

a Complaint filed on the same day against Seaboard seeking injunctive relief and the assessment of civil penalties for violations of the Clean Water Act (CWA), 33 U.S.C. 1311 *et seq.*, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.*, at Seaboard's concentrated animal feeding operations (CAFOs) in the states of Oklahoma, Colorado, Kansas, and Texas.

Specifically, the Complaint alleges that, due to construction activity at its Dorman South Sow Farm Site, located in Beaver County, Oklahoma, Seaboard was required to obtain coverage under the National Permit Discharge Elimination System ("NPDES") General Permit for Construction Activities (or obtain an individual NPDES permit) and to develop and implement a stormwater pollution prevention plan. In the course of these construction activities, as well as construction activities at one or more of its other CAFO facilities, Seaboard allegedly disturbed greater than five acres and discharged pollutants, including eroded soil, sediment, and other substances associated with earth-disturbing activities, into waters of the United States, without a permit, as required by the Clean Water Act.

In addition, the United States alleges that Seaboard had releases of ammonia emissions in excess of 100 pounds per day at its Choate Sow Farm, located in Kingfisher County, Oklahoma, as well as at one or more other facilities owned by Seaboard. The Complaint alleges that Seaboard failed to timely notify the U.S. Environmental Protection Agency's National Response Center, as required by section 103(a) of CERCLA, 42 U.S.C. 9603(a), regarding these releases.

The Consent Decree provides for the payment of a civil penalty of \$205,000 and requires Seaboard to implement stormwater discharge and erosion measures at 16 farms, as well as to establish and maintain buffer strips surrounding sensitive wetland areas at 17 farms—which are located in Kingfisher, Beaver, or Texas County, Oklahoma. In addition, for five years after entry, the Consent Decree requires Seaboard to apply for and comply with the terms of the Construction General Permit at any new or existing Seaboard facility where there is construction that disturbs greater than one acre, regardless of whether the construction is likely to result in a discharge to a water of the United States.

The Consent Decree acknowledges that Seaboard has certified its compliance with the requirements set forth in section 103(a) of CERCLA, 42

U.S.C. 9603(a) and section 304 of the Emergency Planning and Community Right to Know Act ("EPCRA"), 42 U.S.C. 11004, to report continuous releases of certain air emissions from listed facilities in Oklahoma, Texas, Kansas and Colorado. As such, the Consent Decree resolves the civil claims of the United States under section 109(c) of CERCLA, 42 U.S.C. 9609(c), and section 325 of EPCRA, 42 U.S.C. 11045, through the date of lodging, for Seaboard's failure to notify the National Response Center, in violation of section 103 of CERCLA, 42 U.S.C. 9603, and for Seaboard's failure to notify the state emergency response commissions and local emergency planning committees, in violation of section 304 of EPCRA, 42 U.S.C. 11004, at each of the listed facilities.

Finally, the Consent Decree notes that EPA issued a Monitoring Request to Seaboard Farms, Inc. (now Seaboard Foods LP) and Mission Funding, LLC on April 2, 2002, pursuant to section 114 of the Clean Air Act, 42 U.S.C. 7414, directing it to undertake, complete, and report upon the monitoring, measuring, and estimating of certain air pollutants. The Consent Decree resolves any civil claims of the United States under section 113(b) of the CAA, 42 U.S.C. 7413(b), for failure to comply with this Request, and states that entry of the Decree will serve to withdraw the Request. In this regard, the lodging of this Decree on or before September 15, 2006, serves to validate a separate Order of the U.S. EPA Environmental Appeals Board which directly addresses the monitoring of air pollutants from Seaboard's facilities, entitled *Consent Agreement and Proposed Final Order for Animal Feeding Operations—Seaboard Foods LP* (August 21, 2006).

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. Seaboard Food LP*, Civil Action No. 06-cv-00989-R; D.J. Ref. No. 90-5-1-1-07570.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Oklahoma, 210 Park Avenue, Suite 400, Oklahoma City, OK 73102, 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, to

http://www.usdoj.gov/enrd/Consent_Decrees.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), 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 \$15.25 (61 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Thomas A. Mariani, Jr.,

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

[FR Doc. 06-8287 Filed 9-26-06; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Between the United States and Seaboard Foods LP and PIC USA, Inc.

Under 28 CFR 50.7, notice is hereby given that on September 15, 2006, a proposed consent decree ("Consent Decree" between the United States and Seaboard Foods LP and PIC USA, Inc. was lodged with the United States District Court for the Western District of Oklahoma (Civil Action Number: 06-cv-00990-R).

