

4. Alternative 4: Implementation of Public Law 106-457, Secondary Treatment Facility in Mexico.

- Treatment Option A: Operation of SBIWTP as Advanced Primary Facility, Secondary Treatment in Mexico.

- Treatment Option B: Cease Operation of SBIWTP, Secondary Treatment in Mexico.

- Treatment Option C: Bajagua Project, LLC Proposal—Operation of SBIWTP as Advanced Primary Facility, Secondary Treatment in Mexico.

- Discharge Option I: Treated Effluent Discharged in United States via SBOO.

- Discharge Option II: Treated Effluent Discharged in Mexico at Punta Bandera.

5. Alternative 5: Secondary Treatment in the United States at SBIWTP.

- Treatment Option A: Completely Mixed Aeration (CMA) Ponds at SBIWTP.

- Treatment Options B-1 and B-2: Activated Sludge Secondary Treatment at SBIWTP.

6. Alternative 6: Secondary Treatment in the U. S. and in Mexico.

7. Alternative 7: SBIWTP Closure/Shutdown.

Background: The original Draft EIS for the SBIWTP project (1991) proposed the construction of a facility in San Diego to achieve secondary treatment using an activated sludge technology. Based on a 1994 Final EIS and Record of Decision (ROD), the USIBWC and the USEPA approved the construction of the SBIWTP and the connecting SBOO. The SBIWTP is on a 75-acre site in south San Diego County, California, just west of San Ysidro near the intersection of Dairy Mart and Monument roads. Treated effluent is discharged to the Pacific Ocean through the SBOO, a 4.5-mile long piping system completed in January 1999. This outfall extends about 3.5 miles offshore.

Pursuant to the completion of an Interim Operations Supplemental EIS in 1996, the USIBWC and USEPA decided to operate the SBIWTP as an advanced primary treatment facility before completion of the necessary secondary facilities. This decision would expedite the treatment of up to 25 mgd of untreated sewage from Tijuana that would otherwise have continued to pollute the Tijuana River and Estuary, as well as coastal waters in the United States.

Before the SBOO was completed in 1999, advanced primary treated effluent was discharged through an emergency connection to the City of San Diego Point Loma Wastewater Treatment Plant. The emergency connection was used daily in the late 1980s and 1990s, but it has not been used in this manner

since the SBIWTP started discharging through the SBOO in 1999.

After the release of the May 1994 Final EIS and ROD and the 1996 decision regarding interim operation, significant additional information became available and changed circumstances warranted reconsidering the best means to complete the SBIWTP secondary treatment facilities. The USIBWC and USEPA decided to prepare a Supplemental EIS to examine new information as a settlement to a lawsuit that challenged the 1994 Final EIS.

In January 1998, the USIBWC and the USEPA issued the Draft Long Term Treatment Options Supplemental EIS to re-evaluate the SBIWTP secondary treatment options. In October 1998, the agencies issued a supplement to the 1996 Interim Operation Supplemental EIS that addressed impacts of the advanced primary treatment. This supplement disclosed new information about the presence of dioxins and acute toxicity in the advanced primary discharge. This new information was incorporated into the Final Long Term Treatment Options Supplemental EIS released in March 1999.

In the 1999 ROD for the Long Term Treatment Options Supplemental EIS, the USEPA and the USIBWC selected the CMA pond system at the Hofer property as the long-term option for secondary treating 25 mgd of wastewater at the SBIWTP. However, Congress did not fund the construction of these secondary treatment facilities and the plant has continued to provide advanced primary treatment only.

The specific purpose of the current analysis is to determine the environmental impacts of the alternatives that could accomplish compliance with the CWA and the SBIWTP NPDES permit.

A Notice of Availability of the DSEIS was published in the **Federal Register** on December 30, 2004. A public hearing to present the findings of the DSEIS was held on February 2, 2005, in San Diego, California. The USIBWC has taken public comments on the December 2004 DSEIS into consideration and made clarifications and corrections as contained in the FSEIS. The USIBWC has identified Alternative 4, Treatment Option C with Discharge Option I, as the preferred alternative.

A copy of the FSEIS has been filed with the USEPA in accordance with 40 CFR parts 1500 through 1508 and USIBWC procedures. Written comments concerning the FSEIS will be accepted at the address above until August 24, 2005.

Dated: July 14, 2005.

Susan E. Daniel,

General Counsel.

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INTERNATIONAL TRADE COMMISSION

[Inv. Nos. 701-TA-355 and 731-TA-659-660]

Grain-Oriented Silicon Electrical Steel From Italy and Japan, Notice and Scheduling of Third Remand Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: The U.S. International Trade Commission (“the Commission”) hereby gives notice of proceedings in the remand investigation ordered by the United States Court of International Trade in Grain-Oriented Silicon Electrical Steel from Italy and Japan, Invs. Nos. 701-TA-355 and 731-TA-659-660.

