

Cement Clunker from Japan)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before May 31, 2006.)

5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 9, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 06-4488 Filed 5-9-06; 3:01 pm]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree under the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on April 25, 2006, a proposed Consent Decree in *United States v. General Electric Company*, Civil Action No. 03CV4668 (HAA), was lodged with the United States District Court for the District of New Jersey. In that action, the United States seeks to recover from General Electric Company ("General Electric") response costs incurred in connection with the Grand Street Mercury Superfund Site, located in Hoboken, New Jersey ("the Site"), pursuant to section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607. A number of other lawsuits have been filed and consolidated in connection with the release of mercury at the Site.

As part of the settlement, General Electric has placed \$3 million into an interest-bearing court registry account. The consent decree provides that the United States will receive \$2,805,000 plus interest accrued on that amount, and that the State of New Jersey will receive \$195,000 plus interest accrued on that amount. General Electric further agrees to file motions to withdraw its opposition to a consent decree that the United States and the State of New Jersey lodged in 2003 with other parties in Civil Action No. 96-3775 (HAA) and consolidated cases, and its opposition to aspects of other private settlements. General Electric further agrees to give up its claims for costs that it incurred in performing remediation at the Site and to withdraw its Petition to EPA

under CERCLA section 106(b)(2), 42 U.S.C. 9606(b)(2), for reimbursement of such costs. In exchange, the Plaintiffs covenant not to sue General Electric for their past costs at the Site and provide contribution protection for all response costs and response actions at the Site.

The Department of Justice will receive comments relating to this Consent Decree for a period of thirty (30) days from the date of this publication. 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, Attention: Nancy Flickinger, and should refer to *United States v. General Electric Co.*, DOJ #90-11-3-1769.

The Consent Decree may be examined at the Office of the United States Attorney for the District of New Jersey, 970 Broad Street, 7th Floor, Newark, NJ 07102, and at U.S. EPA Region II's Office, 290 Broadway, New York, NY 10007-1866. During the public comment period, the consent decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.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-mail a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto: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 \$11.00 (25 cents per page reproduction cost) for a full copy of the consent decree, payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 06-4372 Filed 5-10-06; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Modification of the Consent Decree Entered in; *United States et al. v. Illinois Power Company and Dynegy Midwest Generation*

Notice is hereby given that on March 20, 2006, the United States lodged a Proposed Consent Decree Modification in the United States District Court for the Southern District of Illinois in the matter captioned *United States et al. v. Illinois Power Company and Dynegy Midwest Generation, Inc.*, (Civil Action

No. 99-833-MJR). This proposed Modifications was jointly agreed by the United States, the State of Illinois, the four citizen groups co-plaintiffs—the American Bottom Conservancy, Health and Environmental Justice—St. Louis, Inc., Illinois Stewardship Alliance, and the Prairie Rivers Network—and Dynegy Midwest Generation.

The proposed modification affects Section VI of the Consent Decree, *PM Emission Reductions and Controls*, which establishes a variety of requirements for Dynegy Midwest Generation, Inc. ("DMG") concerning particulate matter emissions at identified units in the DMG System. Under the Consent Decree, DMG is required to operate certain electric generating units so as to achieve and maintain an emissions rate of "not greater than 0.030 lb/mmBTU" or to undertake an alternative procedure defined in the Decree as a "Pollution Control Equipment Upgrade Analysis." Consent Decree ¶ 86. According to the proposed modification, the deadline for each of the two Hennepin Units set forth in Paragraph 86 will be changed to December 31, 2008, and the language in Paragraph 86 following the table, as well as Paragraph 88 in its entirety, will be deleted. By this change, among other things, rather than requiring the first Hennepin unit to meet the specified emission rate in 2006 and the second Hennepin unit to meet that rate in 2010, the Consent Decree will instead require DMG to ensure that both Hennepin units meet 0.030 lbs/mmBTU emissions rate by December 31, 2008.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the above-described Proposed Consent Decree Modification. 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. Illinois Power Company and Dynegy Midwest Generation, Inc.*, D.J. Ref. No. 90-5-2-1-06837.