The Consent Decree would resolve claims asserted by the United States in a Complaint filed on the same day against Seaboard Food LP and PIC USA, Inc. (collectively, "Defendants") seeking injunctive relief and assessment of civil penalties for violations of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, at certain concentrated animal feeding operations in Oklahoma that are now owned and/or operated by Seaboard Foods LP and were, at the relevant time, owned and/or operated by PIC USA, Inc.

Specifically, the Complaint alleges that on June 26, 2001, EPA issued an Administrative Order pursuant to RCRA 7003(b), 42 U.S.C. 6973(b), Order No. RCRA-06-2001-0908, to Seaboard Farms, Inc. (now Seaboard Foods LP) and PIC International Group, Inc., concerning the following farms: (a) Lacey (a.k.a. Bryan Sow & Norris Farms), located in Kingfisher County, Oklahoma; (b) Lacey 3 (a.k.a. Watson), located in Kingfisher County,

Oklahoma; (c) Lacey 4 (a.k.a. Grimes Finisher), located in Kingfisher County, Oklahoma; (d) Lacey 6 (a.k.a. Miller) located in Kingfisher County, Oklahoma; (e) Fairview Nursery Complex (Fairview Nurseries 1–4), located in Major County, Oklahoma. The Order requires the Defendants to identify, investigate, and prevent the mishandling of any solid waste which may present an imminent and substantial endangerment to human health and/or the environment and to ensure that remedial action deemed necessary by the EPA be designed and implemented to protect human health and/or the environment. The Complaint alleges that Defendants willfully violated, or failed or refused to comply with the Administrative Order issued by EPA.

The Consent Decree provides for the payment of a civil penalty of \$240,000 and requires Defendants to perform various groundwater remediation and source control measures (including infrastructure repairs, lagoon removals, and soil, leachate, and groundwater testing and monitoring related to the land application of effluent) at the above-named farms, as well as the Choate Sow Farm, located in Kingfisher County, Oklahoma.

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. Seaboard Foods LP and PIC USA, Inc.*, Civil Action No. 06–cv–00990–R; D.J. Ref. No. 90–5–1–1–07570/1. 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 Decree may be examined at the Office of the United States Attorney, Western District of Oklahoma, 210 Park Avenue, Suite 400, Oklahoma City, OK 73102, 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, to http://www.usdoj.gov/enrd/Consent_Decrees.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), 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 \$16.75 (67 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Coastal Decree Library at the stated address.

Thomas A. Mariani, Jr.,

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

[FR Doc. 06–8288 Filed 9–26–06; 8:45 am]

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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 September 18, 2006, a proposed consent decree (“Consent Decree”) in *United States v. Thomasville Furniture Industries, Inc. et al.*, Civ. No. 6:05CV00001, was lodged with the United States District Court for the Western District of Virginia.

In this action, the United States sought, under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. 9607(a), to recover costs incurred by the Environmental Protection Agency (“EPA”) in performing a drum removal action in 1999 at the Buckingham County Landfill Superfund Site (“Site”) in Dillwyn, Virginia from Buckingham County, a political subdivision of the Commonwealth of Virginia, who is the current owner and operator of the Site. Under the terms of the Consent Decree, Buckingham County has agreed to pay \$186,952 of EPA’s unreimbursed 1999 Drum Removal Costs of \$196,791. This represents a 95% recovery of the 1999 Drum Removal Costs. The County’s payments will be made in three installments. The first payment of \$62,318 will occur 30 days after entry of the Consent Decree. The next payment of \$62,317 will occur one year after the entry of the Consent Decree, and the final payment of \$62,317 will occur within 2 years of the entry of the Consent Decree. Under the Decree, the County will receive a covenant not to sue for the 1999 Drum Removal Costs. The proposed settlement addresses past costs only, and thus the Consent Decree reserves all parties’ rights with regard to future costs. The attached Consent Decree is consistent with the Superfund statute and is in the public interest.

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. Thomasville Furniture Industries, Inc. et al.*, Civ. No. 6:05CV00001. D.J. Ref. 90–11–2–07971.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Virginia, 105 Franklin Road, SW., Suite 1, Roanoke, VA 24011, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, to http://www.usdoj.gov/enrd/Consent_Decrees.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), 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 \$3.75 (15 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert Brook,

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

[FR Doc. 06–8298 Filed 9–26–06; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[Docket No. ATF 19N]

Commerce in Explosives; List of Explosive Materials (2006R–2P)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Justice.

ACTION: Notice of List of Explosive Materials.

SUMMARY: Pursuant to 18 U.S.C. 841(d) and 27 CFR 555.23, the Department must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. 841 *et seq.* The