

the parties supporting the institution of a changed circumstances review (for example, the closure of one of the domestic PCR producer's plants, projected increases in worldwide demand, and strong demand for Japanese PCR in China) were known at the time of the most recent five-year review, and were explicitly considered in the Commission's analysis.<sup>11</sup>

Finally, while short supply conditions are a relevant condition of competition, as the Commission has previously noted, "there is no short supply provision in the statute" and "the fact that the domestic industry may not be able to supply all of demand does not mean the industry may not be materially injured or threatened with material injury by reason of subject imports."<sup>12</sup>

In sum, the asserted changed circumstance in this case, the closure of a non-subject producer's plant, does not have a significant bearing on either the condition of the domestic industry or the likely effect of subject imports on that industry if the finding were revoked.

In light of the above analysis, the Commission unanimously determines that institution of a review under section 751(b) of the Act concerning the Commission's affirmative finding in investigation No. AA1921-129, Polychloroprene Rubber from Japan, is not warranted.

By order of the Commission.

Issued: March 31, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6-4934 Filed 4-4-06; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree: Civil Penalties and Natural Resource Damages Under the Oil Pollution Act of 1990

Notice is hereby given that on March 22, 2006, a proposed Consent Decree ("Decree") in *United States and The Confederated Tribes of the Warm Springs Reservation of Oregon v. American Energy, Inc.*, Civil Action No.

04-CV-164-AA, was lodged with the United States District Court for the District of Oregon.

In this action brought pursuant to Section 311(b)(7) of the Clean Water Act, 33 U.S.C. 1321(b)(7), and Warm Springs Tribal Code Chapter 433, the United States and the Confederated Tribes of the Warm Springs Reservation of Oregon ("Warm Springs Tribes") sought penalties from American Energy, Inc. ("AEI") for causing the discharge of gasoline into the shorelines and waters of Beaver Creek on the Warm Springs Indian Reservation, Wasco County, Oregon. The United States and the Warm Springs Tribes also are seeking damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing the damages, caused by the discharge under Section 1002(b)(2)(A) of the Oil Pollution Act of 1990, 33 U.S.C. 2702(b)(2)(A). The claims of penalties and natural resource damages arise out of a gasoline spill that occurred on the morning of March 4, 1999, on the Warm Springs Indian Reservation. A tanker truck and trailer owned and/or operated by AEI overturned discharging approximately 5,400 gallons (128.57 barrels) of gasoline that flowed onto the adjoining shorelines and into the waters of Beaver Creek and Beaver Butte Creek. The Federal and tribal natural resource trustees prepared an informal assessment of damage to natural resources and loss of use of natural resources occasioned by the spill for use in settlement discussions with AEI. The proposed Decree provides that AEI shall pay to the United States \$80,000 in settlement of the United States' claim for civil penalties, and pay to the Warm Springs Tribes \$80,000 in settlement of the Warm Springs Tribes' claim for civil penalties. To address natural resource damages, the proposed Decree provides that AEI shall pay \$315,222.50 to the natural resource trustees for their development and implementation of the plan to restore natural resources damaged by the spill and to recover natural resource services lost as a result of the spill, which shall be deposited into the registry of the Court. The proposed Decree requires that the defendants reimburse \$94,242.98 to the National Oceanic and Atmospheric Administration ("NOAA") of the United States Department of Commerce, and reimburse \$15,533.52 to the United States Department of the Interior for damage assessment costs. In exchange for these payments, the United States and the Warm Springs Tribes covenant not to sue the defendants for civil

penalties and natural resource damages arising from the spill.

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 Justice, Washington, DC 20044-7611, and should refer to *United States and The Confederated Tribes of the Warm Springs Reservation of Oregon v. American Energy, Inc.*, DOJ Ref. 90-5-1-1-06871.

The proposed consent decree may be examined at the office of the United States Attorney, 1000 SW Third Avenue, Suite 600, Portland, OR 97204-2902 at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. 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 \$5.50 for *United States and The Confederated Tribes of the Warm Springs Reservation of Oregon v. American Energy, Inc.* (25 cents per page reproduction cost) payable to the U.S. Treasury.

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

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

[FR Doc. 06-3270 Filed 4-4-06; 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

Under 42 U.S.C. 9622(d)(2)(B) and 28 CFR 50.7, notice is hereby given that on March 21, 2006, a proposed consent decree in *United States v. Ametek, Inc. and John Evans' Sons, Inc.*, Civil Action No. 06-1200, was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States is seeking injunctive relief and recovery of response costs incurred by the United States pursuant to the Comprehensive

<sup>11</sup> Id. at 7-8 and 10.

