

ITP from the Service. The HCP will include the following: (1) Conservation measures for siting and constructing the Project, (2) postconstruction monitoring to gather data regarding the impact of the first phase on local Indiana bats; and (3) an Adaptive Management Plan to ensure appropriate procedures are in place which adequately modify operations to minimize and mitigate the effects the Project may have on the Indiana bat.

The Project will encompass portions of Adair, Sullivan, and Putnam Counties, Missouri, near the towns of Greencastle and Green City. It will directly affect 240 acres, or 0.7 percent of approximately 36,757 acres of privately leased rural land. This area is an agricultural landscape composed predominately of pasture land, with some cultivated cropland and isolated areas of deciduous forest scattered throughout.

The Project will provide as much as 300 megawatts (MW) of renewable energy from as many as 200 1.5-MW wind energy turbines and the related facilities (access roads, collection lines, operation and maintenance facilities (O&M), substations, and a transmission line). The Project will be constructed in two phases. Phase I involves up to 200 MWs of renewable energy and includes a 16-mile transmission line extending from the Project area east to a substation located southwest of the city of Kirksville, Missouri.

Phase II consists of the balance of the Project and will not be developed until at least 1 full year of postconstruction data is obtained, and the Applicant and the Service have agreed that all reasonable measures have been taken to minimize and mitigate harm to the Indiana bat. This information will be used to determine whether adaptive management is required and to assist in the design and operation of Phase II of the Project.

Turbine installation will temporarily impact a 125-to-150-foot radius surrounding a turbine, with the final footprint limited to a 25-foot radius from the turbine center. The rotor diameter of each turbine will be approximately 82.5 meters (271 feet), with the hub height expected to be at either 80 or 100 m. Assuming a 100-m hub height, the maximum height of each turbine will be 141.25 m (463 feet (ft)) when the rotor blade is at the top of its rotation.

Access roads during construction will be within a 50-ft right-of-way (ROW) and will be used for moving construction equipment among the turbine locations. The access roads will be reduced to 15 feet after construction

and will be used for Project maintenance.

Collection lines, used to transfer power from the turbines to the substations, will be buried underground and will not disturb the landscape after construction is completed. A transmission line will be constructed within a 150-ft-wide ROW. Wood H-frames, varying from 60 to 115 ft in height and spaced from 600 to 700 ft apart, will be used to support the transmission line. The Project may have up to four substations and two O&M facilities.

#### Environmental Review

The purpose of the public scoping process is to identify relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the process for developing the EIS. In addition to the Indiana bat, the Service has identified the following preliminary issues: Nonavian wildlife, avian wildlife and bats, topography, geology and soils, water and wetlands resources, air quality, vegetation and land use, and cultural resources.

#### Authority

We furnish this notice under NEPA regulations (40 CFR 1501.7 and 1508.22). The intent of this notice is to enable us to obtain suggestions and additional information from other agencies and the public on the scope of issues to be considered.

Dated: July 26, 2010.

#### Tom Melius,

Regional Director, Region 3, Fort Snelling, MN.

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### INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-1071-1072 (Review)]

#### Magnesium From China and Russia

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of full five-year reviews concerning the antidumping duty orders on alloy magnesium from China and pure and alloy magnesium from Russia.

**SUMMARY:** The Commission hereby gives notice of the scheduling of full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) (the Act) to determine whether revocation of the antidumping duty

orders on alloy magnesium from China and pure and alloy magnesium from Russia would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**DATES:** *Effective Date:* July 28, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain 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 these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

*Background.*—On June 4, 2010, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews pursuant to section 751(c)(5) of the Act should proceed (75 FR 35086, June 21, 2010). 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 reviews 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 these reviews 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 reviews 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 reviews.

**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 these reviews available to authorized applicants under the APO issued in the reviews, 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 reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews 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 reviews will be placed in the nonpublic record on November 8, 2010, 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 reviews beginning at 9:30 a.m. on December 7, 2010, 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 November 30, 2010. 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 December 2, 2010, 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 reviews 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 November 18, 2010. 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 December 16, 2010; 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 reviews may submit a written statement of information pertinent to the subject of the reviews on or before December 16, 2010. On February 1, 2011, 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 February 3, 2011, 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 reviews must be served on all other parties to the reviews (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:** These reviews are 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: August 3, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on August 4, 2010, a proposed Consent Decree (the "Decree") in *United States v. Massachusetts Bay Transportation Authority ("MBTA") and Massachusetts Bay Commuter Railroad Company, L.L.C.*, Civil Action No. 1:10-cv-11311, was lodged with the United States District Court for the District of Massachusetts.

In a complaint, filed simultaneously with the Decree, the United States alleges that the Massachusetts Bay Transportation Authority ("MBTA") and the Massachusetts Bay Commuter Railroad Company, L.L.C. ("MBCR") violated the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and 310 CMR § 7.11(2)(b), a regulation included in the Massachusetts' State Implementation Plan, by causing, suffering, allowing, or permitting the unnecessary foreseeable idling of a diesel powered locomotive for a continuous period of time longer than thirty minutes, and not subject to the regulation's exception.

Pursuant to the Decree, MBTA and MBCR will: (1) Install sufficient electric plug-in stations throughout the MBTA's commuter rail system to fully supply electric auxiliary power to all diesel locomotives that lay over at all of the MBTA's layover facilities; (2) implement a fuel switch supplemental environmental project ("SEP") that requires Defendants to switch the MBTA's entire commuter train fleet from low sulfur diesel fuel (500 ppm sulfur) to ultra-low sulfur diesel fuel (15 ppm sulfur) two years prior to federal regulations mandating the switch; and (3) retrofit 14 diesel locomotives with new head end power units that have increased emission controls. MBTA and MBCR will also pay a \$225,000 civil penalty to the United States pursuant to the Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S.