

what if any enforcement measures are appropriate.

2. For purposes of the enforcement proceeding so instituted, the following are parties to the proceeding:

Complainants:

INEOS Fluor Holdings Ltd., The Heath, Runcorn, Cheshire, WA74QX, United Kingdom;

INEOS Fluor Ltd., The Heath, Runcorn, Cheshire, WA74QX, United Kingdom;

INEOS Fluor Americas L.L.C., 4990 B IC1 Road, St. Gabriel, LA 70776.

Respondent:

Sinochem Environmental Protection Chemicals (Taicang) Co. Ltd., South Binjiang Road, Petrochemical Industrial Section, Taicang Port Development Zone, Taicang, Jiangsu 215433, China.

A Commission investigative attorney to be designated by the Director, Office of Unfair Import Investigations.

3. The formal enforcement proceeding is hereby certified to the chief ALJ, Chief Judge Paul J. Luckern, who shall designate a presiding ALJ for this proceeding for issuance of an enforcement initial determination ("EID"). The presiding ALJ is directed to set a target date for completion of these proceedings within forty-five (45) days of institution in accordance with 19 CFR 210.51(a).

4. The presiding ALJ, in his discretion, may conduct any proceedings he deems necessary, including issuing a protective order, holding hearings, taking evidence, and ordering discovery consistent with Commission rules to issue his EID. The EID will rule on the question of whether Sinochem (Taicang) has violated the September 11, 2008 consent order issued in the above-captioned investigation. All defenses not barred by claim preclusion may be raised in this proceeding. The presiding ALJ shall also recommend to the Commission what enforcement measures are appropriate if Sinochem (Taicang) is found to violate the Commission's consent order. The presiding ALJ, in his discretion, may also conduct any proceedings he deems necessary, including taking evidence and ordering discovery, to issue his recommendations on appropriate enforcement measures.

5. Petitions for review of the EID may be filed within fourteen (14) days of service of the EID. Responses to any petitions for review may be filed within seven (7) days of service of any petitions for review.

6. Notwithstanding Commission Rule 210.75(b)(3), the EID shall become the Commission's final determination sixty (60) days after service of the EID, unless

the Commission orders review or changes the deadline for determining whether to review it.

7. The Secretary shall:

(a) Docket INEOS's complaint for a formal enforcement proceeding;

(b) Serve a copy of INEOS's "Complaint to Enforce Consent Order Pursuant to Commission Rule 210.75" on the proposed respondent and advise Sinochem (Taicang) of the provisions of Commission Rule 210.75 concerning responses to a request for a formal enforcement proceeding;

(c) Serve a copy of this order upon each party to the formal enforcement proceeding;

(d) Publish notice of this order in the **Federal Register**.

By Order of the Commission.

Issued: February 18, 2009.

**Marilyn R. Abbott**,

*Secretary to the Commission.*

[FR Doc. E9-3803 Filed 2-20-09; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. Singapore FTA-103-22]

### Certain Yarns and Fabrics FY 2009: Effect of Modification of U.S.-Singapore Free Trade Agreement Rules of Origin

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation.

**SUMMARY:** Following receipt of a request on January 28, 2009, from the Office of the United States Trade Representative (USTR) under authority delegated by the President and pursuant to section 103 of the United States-Singapore Free Trade Agreement (USSFTA) Implementation Act, the U.S. International Trade Commission (Commission) instituted investigation No. Singapore FTA-103-22, *Certain Yarns and Fabrics FY 2009: Effect of Modification of U.S.-Singapore Free Trade Agreement Rules of Origin*.

**DATES:** May 19, 2009: Deadline for filing all written submissions.

On or before August 28, 2009: Transmittal of report to the USTR.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street, SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this investigation may be

viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

### FOR FURTHER INFORMATION CONTACT:

Project Leaders Jackie Jones (202-205-3466 or [jackie.jones@usitc.gov](mailto:jackie.jones@usitc.gov)) or Laura V. Rodriguez (202-205-3499 or [laura.rodriguez@usitc.gov](mailto:laura.rodriguez@usitc.gov)) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). 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.

*Background:* Chapter 3 and Annex 3-A of the U.S.-Singapore FTA set out rules of origin for textiles and apparel for applying the tariff provisions of the USSFTA. These rules are reflected in General Note 25 of the Harmonized Tariff Schedule (HTS). According to the request letter from USTR, U.S. negotiators have recently reached agreement in principle with representatives of the Government of Singapore to modify the USSFTA rules of origin for certain yarns and fabrics because it has been determined that producers in the United States and Singapore are not able to manufacture these products in commercial quantities in a timely manner. The products covered by this request are listed in the appendix that follows.

