

[FR Doc. 04-12286 Filed 6-3-04; 8:45 am]

BILLING CODE 4310-MR-C

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-492]

### In the Matter of Certain Plastic Grocery and Retail Bags; Notice of Commission Determination Not To Review an Initial Determination Finding a Violation of Section 337; Schedule for Written Submissions on Remedy, the Public Interest, and Bonding

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the final initial determination (ID) issued by the presiding administrative law judge (ALJ) in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:**

Andrea Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3105. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 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 investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on May 2, 2003, based on a complaint filed by Superbag Corp. ("Superbag") of Houston, Texas, against four respondents. 68 FR 24755 (May 8, 2003). Superbag's complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and/or sale within the United States after importation of certain T-styled plastic grocery and retail bags that infringe one or more of claims 1-8 and 15-19 of Superbag's U.S. Patent No. 5,188,235. On March 30, 2004, the ALJ issued his

final ID and recommended determination on remedy and bonding, finding that there is a violation of section 337 and recommending that the Commission issue a general exclusion order. He also recommended that the bond permitted temporary importation during the Presidential review period be set at 80 percent of the entered value. No party petitioned for review of the ID.

In connection with the final disposition of this investigation, the Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or issue one or more cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, it should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider in this investigation include the effect that an exclusion order would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

*Written Submissions:* The parties to the investigation, interested government

agencies, and any other interested parties are encouraged to file written submissions on remedy, the public interest, and bonding. Such submissions should address the March 30, 2004, recommended determination by the ALJ on remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed orders for the Commission's consideration. The written submissions and proposed orders must be filed no later than close of business on June 21, 2004. Reply submissions, if any, must be filed no later than the close of business on June 28, 2004. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file with the Office of the Secretary the original document and 14 true copies thereof on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See section 201.6 of the Commission's Rules of Practice and Procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and sections 210.42 of the Commission's Rules of Practice and Procedure, 19 CFR 210.42.

Issued: May 28, 2004.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 04-12650 Filed 6-3-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Under section 122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), and 28 CFR 50.7, notice is hereby given that on May 26, 2004, a proposed Consent Decree in *United States v. Ralph Bello, et al.*,

Civil Action No. 3:01 CV 1568 (SRU), was lodged with the United States District court for the District of Connecticut.

In this action, the United States sought recovery of response costs incurred by the United States Environmental Protection Agency in conducting a soil cleanup removal action at the National Oil Service Superfund Site in West Haven, Connecticut. The United States filed its complaint pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), seeking recovery of response costs incurred at the Site. The complaint named five defendants, four of which are participating in the proposed settlement: Ralph Bello, Vera Bello, Vera Associates Limited Partnership, and the real property address at 16-20 Elm Street, West Haven, Connecticut (collectively "the Owner/Operator Defendants"). The proposed Consent Decree resolves the United States' cost recovery claims against each of the Owner/Operator Defendants or Settling Defendants. Under the proposed Decree, the Settling Defendants collectively agree to pay \$150,000 in partial reimbursement of the United States' response costs.

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. Ralph Bello, et al.*, D.J. Ref. 90-11-3-07333/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Connecticut Financial Center, New Haven, CT, and at U.S. EPA Region 1, One Congress Street, Boston, MA. 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 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 no. (202) 514-1547. For a copy of the proposed Consent Decree including the signature pages and attachments, please enclose a check in the amount of \$4.25

(25 cents per page reproduction cost) payable to "U.S. Treasury."

**Ronald Gluck,**

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

[FR Doc. 04-12621 Filed 6-3-04; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

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

Pursuant to 28 CFR 50.7, notice is hereby given that on May 24, 2004, a proposed Consent Decree ("Decree") in *United States v. GC Quality Lubricants, Inc., Georgia-Carolina Oil Company, Bay Street Corporation, and John Paul Jones, Jr.*, Civil Action No. 5:01cv03233HL (M.D. Ga.), was lodged with the United States District Court for the Middle District of Georgia.

In this action the United States sought Clean Water Act ("CWA") penalties, compliance with CWA oil pollution prevention regulations, and cost recovery under the Oil Pollution Act ("OPA") for the United States' response costs for the removal conducted at the GC Quality Lubricants, Inc. ("GC") petroleum-based lubricants facility in Macon, Georgia ("Facility"). The Decree provides for GC to consent to an allowed general unsecured claim of \$3,000,000 for the cost recovery claim against GC, and to an allowed general unsecured claim of \$325,000 for the penalty claim against GC, both subject to approval by the United States Bankruptcy Court for the Middle District of Georgia in *In re GC Quality Lubricants, Inc.*, No. 01-54952 RFH (Bankr. M.D. Ga.). The Decree also provides for a penalty of \$75,000 against Settling Defendant Mr. Jones, and for Mr. Jones to consent to an allowed general unsecured claim of \$3,000,000 for the cost recovery claim against him, subject to approval by the United States Bankruptcy Court for the Middle District of Georgia in *In re John Paul Jones, Jr.*, No. 01-55087-RFH (Bankr. M.D. Ga.). The Decree further provides for injunctive relief, specifically, compliance at the Facility with oil pollution prevention regulations.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United*

*States v. GC Quality Lubricants, Inc., Georgia-Carolina Oil Company, Bay Street Corporation, and John Paul Jones, Jr.*, Civil Action No. 5:01cv03233HL (M.D. Ga.), D.J. Ref. 90-5-1-1-07033.

The Decree may be examined at the Office of the United States Attorney, Middle District of Georgia, 433 Cherry Street, Macon, Georgia 31201, and at U.S. EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-3104. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the 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 \$8.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 04-12622 Filed 6-3-04; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7, notice is hereby given that on May 14, 2004, a proposed Settlement Agreement for *In Re Lockwood Corporation*, BK 93-80133, was lodged with the United States Bankruptcy Court for the District of Nebraska.

In this action the United States sought reimbursement of response costs and protection of the environment relating to the continued maintenance of a hazardous waste management unit located at 220759 Highway 92 in Gering, Nebraska. The Settlement Agreement is between the Lockwood Corporation Bankruptcy Trustee, Agromac International Inc., and the United States. The Agreement provides for (i) the hazardous waste management unit to be transferred from Lockwood to Agromac, and (ii) transfer of the remaining funds in the bankruptcy estate, net of \$52,000 in reimbursement of monitoring expenditures and fees, to an escrow account for use in cleaning up the