During the public comment period, the proposed modification to the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the proposed modifications 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](mailto: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 \$1.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Thomas A. Mariani, Jr.,**

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

[FR Doc. 06-4371 Filed 5-10-06; 8:45am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Jay James Jackson et al.*, Civil Action No. 8:0404cv64, was lodged on April 27, 2006 with the United States District Court for the District of Nebraska. This consent decree requires the defendants to reimburse EPA \$700,000 for past response costs and to implement institutional controls.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of *States v. Jay James Jackson et al.*, DOJ Ref. 90-11-2-07430.

The proposed consent decree may be examined at the office of the United States Attorney, 1620 Dodge Street, Suite 1400, Omaha, NE 68102-1506 and at U.S. EPA Region 7, 901 N. 5th Street, Kansas City, KS 66101. During the comment period, the consent decree may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies of the consent decree also may 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](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$6.25 (without attachments) or \$8.75 (with attachments) for *United States v. Jay James Jackson, et al.*, (25

cents per page reproduction cost) payable to the U.S. Treasury.

**Robert E. Maher, Jr.,**

*Assistant Section Chief, Environmental Enforcement Section.*

[FR Doc. 06-4375 Filed 5-10-06; 8:45am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act Between the United States, the State of North Dakota, Minnkota Power Cooperative, Inc., and Square Butte Electric Cooperative

In accordance with 28 CFR 50.7, notice is hereby given that on April 25, 2006, a proposed consent decree ("Consent Decree") between the United States, the State of North Dakota, Minnkota Power Cooperative, Inc., ("Minnkota") and Square Butte Electric Cooperative ("Square Butte") was lodged with the United States District Court for the District of North Dakota in Civil Action No. 1:06-CV-034.

The Consent Decree would resolve the civil claims asserted by the United States against Minnkota and Square Butte pursuant to sections 113(b) and 167 of the Clean Air Act, 42 U.S.C. 7413(b) and 7477, for injunctive relief and the assessment of civil penalties for violations of the Prevention of Significant Deterioration provisions of the Act, 42 U.S.C. 7470-92, Title V of the Act, 42 U.S.C. 7661 *et seq.*, and the federally approved and enforceable North Dakota State Implementation Plan (the "SIP").

The United States and the State of North Dakota also filed with the Consent Decree a complaint which alleges, among other things, that Minnkota and Square Butte modified and thereafter operated two coal-fired electricity generating units at the Milton R. Young electricity generating station in Center, North Dakota, without first obtaining a PSD permit authorizing the construction and without installing the best available technology to control emissions of sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and particulate matter (PM), as required by the Act, applicable federal regulations, and the SIP.

Under the terms of the proposed Consent Decree, Minnkota and Square Butte will install or upgrade pollution controls for SO<sub>2</sub>, NO<sub>x</sub>, and PM for the two electricity generating units at the Milton R. Young facility, at an estimated cost of over \$100 million. Minnkota and Square Butte will also pay \$850,000 in

civil penalties and undertake \$5 million in additional injunctive relief.

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 Deputy 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. Minnkota Power Cooperative, Inc.*, DOJ Case Number 90-5-2-1-07717.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of North Dakota, 220 East Rosser Avenue, Suite 372, Bismark, ND 58501, and at U.S. EPA Region VIII, 999 18th Street, Denver, CO 80202. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.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](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree, please reference *United States v. Minnkota Power Cooperative, Inc.*, DOJ Case Number 90-5-2-1-07717, and enclose a check in the amount of \$17.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Thomas Mariani,**

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

[FR Doc. 06-4374 Filed 5-10-06; 8:45am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States of America v. County of Sacramento*, Case Number 2:06-CV-00908 GEB-GGH, was lodged with the United States District Court for the Eastern District of California on April 26, 2006.

This proposed Consent Decree concerns a complaint filed by the United States against the County of Sacramento, pursuant to 33 U.S.C. 1311(a) and 1344, to obtain injunctive