

Controlled substance	Schedule
Hydrocodone (9193)	II
Levorphanol (9220)	II
Methadone (9250)	II
Morphine (9300)	II
Oxymorphone (9652)	II
Remifentanyl (9739)	II
Fentanyl (9801)	II

The company plans to import the listed controlled substances in finished dosage form (FDF) from foreign sources for analytical testing and clinical trials in which the foreign FDF will be compared to the company's own domestically-manufactured FDF. This analysis is required to allow the company to export domestically-manufactured FDF to foreign markets.

Dated: December 4, 2015.

Louis J. Milione,

Deputy Assistant Administrator.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act and Clean Water Act

On December 2, 2015, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Hawaii in the lawsuit entitled *United States v. Aloha Petroleum, Ltd.*, Civil Action No. CV 15-00498 HG-BMK.

The United States' Complaint asserts claims against Aloha under Section 113(b) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b) and section 311(b) of the Clean Water Act ("CWA"), 33 U.S.C. 1321(b). Aloha operates a bulk gasoline terminal in Hilo, Hawaii (the "Terminal"). The Terminal receives petroleum products via pipelines connected to the local marine port and stores the products in large tanks prior to transfer into tank trucks at the Terminal's loading rack. The Complaint alleges that Aloha failed to install a vapor collection system, limit emissions, and conduct a performance test, as required by 40 CFR part 60, subpart XX. Under the CWA, the Complaint alleges that Aloha failed to construct a secondary containment structure that is sufficiently impervious to contain oil, or to hold oil until cleanup can occur. 40 CFR 112.7(c), 112.8(c)(2).

Under the Consent Decree, Aloha will pay a civil penalty of \$650,000, will "permanently close" the Terminal as defined in 40 CFR 112.2, and certify that it has ceased operating the loading racks

there. Aloha will also install improved containment liners at five of its other facilities.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Aloha Petroleum, Ltd.*, D.J. Ref. No. 90-5-2-1-10467. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$8.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

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

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DEPARTMENT OF JUSTICE

Notice of Filing of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

On December 1, 2015, a proposed Settlement Agreement was filed with the United States Bankruptcy Court for the District of Delaware in the bankruptcy proceeding entitled *In re Energy Future Holdings Corp., et al.*, Case No. 14-10979 (CSS).

The Settlement Agreement resolves a claim against debtor Energy Future Competitive Holdings Company

("EFCH"), as the alleged corporate successor to former mine operators, asserted by the United States on behalf of the Environmental Protection Agency ("EPA") under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601-9675 ("CERCLA"). The claim sought to recover costs incurred and expected to be incurred in the future by the United States in response to releases and threats of releases of hazardous substances at or in connection with the Faith, Hope, Doris, and Isabella Uranium Mine Sites, located in McKinley County, New Mexico ("New Mexico Sites").

Under the Settlement Agreement, EPA will receive either (1) a distribution of \$2,000,000 upon confirmation and consummation of EFCH's and other affiliated debtors' Sixth Amended Joint Plan of Reorganization of *In re Energy Future Holdings Corp., et al.*, pursuant to Chapter 11 of the Bankruptcy Code, or (2) \$1,000,000 on the effective date of an alternate restructuring approved by the Bankruptcy Court. The Settlement Agreement contains covenants not to sue by the United States on behalf of EPA in favor of the debtors, the reorganized debtors, or any successors in interest under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607 and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, with respect to the EPA claim or the New Mexico Sites.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re Energy Future Holdings Corp., et al.*, Case No. 14-10979 (CSS), D.J. Ref. No. 90-5-2-1-09894/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Under section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department Web site: <http://>