

the implementation, pursuant to CERCLA Section 106, 42 U.S.C. 9606, of the United States Environmental Protection Agency's selected remedy for the ACS Site.

On January 11, 1996, DeMert & Dougherty, Inc., filed for bankruptcy under Chapter 11 of the bankruptcy Code in the U.S. District Court for the Northern District of Illinois. (*In re: DeMert & Dougherty, Inc.* (Bankr. N.D. 11. (Eastern Div. No. 96 B 0851))). The case was converted to a Chapter 7 Bankruptcy on June 27, 1996. In that case, the United States filed a proof of claim pertaining to the costs that it incurred at the ACS Site.

A consent decree lodged in 2002 would have resolved DeMert's liability as to the site and the United States' claim in DeMert's bankruptcy through the allowance of an allowed general unsecured claim of \$2,225,000.<sup>1</sup>

Public Comments received by the Department of Justice from the group performing the remedy at the ACS Site ("ACS Group") necessitated the withdrawal of the first consent decree and additional negotiations, which resulted in the proposed revised consent decree. The proposed revised decree would resolve DeMert's liability at the ACS Site under CERCLA and resolve the competing claims of the United States and the ACS Group in DeMert's bankruptcy action, as well as the claims that the ACS Group and DeMert may have against each other. In particular: (1) The ACS Group's claim in DeMert's bankruptcy would be allowed as a general unsecured claim for \$2,225,000, while the United States bankruptcy claim would be deemed to have been withdrawn; one-half of the total amount paid to the ACS Group in the bankruptcy would be deposited in an account within the Superfund and be available to reimburse the ACS Group's Operation and Maintenance costs at the Site; the remainder of the amount paid through the bankruptcy would be deposited in a different account within the Superfund for use by EPA in conducting or financing response actions connected with the ACS Site, or for use at other Sites; (2) the Trustee will assist the ACS Group in litigation resulting from actions taken by the ACS Group to obtain coverage under DeMert's insurance policies; (3) DeMert assigns to the ACS Group DeMert's rights to receive payments under

DeMert's insurance policies for the Site, and the Trustee will assist the ACS Group in litigation resulting from the ACS Group's attempts to obtain coverage under DeMert's insurance policies. The ACS Group would reimburse the Trustee for the fees and expenses incurred in assisting the ACS Group in such litigation.

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. Dougherty, Inc.*, D.J. Ref. 90-11-3-1094.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of Indiana, 5400 Federal Plaza, Suite 1500, Hammond, Indiana 44320 (contact Assistant United States Attorney Wayne Ault, 219-937-5500), and at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, Illinois (contact Assistant Regional Counsel Michael McClary (312-886-7163)). During the public comment period, the proposed Amended 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 a request to Tonia Fleetwood, fax no. (202) 616-6583, phone confirmation number (202) 514-1547. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$18.00 (25 cents per page reproduction costs) payable to the U.S. Treasury.

**William Brighton,**

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

[FR Doc. 05-23508 Filed 11-30-05 8:45 am]

**BILLING CODE 4410-15-M**

**NATIONAL INSTITUTE FOR LITERACY**

**National Institute for Literacy Advisory Board; Sunshine Act Meeting**

**AGENCY:** National Institute for Literacy.

**ACTION:** Notice of closed meeting.

**SUMMARY:** This notice sets forth the schedule and a summary of the agenda for an upcoming meeting of the National Institute for Literacy Advisory Board (Board). The notice also describes the

functions of the Board. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act.

**DATE AND TIME:** Closed session—December 12, 2005 from 2 p.m. to 4 p.m.

**ADDRESSES:** National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Liz Hollis, Special Assistant to the Director; National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006; telephone number: (202) 233-2072; e-mail: [ehollis@nifl.gov](mailto:ehollis@nifl.gov).

**SUPPLEMENTARY INFORMATION:** The Board is established under section 242 of the Workforce Investment Act of 1998, Public Law 105-220 (20 U.S.C. 9252). The Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Board advises and makes recommendations to the Interagency Group. The Interagency Group is composed of the Secretaries of Education, Labor, and Health and Human Services, and the three Secretaries administer the National Institute for Literacy (Institute). The Interagency Group considers the Board's recommendations in planning the goals of the Institute and in implementing any programs to achieve those goals. Specifically, the Board performs the following functions: (a) Makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and the Institute's Director.

