(2) on the issue of Deere's alleged financing of certain EVSPFHs; (3) with respect to the ALJ's application of the ''all or substantially all'' standard, including a statement of the type and number of sales relied on and the basis for reliance on those sales, especially the basis for including used sales of North American-version harvesters in the assessment of whether that standard has been met by Deere; and (4) on whether all or substantially all of Deere's sales of SPFHs were of North American versions of these machines.

On March 13, 2008, the Commission asked the parties to discuss (1) The total quantity of new and used EVSPFHs sold by John Deere's official European dealers to the United States from 1997 through 2002, including (a) all European dealer sales for importation to the United States for which there is documentary evidence in the existing record and (b) an estimate of the total quantum of additional European dealer sales for importation to the United States for which there may not be documentary evidence on this record; (2) an exclusively legal discussion of the relevance of the agency doctrines of actual and apparent authority in the context of gray market sales in the United States; and (3) whether, if the Commission were to take into account only sales of gray market EVSPFHs by U.S. dealers (i.e. sales within the United States after importation), and not sales for importation of gray market goods by John Deere's European dealers, it would in effect improperly limit the scope of the unlawful activities that it is required to consider under the statute, which includes within the Commission's jurisdiction ''the sale for importation'' as well as ''the sale within the United States after importation'' of articles that infringe a valid United States trademark. 19 U.S.C. Section 1337(a)(1)(C).

Written submissions were received by the parties on April 15 and April 24, 2008. On April 30, the parties each filed reply submissions.

Having considered the record and briefing in this investigation, the Commission has determined to reverse the ALJ's finding of violation. A Commission Opinion in support of its determinations will follow shortly.

The authority for this notice is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.45(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.45(c)).

By order of the Commission.

Issued: August 12, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–19571 Filed 8–21–08; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that two Consent Decrees in *United States of America* v. *M.A. Hanna Plastics, Inc., et al.*, Civil Action No. 06–409 GMS, have been lodged with the United States District Court for the District of Delaware. The United States lodged a consent decree with defendant Wilmington Economic Development Corporation \ (''WEDCO'') on August 8, 2008, and lodged a consent decree with defendant M.A. Hanna Plastics Group \''Hanna'') on August 14, 2008.

The two consent decrees will resolve the liability of the two remaining defendants in this cost recovery action under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act \ (''CERCLA''), 42 U.S.C. 9607 in connection with the 12th Street Dump Site in Wilmington, Delaware \(''Site''). On June 28, 2006, the United States filed a Complaint against four defendants who currently or previously owned or operated property at the Site. The United States previously settled with two of the named defendants.

The two consent decrees now being proposed will resolve the United States' filed claims against the two remaining defendants, Hanna and WEDCO, as set forth in the consent decrees. Hanna will reimburse the United States $3,597,877.20 and will receive a covenant not to sue for past costs. WEDCO will reimburse the United States $120,000 in past costs and will agree to sell its parcel and provide the United States with the higher of either 50% of the net proceeds or $40,000.00. WEDCO will also receive a covenant not to sue for past costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to these proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, Attention: Nancy Flickinger (EES), and should refer to *United States of America* v. *M.A. Hanna Plastics, Inc., et al.* , Civil Action No. 06–409 GMS, DOJ # 90–11–3–08301.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Delaware, Nemours Building, P.O. Box 2046, Wilmington, DE 19801. 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/Consent_Decrees.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*), 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 $ $7.00 for the consent decree with WEDCO, and/or $5.25 for the consent decree with M.A. Hanna (25 cents per page reproduction cost for a full copy) payable to the U.S. Treasury.

Maureen M. Katz,

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

[FR Doc. E8–19447 Filed 8–21–08; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response Compensation and Liability Act

Pursuant to 28 CFR 50.7 notice is hereby given that on August 14, 2008, a proposed Consent Decree in the case *United States* v. *William J. Roper, Sr., et al.*, Civil Action No. 3:00cv472–GCM, was lodged with the United States District Court for the Western District of North Carolina.

In this action, under Section 107(a)(1) and (2) of CERCLA, 42 U.S.C. 9607(a)(1) and (2), the United States sought recovery of response costs to remedy conditions in connection with the release or threatened release of hazardous substances into the environment at the North Belmont PCE Site (''the Site''), located in Belmont, Gaston County, North Carolina. A portion of the Site is comprised of the Roper Shopping Center upon which the United States had placed a Superfund Lien. The Complaint also included an *in rem* action under Section 107(l) of