

of a domestic industry. The Commission's notice of investigation named Acer Incorporated of Taipei, Taiwan and Acer America Corporation of San Jose, California as respondents (collectively "Acer").

On June 6, 2008, HP and Acer jointly moved to terminate the investigation on the basis of a settlement agreement. On June 16, 2008, the Commission investigative attorney filed a response supporting the motion.

On June 17, 2008, the ALJ issued the subject ID granting the joint motion to terminate the investigation based on the settlement agreement. The ALJ found that the motion complied with the requirements of Commission Rule 210.21(b) by including copies of the settlement agreement and a statement that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. The ALJ concluded, pursuant to Commission Rule 210.50(b)(2), that there is no evidence that termination of this investigation will prejudice the public interest. No petitions for review of this ID were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: July 7, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8-15719 Filed 7-10-08; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-652]

In the Matter of Certain Rubber Antidegradants, Antidegradant Intermediates, and Products Containing the Same; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 12, 2008, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Flexsys America L.P.

of St. Louis, Missouri. A supplement to the complaint was filed on June 2, 2008. On June 2, 2008, the Commission voted to extend by 30 days the deadline for its decision on whether to institute an investigation based on the complaint. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain rubber antidegradants, antidegradant intermediates, and products containing the same that infringe certain claims of U.S. Patent Nos. 5,453,541 and 5,608,111. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained 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 at <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>.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2572.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2008).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on July 2, 2008, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a

violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain rubber antidegradants, antidegradant intermediates, or products containing the same that infringe one or more of claims 61-74 of U.S. Patent No. 5,453,541 and claims 23-28 of U.S. Patent No. 5,608,111, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Flexsys America L.P., 575 Maryville Centre, St. Louis, Missouri 63141.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Sinorgchem Co., Shandong, No. 1, Beihuan Road, Caoxian, Shandong, China 274400;

Korea Kumho Petrochemical Co., Ltd., 15/16F Kumho-Asiana Building, #57, 1-Ga, Shinmun-Ro, Jongro-Gu, Seoul, South Korea;

Kumho Tire USA, Inc., 10299 6th Street, Rancho Cucamonga, California 91730; Kumho Tire Co., Inc., 58-31, 1-Ga, Shinmun-Ro, Jongro-Gu, Seoul, South Korea.

(c) The Commission investigative attorney, party to this investigation, is Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the

right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

The Commission notes that the patents at issue were the subject of earlier litigation, which raises the question of whether the complainant is precluded from asserting those patents. In instituting this investigation, the Commission has not made any determination as to whether the complainant is so precluded. Accordingly, the presiding administrative law judge may wish to consider this issue at an early date. Any such decision should be issued in the form of an initial determination (ID). The ID will become the Commission's final determination 45 days after the date of service of the ID unless the Commission determines to review the ID. Any petitions for review of the ID must be filed within ten (10) days after service thereof. Any review will be conducted in accordance with Commission Rules 210.43, 210.44, and 210.45, 19 CFR 210.43, 210.44, and 210.45.

By order of the Commission.

Issued: July 3, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8-15607 Filed 7-9-08; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Final Consent Decree With Newmont USA Limited and Resurrection Mining Company Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on July 2, 2008, a Final Consent Decree with Newmont USA Limited and Resurrection Mining Company ("Final Consent Decree") in *State of Colorado v. ASARCO Incorporated et al.*, Civil Action No. 86-cv-1675-WYD (consolidated with 83-cv-2388-WYD) was lodged with the United States District Court for the District of Colorado.

The United States and the State of Colorado previously entered into a

consent decree with Newmont Mining Corporation (now Newmont USA Limited, "Newmont") and Resurrection Mining Company ("Resurrection") concerning, among other things, Newmont's and Resurrection's performance of response actions addressing areas designated as Operable Units ("OUs") 4, 8 and 10 of the California Gulch Superfund Site located in Lake County, Colorado ("Site"). That consent decree was approved and entered by the United States District Court for the District of Colorado on August 26, 1994 (the "1994 Decree").

The proposed Final Consent Decree implements a settlement of the remainder of the claims concerning the Site (as that term is defined in the Final Consent Decree) filed by the Plaintiffs. In general, pursuant to the terms of the Final Consent Decree, Newmont and Resurrection will: (1) Pay \$2,000,000 in Past Response Costs, of which the United States will receive \$1,813,200 and the State of Colorado will receive \$186,800; (2) pay the United States \$6,500,000 for OUs 11 and 12 and additional source control in OUs 4, 8, and 10; (3) pay \$10,500,000 for natural resource damages, of which the United States will receive \$5,250,000 and the State of Colorado will receive \$5,250,000; (4) pay the future oversight costs incurred by the U.S. Environmental Protection Agency and the State of Colorado with respect to OUs 1, 4, 8 and 10; (5) implement the OU1 work plan; and (6) continue performance of the Operation and Maintenance Plan for OUs 4, 8 and 10. In addition, Newmont and Resurrection will, subject to the specific terms of the Final Decree, reclaim the Black Cloud Mine. The Final Consent Decree will resolve the Governments' claims against Newmont and Resurrection at the Site and at the Black Cloud Mine, and replace the 1994 Decree. In exchange for their commitments under the Final Consent Decree Newmont and Resurrection receive covenants not to sue from the Governments.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Final Consent 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 or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Apache Energy and Minerals Company*, D.J. Ref. 90-11-3-138.

The Final Consent Decree may be examined at the Office of the United

States Attorney for the District of Colorado, 1225 Seventeenth Street, Suite 700, Denver, CO 80202, and at U.S. EPA Region 8, Superfund Records Center, 1595 Wynkoop St., Denver, CO 80202-1129. During the public comment period, the 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 Final 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 of the Final Consent Decree exclusive of appendices from the Consent Decree Library, please enclose a check in the amount of \$20.50 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. In requesting a copy of the Final Consent Decree with all appendices, please enclose a check in the amount of \$138.75.

Robert E. Maher, Jr.,

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

[FR Doc. E8-15647 Filed 7-9-08; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Final Modification of 1994 Consent Decree With ASARCO Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on July 2, 2008, a Final Modification of 1994 Consent Decree with Asarco ("Final Consent Decree Modification") in *State of Colorado v. ASARCO Incorporated et al.*, Civil Action No. 86-cv-1675-WYD (consolidated with 83-cv-2388-WYD) was lodged with the United States District Court for the District of Colorado.

The United States and the State of Colorado previously entered into a consent decree with ASARCO Incorporated (now ASARCO, LLC) ("ASARCO") concerning, among other things, ASARCO's performance of response actions at various Operable Units ("OUs") of the California Gulch Superfund Site located in Lake County, Colorado ("Site") including OUs 5, 7 and 9. That consent decree was approved and entered by the United