The National Institute for Literacy Advisory Board meeting on December 12, 2005 from 2 p.m. to 4 p.m. will be closed to the public to discuss the personnel, staffing and performance issues. This discussion relates to the internal personnel rules and practices of the Institute and is likely to disclose information of personal nature where disclosure would constitute a clearly unwarranted invasion of personnel privacy. The discussion must therefore be held in closed session under exemptions 2 and 6 of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(2) and (6). Due to administrative issues associated with scheduling, this announcement will be published in the **Federal Register** less than 15 days prior to the date of the meeting. A summary of the activities at the closed session and related matters that are informative to the public and consistent with the policy of 5 U.S.C. 552b will be available to the public within 14 days of the meeting. Records are kept of all

<sup>1</sup> DeMert filed for bankruptcy under Chapter 11 of the Bankruptcy Code in the U.S. District Court for the Northern District of Illinois in 1996, and the case was later converted to a Chapter 7 Bankruptcy. (*In re: DeMert & Dougherty, Inc.* (Bankr. N.D. 11. (Eastern Div. No. 96B90851))). Both the United States and the ACS Group filed proofs of claim.

Advisory Board proceedings and are available for public inspection at the National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006, from 8:30 a.m. to 5 p.m.

Dated: November 23, 2005.

**Sandra L. Baxter,**

*Director.*

[FR Doc. 05-23544 Filed 11-28-05; 3:50 pm]

**BILLING CODE 6055-01-P**

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting; Sunshine Act

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

*Name:* Proposal Review Panel for Materials Research (DMR) # 1203.

*Dates and Times:*

January 25, 2006; 7:45 a.m.–8 p.m. (open 8–11:45, 1–4:30, 5:30–6:30), (closed 4:30–5:30, 6:30–8).

January 26, 2006; 8 a.m.–4 p.m. (open 9–10:30).

*Place:* University of Massachusetts, Amherst, MA.

*Type of Meeting:* Part Open.

*Contact Person:* Dr. Thomas P. Rieker, Program Director, Materials Research Science and Engineering Centers, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292-4914.

*Purpose of Meeting:* To provide advice and recommendations concerning progress of Materials Research Science and Engineering Center.

*Agenda:*

January 25, 2006—Closed to brief site visit panel.

January 26, 2006—Open for Directors overview of Materials Research Science and Engineering Center and presentations. Closed to review and evaluate progress of Materials Research Science and Engineering Center.

*Reason for Closing:* The work being review may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: November 29, 2005.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 05-23566 Filed 11-29-05; 1:19 pm]

**BILLING CODE 7555-01-M**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Meeting on Planning and Procedures; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold a Planning and Procedures meeting on December 15, 2005, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland. The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

#### Thursday, December 15, 2005—8:30 a.m.–9:45 a.m.

The Committee will discuss proposed ACNW activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Ms. Sharon A. Steele (Telephone: 301/415-6805) between 8 a.m. and 5:15 p.m. (ET) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 8:30 a.m. and 5:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: November 23, 2005.

**Michael L. Scott,**

*Branch Chief, ACRS/ACNW.*

[FR Doc. E5-6715 Filed 11-30-05; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 166th

meeting on December 13–15, 2005, Room T-2B3, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

The schedule for this meeting is as follows:

#### Tuesday, December 13, 2005

*8:30 a.m.–8:45 a.m.: Opening Statement (Open)*—The ACNW Chairman will make opening remarks regarding the conduct of today's sessions.

*8:45 a.m.–9:45 a.m.: Combined Office of Nuclear Materials Safety and Safeguards (NMSS) and Division Directors Briefing (Open)*—The NMSS Office and Division Directors will brief the Committee on recent activities of interest within their respective programs.

*9:45 a.m.–11:15 a.m.: U.S. Nuclear Regulatory Commission (NRC's) Plans for the Implementation of a Dose Standard After 10,000 Years (Open)*—NRC is proposing to amend its regulations at 10 CFR part 63 that govern the disposal of high-level radioactive wastes in a proposed geologic repository at Yucca Mountain. The proposed rule would implement EPA's proposed standards for doses that could occur after 10,000 years but within the period of geologic stability. The Committee will continue its discussions with representatives from NRC's Office of Nuclear Materials Safety and Safeguards on those proposed revisions. The NRC staff briefing will include the topics of radionuclide inventory, effects of climate change, and dosimetry.

*11:30 a.m.–12:30 p.m.: Reasonableness of NRC Infiltration Assumption in the Proposed Part 63 (Open)*—NRC's proposed rule change at Part 63 specifies a value to be used to represent climate change after 10,000 years, as called for by EPA. The Committee will hear presentations from and hold discussions with knowledgeable subject matter experts on the reasonableness of NRC's proposed infiltration assumption.

*1:30 p.m.–4:15 p.m.: White Paper on Low-Level Radioactive Waste (Open)*—The Committee will discuss a proposed white paper on low-level radioactive waste (LLW). NRC staff and stakeholders will provide perspectives on the subject.

*4:30 p.m.–5:30 p.m.: Preparation of ACNW Reports/Letters (Open)*—The Committee will discuss proposed ACNW reports on matters considered during this and/or previous meetings.