Section 203(o)(2)(B)(i) of the United States-Singapore Free Trade Agreement Implementation Act (the Act) authorizes the President, subject to the consultation and layover requirements of section 103 of the Act, to proclaim such modifications to the rules of origin as are necessary to implement an agreement with Singapore pursuant to Article 3.18.4(c) of the Agreement. One of the requirements set out in section 103 of the Act is that the President obtain advice regarding the proposed action from the Commission. The request letter asks that the Commission provide advice on the probable effect of the proposed modification of the USSFTA rules of origin described above

on U.S. trade under the USSFTA, on total U.S. trade, and on domestic producers of the affected articles. The USTR asked that the Commission submit its advice to USTR by August 28, 2009, and that the Commission shortly thereafter issue a public version of the report with any confidential business information deleted.

Additional information concerning the articles and the proposed modifications can be obtained by accessing the electronic version of this investigation notice at the Commission Internet site (<http://www.usitc.gov>). The USTR request letter may be obtained at [http://www.usitc.gov/ind\\_econ\\_ana/research\\_ana/Ongoing\\_Inv/documents/103req1wt.pdf](http://www.usitc.gov/ind_econ_ana/research_ana/Ongoing_Inv/documents/103req1wt.pdf). The current USSFTA rules of origin applicable to U.S. imports can be found in general note 25 of the HTS (see "General Notes" link at <http://www.usitc.gov/tata/hts/bychapter/index.htm>).

**Written Submissions:** No public hearing is planned. However, interested parties are invited to submit written submissions concerning this investigation. All written submissions should be addressed to the Secretary at the earliest possible date, and should be received not later than 5:15 p.m., May 19, 2009. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/documents/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf)). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000).

Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the Aconfidential@ or Anon-confidential@

version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission may include some or all of the confidential business information submitted in the course of this investigation in the report it sends to the USTR and the President. As requested by the USTR, the Commission will publish a public version of the report. However, in the public version, the Commission will not publish confidential business information in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: February 17, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

## Appendix

### Proposals Under Paragraph 4 of Article 3.18 of the U.S.-Singapore Free Trade Agreement (USSFTA)

The products covered by this request are:

(1) Certain viscose rayon filament yarns, of the specifications detailed below, classified in subheading 5403.10.60<sup>1</sup> of the Harmonized Tariff Schedule of the United States (HTSUS), for use in apparel articles; Specifications:

1. Viscose Filament Yarn; DTEX 166/40 Bright Centrifugal; Tenacity, cN/tex, min.—142.0; Elongation at rupture, %—18.0–24.0; Elongation at rupture variation factor, % max.—8.1; Twist direction—S.
2. Viscose Filament Yarn; DTEX 330/60 Bright Centrifugal; Tenacity, cN/tex, min.—142.0; Elongation at rupture, %—18.0–24.0; Elongation at rupture variation factor, % max.—8.1; Twist direction—S.

(2) Certain fabrics, classified in subheading 5210.11 of the Harmonized Tariff Schedule of the United States (HTSUS), not of square construction, containing more than 70 warp ends and filling picks per square centimeter, of average yarn number exceeding 70 metric, used in the production of women's and girls' blouses;

(3) Certain combed compact yarns, of wool or fine animal hair, classified in subheadings 5107.10, 5107.20, or 5108.20 of (HTSUS), for use in apparel articles;

(4) 100 percent cotton yarn-dyed woven flannel fabrics, made from 14 through 41 NM single ring-spun yarns, classified in 5208.43.00 of the (HTSUS), of construction 2 X 1 twill weave, weighing 200 grams per square meter or less, for use in apparel articles excluding gloves;

(5) Certain woven, 100 percent cotton, flannel fabrics, of the specifications detailed

below, classified in the indicated subheadings of the (HTSUS), for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:

Specifications:

Fabric 1

HTS Subheading: 5208.42.30.00

Fiber Content: 100% Cotton

Weight: 152.6 g/m<sup>2</sup>

Width: 150 centimeters cuttable

Thread Count: 24.4 warp ends per centimeter; 15.7 filling picks per centimeter; total: 40.1 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 20.3 metric, open end spun; overall average yarn number: 39.4 metric

