

("NSPS") at The Detroit Edison Company's Conners Creek Power Plant in Detroit, Michigan. Specifically, the United States' Compliant alleged that The Detroit Edison Company (i) failed to obtain a PSD permit prior to engaging in extensive renovation activities that Detroit Edison undertook in April through June of 1998 at its Conner Creek Power Plant in Detroit, Michigan, in violation of 42 U.S.C. 7475, 40 CFR 52.21, and Mich. Rule 201.; (ii) failed to obtain a Nonattainment NSR permit for those same activities, in violation of 42 U.S.C. 7503, 40 CFR 51.165, and Mich. Rules 201 and 221.; and (iii) failed to provide U.S. EPA with notifications required under Subpart A of the NSPS prior to the renovation activities, in violation of 40 CFR 60.7(a)(1), 60.7(a)(2), and 60.7(a)(3).

Under the proposed stipulated settlement order, Detroit Edison will pay a civil penalty of \$135,000 to the United States, \$135,000 to the State of Michigan, \$135,000 to Wayne County, and attorneys fees and costs of \$45,000 to various citizen groups that intervened in the consolidated actions, to resolve the claims brought under the Clean Air Act and the Michigan SIP. During the pendency of this case, Detroit Edison converted its coal-fired boilers at the Conners Creek facility to natural gas-fired boilers; the conversion satisfied the injunctive relief claims brought in the case.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed stipulated settlement order. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. The Detroit Edison Company*, DOJ Ref. #90-5-2-1-06726.

The proposed stipulated settlement order may be examined at the office of the United States Attorney for the Eastern District of Michigan, 211 W. Fort St., Suite 2300, Detroit, Michigan 48226-3211, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$5.00 (25 cents per page reproduction

costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Emergency Planning and Community Right to Know Act

Pursuant to 28 CFR 50.7, notice is hereby given that a proposed consent decree embodying a settlement in *United States v. Foster Poultry Farms*, No. CIV 00-6869 OWW DLB, was lodged on November 1, 2000, with the United States District Court for the Eastern District of California.

In a complaint filed concurrently with the lodging of the consent decree, the United States seeks penalties, pursuant to the Emergency Planning and Community Right to Know Act (EPCRA), 42 U.S.C. 11045, alleging that the defendant failed to submit a Form R reporting that it manufactured, processed, or otherwise used various toxic chemicals for numerous facilities in California and Oregon.

Under the proposed consent decree, the settling defendant has agreed to spend a minimum of \$549,000 performing supplemental environmental projects, including the installation and operation of automated anhydrous ammonia leak detection devices at five of its facilities, and the installation and operation of an ammonia refrigeration valve control system at one of its facilities. Settling defendant has also agreed to pay a civil penalty in the amount of \$125,000 within thirty days of the entry of the consent decree by the District Court.

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 for the Environment and Natural Resources Division, U.S. Department of Justice, Box 7611 Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *United States v. Foster Poultry Farms*, DOJ Ref. #90-11-2-06483.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of California, 1130 O Street, Fresno, California 93721. A copy of the proposed consent decree may also be obtained by mail from the Department

of Justice Consent Decree Library, Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$4.75 (25 cents per page reproduction costs), payable to the Consent Decree Library. A copy of the decree, exclusive of the signature pages and the attachments, may be obtained for \$3.50.

**Walker Smith,**

*Principal Deputy Chief, Environmental  
Enforcement Section, Environmental and  
Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—The ATM Forum

Notice is hereby given that, on September 29, 2000, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), The ATM Forum has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Ascom Transmission AG, Berne, SWITZERLAND; Catena Networks, Kanata, Ontario, CANADA; Coreon, Inc., Fremont, CA; Sedona Networks, Kanata, Ontario, CANADA; and Turin Networks, Petaluma, CA have been added as parties to this venture. The following auditing member has upgraded to a principal member: Ascom Transmission AG, Bern, SWITZERLAND. The following members have changed their names: Mitel Semiconductor to Mitel Corporation, Kanata, Ontario, CANADA; and Harris & Jeffries to Netplane Systems, Inc., Dedham, MA.

No other changes have been made in either the membership or planned activities of the group research project. Membership in this group research project remains open, and The ATM Forum intends to file additional written notification disclosing all changes in membership.

On April 19, 1993, The ATM Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section