant Section Chief, Environmental Enforcement Section.*

[FR Doc. 05-1443 Filed 1-25-05; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,187]

#### AT&T Call Center; Charleston, West Virginia; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 8, 2004 in response to a petition filed a petition filed by the Communications Workers of America on behalf of workers of AT&T Call Center, Charleston, West Virginia.

This petition is a copy of petition number TA-W-56,094. Since this petition (TA-W-56,187) was initiated in error, further investigation in this case would serve no purpose and the petition has been terminated.

Signed at Washington, DC, this 20th day of December 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-267 Filed 1-25-05; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,518]

#### **BASF Corporation, Freeport, TX; Notice of Affirmative Determination Regarding Application for Reconsideration**

By application of October 15, 2004, a petitioner requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The negative determination for the workers of BASF Corporation, Freeport, Texas was signed on October 4, 2004, and the Department's notice of determination was published in the **Federal Register** on October 26, 2004 (69 FR 62461).

The initial investigation found that workers are separately identifiable by product line (polycaprolactum, oxo, diols, and acrylic monomers), that polycaprolactum, oxo and diol production increased during the relevant period, and that the subject company neither increased imports of acrylic monomers during the relevant period nor shifted acrylic monomer production abroad.

In the request for reconsideration, the petitioner alleged that the subject firm has shifted acrylic monomer production to China.

The Department has carefully reviewed the petitioner's request for reconsideration and previously submitted documents, and has determined that the petitioner has provided additional information and that the subject worker group was erroneously categorized. Therefore, the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974.

#### **Conclusion**

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed in Washington, DC, this 12th day of January, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-269 Filed 1-25-05; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-56,207]

#### **Beverage-Air Abbeville County Factory; Honea Path, SC; Notice of Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on December 13, 2004 in response to a petition filed by a company official on behalf of workers at Beverage-Air, Abbeville County Factory, Honea Path, South Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 14th day of January, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5-275 Filed 1-25-05; 8:45 am]

BILLING CODE 4510-30-P

## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-55,361]

#### **The Boeing Company, Long Beach Division, Long Beach, California; Notice of Negative Determination Regarding Application for Reconsideration**

By application of October 14, 2004, a representative of the International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, Local 148, requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on September 2, 2004, and published in the **Federal Register** on October 8, 2004 (69 FR 60425).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of The Boeing Company, Long Beach Division, Long Beach, California was denied because criterion (1) was not met. The subject facility did not separate or threaten to separate a significant number or proportion of workers as required by section 222 of the Trade Act of 1974.

The petitioner alleges that the workers of the 717 commercial aircraft program are separately identifiable from the rest of the workforce at the subject facility, and that there have been significant declines in employment within the 717 program.

A company official was contacted in regards to these allegations. The company official confirmed that the workers of the 717 commercial aircraft program are separately identifiable from the rest of the workforce at the subject facility, and provided employment figures for the 717 commercial aircraft program at the subject facility for end of year 2002, end of year 2003, and mid-December 2004.

Employment figures for the 717 commercial aircraft program at the subject facility showed an increase in employment from 2002 to 2003. Furthermore, although there was a slight employment decline within the 717 program at the subject facility from 2003 to December 2004, the subject division did not separate or threaten to separate a significant number or proportion of workers as required by section 222 of the Trade Act of 1974. Significant number or proportion of the workers means that total or partial separations, or both, in a firm or appropriate subdivision thereof, are the equivalent to a total unemployment of five percent (5 percent) of the workers or 50 workers, whichever is less. Separations by the subject facility, and by the 717 commercial aircraft division within the subject facility, did not meet this threshold level.

The petitioner also provided information showing employment declines within the Boeing commercial aircraft program nationwide and in California, but not specifically at the subject facility. When assessing eligibility for TAA, the Department