addressed to: U.S. Army Corps of Engineers, Los Angeles District, Regulatory Branch, ATTN: File Number 2004–01053–AOA, P.O. Box 532711, Los Angeles, California 90053–2325. Comments or questions can also be sent to Patricia Shoemaker, Port of Long Beach, P.O. Box 570, Long Beach, CA 90801–0570. Phone messages or questions should be directed to Dr. Aaron O. Allen at 805–585–2148.

SUPPLEMENTARY INFORMATION: 1. *Project Site:* The proposed project is located in the southern portion of the Port of Long Beach, California. The proposed dredge and fill activities would take place at Piers D, E and F and would involve redeveloping portions of Pier D and reconfiguring existing wharves and berths at Piers E and F to create a single 342-acre marine terminal to accommodate increasing cargo volumes being produced by the new generation of larger container vessels.

2. *Proposed Action:* The project applicant, the Port of Long Beach, proposes to permanently impact approximately 48 acres of open-water habitat for dredge and fill activities and to rehabilitate 294 acres of existing terminal area at Piers D, E and F for the construction of a new 342-acre container terminal in the Port of Long Beach. The proposed project would reconfigure existing wharves and berths at Piers D, E and F into one 4,250-foot-long wharf with four deep-water berths, a container terminal yard that includes 48 acres of new land and 294 acres of rehabilitated land and an intermodal rail yard. The proposed project would include dredge and fill activities, new wharf construction and terminal expansion on adjacent areas that consist of existing and newly created land. The specific components of the proposed project would include: dredging to deepen Slip Number Three to −55 Mean Lower Low Water (MLLW) and widen Slip 3 by 110 feet to accommodate four deep-water berths; filling the 22-acre Slip One and approximately 33 acres of the East Basin between Pier E and F to create additional terminal area; fill existing submerged land with suitable dredge and excavated material from Slip 3 and Berth F201; wharf and container yard redevelopment; new wharf construction; and expansion of terminal backland capacity. The proposed project would generate approximately 680,000 cubic yards of dredged material and excavated material generated by the project would be approximately 1,290,000 cubic yards. Approximately 6,730,000 cubic yards of imported fill from sources both inside and outside the Harbor District would be required to complete all the proposed discharges of dredged and fill material in waters of the United States to create approximately 48 acres of new land. The proposed construction and rehabilitation activities would be completed over a 10-year period. All of the above construction activities would include the demolition of existing terminal facilities as well as existing buildings and infrastructure in both open water and upland areas.

3. *Issues:* There are several potential environmental issues that will be addressed in the Draft EIS/EIR. Additional issues may be identified during the scoping process. Issues initially identified as potentially significant include:

1. Geological issues including dredging and stabilization of fill areas.
2. Potential impacts to marine biological resources.
3. Impacts to air quality.
4. Traffic, including navigation issues, and transportation related impacts.
5. Potential noise impacts.
6. Impacts to public utilities and services.
7. Impact to aesthetic resources.
8. Potential impacts on public health and safety.
9. Cumulative impacts.

4. *Alternatives:* Several alternatives are being considered for the proposed marine terminal. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no Federal action alternative, will be considered in the Draft EIS/EIR.

5. *Scoping Process:* A previous Notice of Intent for the original project design was published in the **Federal Register** on August 31, 2004. A public meeting will be held to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft EIS/EIR. Participation in the public meeting by Federal, State and local agencies and other interested organizations and persons is encouraged.

The Corps of Engineers will also be consulting with the U.S. Fish and Wildlife Service under the Endangered Species Act and Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act. Additionally, the EIS/EIR will assess the consistency of the proposed Action with the Coastal Zone Management Act and potential water quality impacts pursuant to Section 401 of the Clean Water Act. The public scoping meeting for the Draft EIS/EIR will be held at the City Hall Council Chambers in Long Beach on January, 30, 2006, and will start at 7 p.m. Written comments will be accepted until February 13, 2006.

6. *Availability of the Draft EIS:* The Draft EIS/EIR is expected to be published and circulated in July of 2006, and a Public Hearing will be held after its publication.

Dated: December 14, 2005.

Alex C. Dornstauder,

Colonel, U.S. Army, District Engineer.

[FR Doc. E5–7870 Filed 12–23–05; 8:45 am]

BILLING CODE 3710–92–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8015–5]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Consent Decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, to address a lawsuit filed by the Sierra Club and the American Bottom Conservancy (collectively ''Plaintiffs''): *Sierra Club, et al.* v. *Johnson*, No. 05–C–4425 (N.D. IL). On August 2, 2005, plaintiffs filed a complaint alleging that they had submitted a petition to EPA seeking an objection to a Clean Air Act Title V permit proposed by the Illinois Environmental Protection Agency for the Onyx Environmental Services' waste incinerator (''Onyx Incinerator'') in Sauget, Illinois, and that the Administrator failed to perform his nondiscretionary duty to respond to the petition within sixty days of the date it was filed. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by February 1, 2006, and the plaintiffs have agreed to dismiss their suit with prejudice. In addition, EPA has agreed to pay the plaintiffs a specified amount in settlement of the plaintiffs' claims for attorneys' fees in this matter.

DATES: Written comments on the proposed consent decree must be received by January 26, 2006.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2005–0529, online at *http://www.regulations.gov* (EPA's preferred method); by e-mail to *oei.docket@epa.gov*; mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T,

1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Paul Versace, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564–0219; fax number (202) 564–5603; e-mail address: *versace.paul@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

This proposed consent decree would resolve a lawsuit seeking a response to a petition to object to a Title V permit proposed by the Illinois Environmental Protection Agency to the Onyx Environmental Services' waste incinerator in Sauget, Illinois. Under the proposed decree, the parties would seek to stay the pending litigation, and the plaintiffs would agree to dismiss the lawsuit if the Administrator issues a response to the petition by February 1, 2006. The consent decree does not require the Administrator to respond to the petition in any particular way. If the consent decree becomes final and the Administrator issues a response to the petition by February 1, 2006, Plaintiffs will dismiss the case and EPA will pay the plaintiffs a specified amount in settlement of their claims for attorneys' fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, based on any comment which may be submitted, that consent to the consent decree should be withdrawn, the terms of the decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How Can I Get A Copy Of the Consent Decree?

Direct your comments to the official public docket for this action under Docket ID No. EPA–HQ–OGC–2005–0529 which contains a copy of the consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *http://www.regulations.gov*. You may use the *http://www.regulations.gov* Web site to submit or view public comments, to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *http://www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and To Whom Do I Submit Comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *http://www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an ''anonymous access'' system. If you send an e-mail comment directly to the Docket without going through *http://www.regulations.gov*, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: December 20, 2005.

Richard B. Ossias,

Associate General Counsel.

[FR Doc. E5–7853 Filed 12–23–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8015–6]

Science Advisory Board (SAB) Staff Office; Notification of a Teleconference of the Arsenic Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces an upcoming public teleconference of the