

Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

*Executive Order 13132, Federalism (Replaces Executive Orders 12612 and 13083)*

The proposed rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a federalism assessment.

*Executive Order 12988, Civil Justice Reform*

Under Executive Order 12988, the Office of the Solicitor has determined that this proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

*Executive Order 13175, Consultation and Coordination With Indian Tribal Governments (Replaces Executive Order 13084)*

In accordance with Executive Order 13175, we have found that this proposed rule does not include policies that have tribal implications. The rule expressly does not apply to Indian lands (see section 3601.12). The regulations do not bar Indians or tribes from buying mineral materials from public lands, although the abundance of these materials on Indian lands has made such purchases unnecessary. We do not know of any instances of tribal use of mineral materials from public lands.

*National Environmental Policy Act*

In compliance with the National Environmental Policy Act, construction of the powerline, and the associated construction and rehabilitation of roads and trails, were analyzed in the Brownlee-Oxbox #2 Transmission Line Project Environmental Analysis. A Finding of No Significant Impact (FONSI) was issued on July 7, 2003. The Environmental Analysis states that the access roads that were to be built would be rehabilitated and would not be open to motorized public access. These supplementary rules serve as additional public notification that the powerline access roads will be closed to public vehicular use and provides BLM Law Enforcement Officers with the ability to enforce this closure. A copy of the

Environmental Analysis and FONSI are available for review at the Baker Field Office (see ADDRESSES).

*Paperwork Reduction Act*

These supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

*Author*

The principal author of these supplementary rules is Kevin McCoy, Outdoor Recreation Planner, Baker Field Office, 3165 10th Street, Baker City, OR, 97814.

**Supplementary Rules for Public Lands, Oregon and Washington**

Under the authority for supplemental rules found under 43 CFR 8365.1-6 and 43 U.S.C. 315a, the BLM will enforce the following rules on public lands within the affected area of the Snake River area and the Sheep Mountain WSA/ACEC at the locations identified in this order. You must follow these rules:

1. You must not operate any motorized vehicle within the affected Snake River area and Sheep Mountain WSA/ACEC areas, except on the existing improved Idaho Power Oxbow-Brownlee road on BLM public land. The Idaho Power Oxbow-Brownlee road is located on the west bank of the Snake River, from the Oxbow Dam upstream to the Brownlee Dam:

2. You must not land any motorized aircraft without authorization.

3. You must not park vehicles on public lands, except within established turnout areas no more than 100 feet from the west edge of the Idaho Power Oxbow-Brownlee road.

*Exemptions:* Personnel that are exempt from the area closures and restrictions include any Federal, State, local officer, or employee in the scope of their duties; members of any organized rescue or fire-fighting force in the performance of an official duty, or any person authorized or permitted in writing by the Bureau of Land Management; any person or corporation holding a valid right-of-way or easement.

*Penalties:* On public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) and 43 CFR 8360.0-7, any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the

enhanced fines provided for by 18 U.S.C. 3571. On public lands in grazing districts (section 3) and grazing leased lands (section 15), under section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a) and 43 U.S.C. 315(a) any person who violates any of these supplementary rules on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

**Elaine M. Brong,**

*State Director, Oregon State Office, Bureau of Land Management.*

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decrees Under the Lead-Based Paint Hazard Act**

Notice is hereby given that on July 1, 2004, a proposed consent decree in *United States v. Dominionium Management Services, Inc.*, Civil Action No. 04-CV-3088, and a proposed consent decree in *United States v. Zeman*, Civil Action No. 04-CV-3087, were lodged with the United States District Court for the District of Minnesota.

The consent decrees settle claims against owners of residential housing principally in Minneapolis, which were brought on behalf of the Department of Housing and Urban Development and the Environmental Protection Agency under the Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4851 *et seq.* ("Lead Hazard Reduction Act"). The United States alleged in each of its complaints that the defendants failed to provide information to tenants concerning lead-based paint hazards, and failed to disclose to tenants the presence of any known lead-based paint or any known lead-based paint hazards.

Under the *Dominium* consent decree, the defendant has agreed to provide the required notice and disclosures, remove all the lead-based paint in all of its buildings that contain lead and provide lead-free certificates to HUD. In addition, *Dominium* has agreed to pay an administrative penalty of \$10,000 to the United States and will spend an additional \$70,000 on lead abatement work in the Minneapolis area.