FOR FURTHER INFORMATION CONTACT:

Douglas Corkran, Office of Investigations, telephone 202-205-2057 or Gracemary R. Roth-Roffy, Esq., Office of the General Counsel, telephone (202) 205-3117, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TODD terminal on (202) 205-1810. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at [www.http://edis.usitc.gov](http://edis.usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background

On February 23, 2001, the Commission determined that revocation of the countervailing duty order on grain-oriented electrical steel (“GOES”) from Italy would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. The Commission also determined that revocation of the antidumping duty orders on GOES from Italy and Japan would be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Grain-Oriented Silicon Electrical

Steel from Italy and Japan, Invs. Nos. 701-TA-355 and 731-TA-659-660 (Review) USITC Pub. 3396 (February 2001). The Commission's determinations were appealed to the U.S. Court of International Trade ("Court"). On December 24, 2002, the Court remanded the Commission's determinations on the grounds that the Commission did not apply the correct "likely" standard; that the Commission failed to specifically discuss each of the four factors outline in 19 U.S.C. 1675a(a)(2)(A)-(D); and that the Commission failed to discuss whether the likely volume of imports of subject merchandise would be significant in absolute terms or relative to U.S. production and consumption, pursuant to 19 U.S.C. 1675a(a)92). *Nippon Steel Corp., et al. v. United States*, Slip Op 02-153 (December 24, 2002).

On first remand, the Commission again found that revocation of the countervailing duty order on GOES from Italy, and the antidumping duty orders on GOES from Italy and Japan would be likely to lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Grain-Oriented Silicon Electrical Steel from Italy and Japan, Invs. Nos. 701-TA-355 and 731-TA-659-660 (Remand) (Review), USITC Pub. 3585 (March 2003). On December 17, 2003, the Court issued an opinion remanding the Commission's first remand determination. *Nippon Steel Corp., et al. v. United States*, 301 F. Supp 1355 (CIT 2003). Specifically, the Court remanded the Commission's no discernible adverse impact, cumulation, likely volume, likely price and likely impact findings for reconsideration.

On second remand, the Commission found that revocation of the countervailing duty order on GOES from Italy, and the antidumping duty orders on GOES from Italy and Japan, would be likely to lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. Grain-Oriented Silicon Electrical Steel from Italy and Japan, Inv. Nos. 701-TA-355 and 731-TA-659-660 (Review) (Remand), USITC Pub. 3650 (Mar. 2004).

On June 15, 2005, the Court issued an opinion affirming in part and remanding in part, the Commission's affirmative sunset determination on second remand. Specifically, the court affirmed the Commission's determination with respect to discernible adverse impact, cumulation, and likely price effects. However, the court remanded the commission's likely volume and likely

adverse impact determinations to the Commission with an order to take further action consistent with its instructions. The Commission is directed to issue its remand determination within 90 days of the issuance of the Court's decision *i.e.*, by September 13, 2005.

Reopening the Record

In order to assist it in making its determination on third remand, the Commission is reopening the record in this investigation to seek additional information with respect to certain of the instructions provided by the Court.

Participation in the Remand Proceedings

Only those interested parties who were parties to the original investigations (*i.e.*, persons listed on the Commission Secretary's service list) may participate in this remand proceeding. No additional filings with the Commission will be necessary for these parties to participate in the remand proceeding. Business proprietary information (BPI) obtained during the remand proceeding will be governed, as appropriate, by the administrative protective order (APO) issued in the original investigations. (Parties who participated in the original investigation, if no longer covered by the APO, are directed to contact the Commission Secretary.)

Written Submissions

Information obtained during the remand investigation will be released to the parties under the administrative protective order ("APO") issued in the original investigations on or about July 28, 2005. The third remand staff report will be placed in the nonpublic record on August 8, 2005, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules. Parties that are participating in the remand proceedings may file comments on or before August 15, 2005 with respect to how the record, as supplemented, bears on the issues presented by the panel's remand instructions.

No additional factual information may be included in such comments. Comments shall not exceed 20 pages of textual material, double-spaced and single-sided, on stationery measuring 8½ × 11 inches.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain business proprietary information (BPI) must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's

rules. The Commission rules do not authorize filing 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 (Nov. 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or updated 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.

Parties are also advised to consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207) for provisions of general applicability concerning written submissions to the Commission.

Authority: This action is taken under the authority of the Tariff Act of 1930, title VII.

Issued: July 18, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Inv. Nos. 701-TA-430B- and 731-TA-1019B]

Hard Red Spring Wheat From Canada; Notice of Revised Schedule for Remand Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: The U.S. International Trade Commission (the Commission) hereby gives notice of a revised schedule for the proceedings in the remand investigation ordered by a binational panel established under Article 1904 of the North American Free Trade Agreement (NAFTA) in Hard Red Spring Wheat from Canada, Inv. Nos. 701-TA-430B and 731-TA-1019B (Final).

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise, Office of Investigations, telephone 202-708-5408 or Michael Diehl, Esq., Office of the General Counsel, telephone (202) 205-3095, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons are advised that