

administration of the law is the greater of 60 million gallons or 7 percent of U.S. consumption as determined by the Commission. Beyond the base quantity of imports, progressively higher local feedstock requirements are placed on imports of fuel ethyl alcohol and mixtures from the CBERA-beneficiary countries.

For the 12-month period ending September 30, 2004, the Commission has determined the level of U.S. consumption of fuel ethyl alcohol to be 3.43 billion gallons. Seven percent of this amount is 240.4 million gallons (these figures have been rounded). Therefore, the base quantity for 2005 should be 240.4 million gallons.

FOR FURTHER INFORMATION CONTACT:

Douglas Newman (202) 205-3328, douglas.newman@usitc.gov, in the Commission's Office of Industries. For information on legal aspects of the investigation contact Mr. William Gearhart, william.gearhart@usitc.gov, of the Commission's Office of the General Counsel at (202) 205-3091.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205-1810.

Background: For purposes of making determinations of the U.S. market for fuel ethyl alcohol as required by section 7 of the Act, the Commission instituted Investigation No. 332-288, Ethyl Alcohol for Fuel Use: Determination of the Base Quantity of Imports, in March 1990. The Commission uses official statistics of the U.S. Department of Energy to make these determinations as well as the PIERS database of the Journal of Commerce, which is based on U.S. export declarations.

Section 225 of the Customs and Trade Act of 1990 (Public Law 101-382, August 20, 1990) amended the original language set forth in the Steel Trade Liberalization Program Implementation Act of 1989. The amendment requires the Commission to make a determination of the U.S. domestic market for fuel ethyl alcohol for each year after 1989.

Issued: December 17, 2004.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and the Clean Water Act ("CWA")

Under Section 122(d)(92) of CERCLA, 42 U.S.C. 9622(d)(2), and 28 CFR 50.7, notice is hereby given that on December 10, 2004, proposed Consent Decrees in *United States v. Alcoa Inc.*, Civil Action No. 6:04-cv-00119, were lodged with the United States District Court for the Southern District of Texas.

In this action the United States and the State of Texas sought injunctive relief, costs, and natural resource damages pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") and the Clean Water Act ("CWA") and the regulations promulgated thereunder. The Alcoa facility is located in Point Comfort, Calhoun County, Texas.

Under the Consent Decree for CERCLA Response Actions and Response Costs, Alcoa Inc. and Alcoa World Alumina L.L.C. will operate a groundwater recovery system at a former chlorine-alkali plant, dredge mercury-contaminated sediments, and cap portions of the Plant and monitor sediments and fish to confirm the recovery of sediment and fish tissue to acceptable levels. The companies also will pay past costs of \$404,726 to the United States and \$100,000 to Texas. The companies also agreed to pay the governments' future costs.

Under the Consent Decree for Natural Resource Damages, Alcoa Inc. and Alcoa World Alumina L.L.C. will construct new fishing piers at Six Mile Park, Point Comfort Park, and Bayfront Peninsula; replace an existing auxiliary boat ramp and construct a new timber dock at Six Mile Park; modify an existing jetty at Magnolia Beach; and construct a new timber dock at Six Mile Park and at Lighthouse Beach. The companies also will construct a 10.9-acre oyster reef at an estimated cost of \$1 million and will create a 69.3-acre intertidal marsh at an estimated cost of \$10 million. In addition, the companies will arrange for the conveyance to the United States of approximately 729 acres of property, which is adjacent to the Aransas National Wildlife Refuge, for inclusion into the Refuge after the marsh restoration project has been completed. The companies will pay about \$800,000 in additional past costs, plus \$195,000 for future costs that the federal and state trustees expect to incur.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decrees. 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. Nos. 90-11-3-655/1 and 90-11-3-655/2. 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 Decrees may be examined during the public comment period on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decrees 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) 514-0097, phone confirmation number (202) 514-1547. In requesting a complete copy of the Consent Decrees from the Consent Decree Library, please enclose a check in the amount of \$215.00 (25 cents per page reproduction cost) payable to the U.S. Treasury. If only one complete Consent Decree is sought, please enclose a check in the amount of \$178.25 for the Consent Decree for CERCLA Response Actions and Response Costs, or \$36.75 for the Consent Decree for Natural Resource Damages. In requesting a copy of both Consent Decrees, exclusive of exhibits and defendants' signatures, please enclose a check in the amount of \$49.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. If only one Consent Decree, without exhibits and signatures, is sought, please enclose a check in the amount of \$35.75 for the Consent Decree for CERCLA Response Actions and Response Costs, or \$13.75 for the Consent Decree for Natural Resource Damages.

Thomas A. Mariani, Jr.,

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

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