<sup>12</sup> Softwood Lumber from Canada, Inv. Nos. 701-TA-414 and 731-TA-928 (Article 1904 NAFTA Remand) at 108, n. 310 (December 2003). See also Metal Calendar Slides from Japan, Inv. No. 731-TA-1094 (Preliminary), USITC Pub. 3792 (August 2005) at 9, n. 45 ("To the extent that Respondents claim that the Commission is legally unable to make an affirmative finding of material injury by reason of subject imports because the domestic industry is incapable of supplying domestic demand, they are incorrect.").

Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, in connection with the John Evans' Sons Property at the North Penn Area Six Superfund Site ("Site"), which consists of a contaminated groundwater plume and a number of separate parcels of property located within and adjacent to the Borough of Lansdale, Montgomery County, Pennsylvania. The proposed consent decree will resolve the United States' claims against Ametek, Inc. and John Evans' Sons, Inc. ("Settling Defendants") in connection with the Site. Under the terms of the proposed consent decree, Settling Defendant will implement the EPA-selected groundwater remedy at the John Evans' Sons Property and reimburse the United States for certain future response costs. Settling Defendant will receive a covenant not to sue by the United States with regard to 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 proposed 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. Ametek, Inc. and John Evans' Sons, Inc.*, D.J. Ref. 90-11-2-06024/18.

The proposed consent decree may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106, and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the proposed 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 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 from the Consent Decree Library, please enclose a check in the amount of \$28.50 (25 cents per page reproduction cost). Checks should be made payable to the U.S. Treasury.

**Robert Brook,**

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

[FR Doc. 06-3266 Filed 4-4-06; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental, Response, Compensation and Liabilities Act

Pursuant to 42 U.S.C. 9622(i), notice is hereby given that on March 27, 2006, a proposed Consent Decree in *United States and State of Oregon v. City of Millersburg*, Civil Action No. 6:06-CV-06069-TC was lodged with the United States District Court for the District of Oregon.

The Consent Decree settles claims for reimbursement of response costs and for injunctive relief pursuant to CERCLA Sections 106 and 107, 42 U.S.C. 9606 and 9607, at a portion of the Teledyne Wah Chang Site near Millersburg, Oregon. This Consent Decree will provide for the reimbursement of \$91,964.95 of past response costs, implementation of institutional controls, and access necessary to monitor those controls and to conduct any future response actions that may be necessary.

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 and State of Oregon v. City of Millersburg, Oregon*, (D. Ore.) D.J. Ref. 90-11-2-558/1.

The Consent Decree may be examined at the Office of the United States Attorney, 1000 SW., Third Ave., Suite 600, Portland, OR 97204-2902, and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101. During the public comment period, the Consent Decree may also be examined on the 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 from the Consent Decree Library, please enclose a check in the amount of

\$6.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

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

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decrees With Monarch Greenback, LLC, the Article 5 Trusts, A.H. Burroughs, III, Karen Weaver Eccles and O.H. Davison Under the Comprehensive Environmental Response, Compensation and Liability Act and the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on March 22, 2006, two proposed Consent Decrees (Consent Decrees) in the case of *United States v. Monarch Greenback, L.L.C., et al.*, Civil Action No. 02-436-S-EJL (D. Idaho), have been lodged with the United States District Court for the District of Idaho.

The Complaint sought the recovery of costs incurred in connection with response actions taken by the United States Environmental Protection Agency at the Talache Mine Tailings Superfund Site (the Site) near Atlanta, Idaho. Under the terms of the Consent Decrees, Defendants will pay the United States \$66,000, as well as potential future payments that could total up to \$200,000. Additionally, one of the Defendants, Monarch Greenback, LLC, agrees to establish and fund an escrow account to pay for operation and maintenance at the Site. In exchange, the United States will provide a covenant not to sue and contribution protection under the Comprehensive Environmental Response, Compensation and Liability Act to all of the Defendants. Additionally, the United States will provide a covenant not to sue under the Clean Water Act to the Article 5 Trusts, A.H. Burroughs, III, Karen Weaver Eccles and O.H. Davison.

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. Monarch Greenback, L.L.C. et al.*, Civil Action No. 2-436-S-EJL (D. Idaho), DOJ Ref: 90-5-1-1-4541.

During the public comment period, the Consent Decree may be examined on