Under the *Zeman* decree, the defendant has agreed to provide the required notice and disclosures and to

perform lead-based paint abatement of all lead-based paint discovered in the units he owns. In addition, Zeman has agreed to pay an administrative penalty of \$2,000 to the United States.

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 of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Dominion Management Services, Inc.*, D.J. #90-5-1-1-08289, or *United States v. Zeman*, D.J. #90-5-1-1-08288.

The proposed consent decrees may be examined at the Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, attention: Tara Jordan, 490 L'Enfant Plaza, SW., Room 3206, Washington, DC 20410, (202) 755-1785, ext. 157; at the office of the United States Attorney for the District of Minnesota, 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, and at U.S. EPA Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604. During the public comment period, the consent decrees may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies 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 2004-7611 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 No. (202) 514-1547. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$10.00 (25 Cents per page reproduction costs), payable to the U.S. Treasury for the consent decree in *United States v. Dominion Management Services, Inc.*, D.J. #90-5-1-1-08289, and \$9.75 (25 cents per page reproduction costs), payable to the U.S. Treasury, for the consent decree in *United States v. Zeman*, D.J. #90-5-1-1-08288.

**Karen Dworkin,**

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

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under the Oil Pollution Act of 1990, the Federal Water Pollution Control Act, and the Comprehensive Environmental Response, Compensation and Liability Act**

Notice is hereby given that, on June 28, 2004, proposed Consent Decrees in *United States vs. Modesto Energy Limited Partnership, Modesto Environmental Corp., Empower Management Corp., and CMS Generation Co.*, Civil Action No. S-04-1231 LKK KJM, were lodged with the United States District Court for the Eastern District of California.

In this action, the United States brought suit pursuant to the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. 2701 *et seq.*, the Federal Water Pollution Control Act ("FWPCA"), 33 U.S.C. 1251 *et seq.* and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, seeking unreimbursed costs of approximately \$3,430,564.74, exclusive of interest, incurred by the United States, and/or expended by the Oil Spill Liability Trust Fund, in responding to a tire fire/oil spill at the Westley "tires-to-energy" facility located in Westley, California. One Consent Decree provides for Modesto Energy Limited Partnership, *et al.*, to pay \$482,000 in Past Response Costs related to the release of oil and hazardous substances at the Site. The other Consent Decree provides for CMS Generation Co. to pay \$475,000 in Past Response Costs related to the release of oil and hazardous substances at 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 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 *U.S. vs. Modesto Energy Limited Partnership, et al.* D.J. Ref. #90-5-1-1-07881.

The Consent Decrees may be examined at the Office of the United States Attorney, at 501 I Street, Suite 10-100 Sacramento, California 95814-2322. During the public comment period, the Consent Decrees may also be examined 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 a request to Tonia Fleetwood, 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 \$4.50 (25 cents per page reproduction cost) for each Consent Decree, payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

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**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**Proposed Termination of Judgment**

Notice is hereby given that International Sign Association ("ISA"), successor in interest to National Electric Sign Association ("NESA"), a defendant in *United States v. National Electric Sign Association et al.*, Civil Action No. 51 C 2064 (N.D. 111.), has filed a motion to terminate the Final Judgment entered in that matter on April 5, 1954, as it affects NESA and its successors in interest. The Antitrust Division of the Department of Justice, in a stipulation also filed with the Court, tentatively has consented to termination of the Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On December 18, 1951, the United States filed a complaint against NESA and three individual defendants who were members of NESA. The complaint alleged that NESA excluded from membership in its Supply distributor Section any parts distributor who also engaged in the manufacture of electric signs or who resold sign parts at less than the parts manufacturers' suggested resale price. The complaint also charged that NESA attempted to coerce parts manufacturers into selling parts only to parts distributors and not directly to sign manufacturers or to parts distributors also engaged in the business of manufacturing signs.

On April 5, 1954, defendants entered a consent decree. Under the decree, defendants were restrained from discriminatory conduct in granting membership in NESA or in charging dues to NESA members. The decree also required defendants to amend NESA's bylaws so as to incorporate Sections V and VI of the Final Judgment and to furnish to each of its present and future members a copy of the Final Judgment.