

duty order on fresh garlic from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

### Background

The Commission instituted this review on February 1, 2006 (71 FR 5374) and determined on May 8, 2006 that it would conduct an expedited review (71 FR 29352, May 22, 2006). Notice of the scheduling of the Commission's review was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on May 22, 2006 (71 FR 29352).

The Commission is scheduled to transmit its determination in this review to the Secretary of Commerce on September 28, 2006. The views of the Commission are contained in USITC Publication 3886 (September 2006), entitled *Fresh Garlic From China (Inv. No. 731-TA-683 (Second Review))*.

By order of the Commission.

Issued: September 28, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act and the Oil Pollution Act

Notice is hereby given that on September 22, 2006, a proposed consent decree in *United States v. Nacelle Land & Management Corporation, et al.*, Civ. No. 1:04-cv-201 was lodged with the United States District Court for the Northern District of Ohio.

In this action, the United States seeks, pursuant to the Oil Pollution Act, recoupment of the costs incurred by the U.S. Environmental Protection Agency ("U.S. EPA") in conducting oil response actions at Nacelle Land & Management Corporation's oil and brine separation facility located at 675 Lakeshore Blvd., Painesville Township, Lake County, Ohio ("Nacelle Facility"). The complaint also seeks civil penalties for alleged violations of the Clean Water Act and its pertinent regulations at the Nacelle Facility. Specifically, in its Complaint, the United States, on behalf of the Oil Spill Liability Trust Fund ("OSLTF") and its administrator, the U.S. Coast Guard, seeks, pursuant to the Oil Pollution Act (OPA), 33 U.S.C. 2701, *et seq.*, to recover all unreimbursed oil

removal costs, including interest under OPA Section 1005, 33 U.S.C. 2705, prejudgment interest, administrative and adjudicative costs, and attorney's fees, totaling at least \$2,274,337.59, incurred by the United States, and/or expended by the OSLTF, in responding to the discharge and/or substantial threat of discharge of oil at and from Nacelle's the Nacelle Facility. The Complaint also seeks, on behalf of U.S. EPA, civil penalties pursuant to CWA Section 311, 33 U.S.C. 1321(b)(7), from Defendants Nacelle and Lake Underground for discharges of oil and brine into navigable waters of the United States at or adjacent to the Nacelle Facility, and for the failure of Nacelle and Lake Underground to prepare and implement an oil spill prevention control and countermeasures program at the Nacelle Facility.

Under the proposed Consent Decree, the United States would recover a total of \$300,000 (determined by a Department of Justice financial analyst to be the amount that the corporations can pay) as well as a portion of the proceeds of any sale or lease of certain properties owned by the companies. Of the \$300,000 to be recovered, \$200,000 would be paid to the OSLTF in satisfaction of the United States' claim for reimbursement of removal costs, and \$100,000 would be paid to the OSLTF in full settlement of the United States' claim for civil penalties under CWA Section 311, 33 U.S.C. 1321. A percentage of the proceeds from the sale or lease of properties owned by the corporations also would be paid into the OSLTF.

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. Nacelle Land & Management Corp., et al.* D. J. Ref. 90-5-1-1-4365.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Ohio, 801 West Superior Avenue Suite 400, Cleveland, OH 44113 (contact Asst. U.S. Attorney Steven Paffilas (216-622-3698)), and at U.S. EPA Region 5, 7th Floor Records Center, 77 West Jackson Blvd., Chicago, Illinois 60604 (contact Assoc. Regional Counsel Deirdre Tanaka (312-886-6730)). During the public comment period, the proposed consent decree may also be examined on the following Department of Justice Web site, [http://](http://www.usdoj.gov/enrd/open.html)

[www.usdoj.gov/enrd/open.html](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 \$7.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**William Brighton,**

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

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration Advisory Council on Employee Welfare and Pension Benefit Plans Working Group on Plan Asset Rules, Exemptions and Cross Trading, Working Group on a Procedurally Prudent Investment Process, and Working Group on Health Information Technology; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Groups assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issues of (1) Plan asset rules, exemptions and cross trading, (2) a procedurally prudent investment process, and (3) health information technology, will hold public teleconference meetings on October 20, 2006.

The sessions will take place in Room N4437-A, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meetings is for each Working Group to discuss its report/recommendations for the Secretary of Labor. The meetings will run from 11 a.m. to approximately 5 p.m., starting with the Working Group on Plan Asset Rules, Exemptions and Cross Trading, followed by the Working Group on a Procedurally Prudent Investment Process, followed by the Working Group on Health Information Technology.

Organizations or members of the public wishing to submit a written statement pertaining to the topic may do