

information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.** On October 4, 2005, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review pursuant to section 751(c)(5) of the Act should proceed (70 F.R. 60110, October 14, 2005). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's Web site.

**Participation in the review and public service list.** Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those

parties authorized to receive BPI under the APO.

**Staff report.** The prehearing staff report in the review will be placed in the nonpublic record on April 7, 2006, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

**Hearing.** The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on April 27, 2006, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 20, 2006. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 24, 2006, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

**Written submissions.** Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is April 18, 2006. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is May 8, 2006; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before May 8, 2006. On June 2, 2006, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 6, 2006, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any

submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II (C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: December 5, 2005.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E5-7083 Filed 12-7-05; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Office of the Assistant Attorney General for Civil Rights; Certification of the State of North Carolina Accessibility Code Under the Americans With Disabilities Act

**AGENCY:** Department of Justice.

**ACTION:** Notice of certification of equivalency.

**SUMMARY:** The Department of Justice (Department) has determined that the 2002 North Carolina Accessibility Code with 2004 Amendments (NCAC) meets or exceeds the new construction and alterations requirements of title III of the Americans with Disabilities Act of 1990 (ADA). The Department has issued a certification of equivalency, pursuant to

42 U.S.C. 12188(b)(1)(A)(ii) and 28 CFR 36.601 *et seq.*, which constitutes rebuttable evidence, in any enforcement proceeding, that a building constructed or altered in accordance with the NCAC meets or exceeds the requirements of the ADA.

**DATES:** December 8, 2005.

**FOR FURTHER INFORMATION CONTACT:** John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., 1425 NYA Building, Washington, DC 20530. Telephone number (800) 514-0301 (Voice) or (800) 514-0383 (TTY).

Copies of this notice are available in formats accessible to individuals with vision impairments and may be obtained by calling (800) 514-0301 (Voice) or (800) 514-0383 (TTY).

**SUPPLEMENTARY INFORMATION:**

**Background**

The ADA authorizes the Department of Justice, upon application by a State or local government, to certify that a State or local law that establishes accessibility requirements meets or exceeds the minimum requirements of title III of the ADA for new construction and alterations. 42 U.S.C. 12188(b)(1)(A)(ii); 28 CFR 36.601 *et seq.* Final certification constitutes rebuttable evidence, in any ADA enforcement action, that a building constructed or altered in accordance with the certified code complies with the new construction and alterations requirements of title III of the ADA.

The North Carolina Department of Insurance requested that the Department of Justice (Department) certify that the 2002 North Carolina Accessibility Code with 2004 Amendments (NCAC) meets or exceeds the new construction and alterations requirements of title III of the ADA.

The Department has analyzed the NCAC and has preliminarily determined that it meets or exceeds the new construction and alterations requirements of title III of the ADA. By letter dated March 17, 2005, the Department notified the North Carolina Department of Insurance of its preliminary determination of equivalency.

On April 8, 2005, the Department published notices in the **Federal Register** announcing its preliminary determination of equivalency and requesting public comments thereon. The period for submission of written comments ended on June 7, 2005. In addition, the Department held public hearings in Cary, North Carolina on May

16, 2005, and in Washington, DC, on June 20, 2005.

Seven individuals provided comments. The commenters included design professionals, disability rights advocates, government officials, and other interested individuals. The Department has analyzed all of the submitted comments and has consulted with the U.S. Architectural and Transportation Barriers Compliance Board.

The majority of the comments the Department received supported certification of the NCAC. Two commenters, while not opposing certification of the NCAC, had questions about the State's enforcement of the NCAC. Based on these comments, the Department has determined that the NCAC is equivalent to the new construction and alterations requirements of title III of the ADA. Therefore, the Department has informed the submitting official of its decision to certify the NCAC.

**Effect of Certification**

The certification determination will be limited to the version of the NCAC that has been submitted to the Department. The certification will not apply to amendments or interpretations that have not been submitted and reviewed by the Department.

Certification will not apply to buildings constructed by or for State or local government entities, which are subject to title II of the ADA. Nor does certification apply to accessibility requirements that are addressed by the NCAC, but are not addressed by the new construction and alterations requirements of title III of the ADA, including the ADA Standards for Accessible Design.

Finally, certification does not apply to variances or waivers granted under the NCAC. Certification also does not apply if other State building codes provide exemptions from the NCAC requirements. Therefore, if a builder receives a variance, waiver, modification, or other exemption from the requirements of the NCAC for any element of new construction or alterations, the builder would not be in compliance with the ADA and would not be able to benefit from certification's rebuttable evidence of ADA compliance with respect to that element.

**Wan J. Kim,**

*Assistant Attorney General for Civil Rights.*

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under the Clean Air Act**

Under 28 CFR 50.7, notice is hereby given that on November 17, 2005, a proposed consent decree in *United States et al. v. Atlas Roofing Corporation*, Case No. CV 05-8180JFW (RZx), was lodged with the United States District Court for the Central District of California.

In this action, the United State and the South Coast Air Quality Management District, ("SCAQMD") sought injunctive relief and civil penalties under Section 113 of the Clean Air Act and Cal. Health & Safety Code §§ 42401, 42402.1 against Atlas Roofing Corporation ("Atlas") at its expanded polystyrene ("EPS") foam manufacturing facility in Los Angeles, California, for: (1) Failure to demonstrate that the emission control system at the facility complied with SCAQMD Rule 1175, a part of the California State Implementation Plan; (2) failure to comply with a permit condition limiting the pentane content of the polystyrene beads used at the facility; (3) failure to comply with a permit condition regarding the operation of the control device; (4) violation of SCAQMD Hearing Board's Order limiting the pentane content of the polystyrene beads; and (5) violation of SCAQMD Hearing Board's Order for Abatement regarding the operation of the control device. The consent decree requires Atlas to: (1) Pay a civil penalty of \$221,400 to the United States; (2) pay a civil penalty of \$147,000 to SCAQMD; and (3) cease all EPS foam operations regulated by SCAQMD 1175 at the facility by December 31, 2005.

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, D.C. 20044-7611, with a copy to Ann Hurley, U.S. Department of Justice, 301 Howard Street, Suite 1050, San Francisco, CA 94105, and should refer to *United States et al. v. Atlas Roofing Corporation*, D.J. Ref. #90-5-2-1-08415.

The consent decree may be examined at U.S. EPA Region 9, Office of regional Counsel, 75 Hawthorne Street, San Francisco, California. 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