Finish: Of yarns of different colors; napped on both sides, sanforized

Fabric 2

HTS Subheading: 5209.41.60.40

Fiber Content: 100% Cotton

Weight: 251 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 22.8 warp ends per centimeter; 17.3 filling picks per centimeter; total: 40.1 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

Finish: Of yarns of different colors; napped on both sides, sanforized

Fabric 3

HTS Subheading: 5209.41.60.40

Fiber Content: 100% Cotton

Weight: 251 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 20.1 warp ends per centimeter; 16.5 filling picks per centimeter; total: 36.6 threads per square centimeter

Yarn Number: Warp: 27.07 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 23.3 metric

Finish: Of yarns of different colors; napped on both sides, sanforized

(6) Certain woven, 100 percent cotton, flannel fabrics, of the specifications detailed below, classified in the indicated subheadings of the (HTSUS), for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:

Specifications:

Fabric 1:

HTS Subheading: 5208.32.30.40

Fiber Content: 100% Cotton

Weight: 152.6 g/m<sup>2</sup>

Width: 150 centimeters cuttable

Thread Count: 24.4 warp ends per centimeter; 15.7 filling picks per centimeter; total: 40.1 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 20.3 metric, open end spun; overall average yarn number: 39.4 metric

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 2:

HTS Subheading: 5209.31.60.50

Fiber Content: 100% Cotton

Weight: 251 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

<sup>1</sup> Singapore's original request indicated that the HTS product classification for this product was 5403.41.0000. The U.S. and Singapore have subsequently agreed that the correct product classification is 5403.10.60.

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 3:

HTS Subheading: 5209.31.60.50

Fiber Content: 100% Cotton

Weight: 203 g/m<sup>2</sup>

Width: 150 centimeters cuttable

Thread Count: 20.5 warp ends per centimeter; 17.3 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 13.5 metric, open end spun; overall average yarn number: 27.9 metric

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 4:

HTS Subheading: 5209.31.60.50

Fiber Content: 100% Cotton

Weight: 291.5 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 23.2 warp ends per centimeter; 15 filling picks per centimeter; total: 38.2 threads per square centimeter

Yarn Number: Warp: 27.07 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 5:

HTS Subheading: 5209.31.60.50

Fiber Content: 100% Cotton

Weight: 291.5 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 26.8 warp ends per centimeter; 16.5 filling picks per centimeter; total: 43.3 threads per square centimeter

Yarn Number: Warp: 25.46 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 23.8 metric

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 6:

HTS Subheading: 5209.31.60.50

Fiber Content: 100% Cotton

Weight: 254 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 20 warp ends per centimeter; 14.5 filling picks per centimeter; total: 34.5 threads per square centimeter

Yarn Number: Warp: 28.8 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 7:

HTS Subheading: 5209.41.60.40

Fiber Content: 100% Cotton

Weight: 251 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 22.8 warp ends per centimeter; 15 filling picks per centimeter; total: 37.8 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 24.1 metric

Finish: Gingham check or plaid of yarns of different colors; napped on both sides, sanforized

Fabric 8: Style 4245

HTS Subheading: 5209.41.60.40

Fiber Content: 100% Cotton

Weight: 251 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 19.7 warp ends per centimeter; 11.8 filling picks per centimeter; total: 31.5 threads per square centimeter

Yarn Number: Warp: 20.3 metric, ring spun; filling: 8.46 metric, open end spun; overall average yarn number: 20.1 metric

Finish: Plaid of yarns of different colors; napped on both sides, sanforized

(7) Certain woven, 100 percent cotton, napped fabrics, of the specifications detailed below, classified in subheading 5209.31.60.50 of the (HTSUS), for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:

Specifications:

Fabric 1

HTS Subheading: 5209.31.60.50

Fiber Content: 100% Cotton

Weight: 291.5 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 24.41 warp ends per centimeter; 16.53 filling picks per centimeter; total: 40.94 threads per square centimeter

Yarn Number: Warp: 25.4 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 14.04 metric

Finish: (Piece) dyed; napped on both sides, sanforized

Fabric 2

HTS Subheading: 5209.31.60.50

Fiber Content: 100% Cotton

Weight: 305 g/m<sup>2</sup>

Width: 160 centimeters cuttable

Thread Count: 24.41 warp ends per centimeter; 18.11 filling picks per centimeter; total: 42.52 threads per square centimeter

Yarn Number: Warp: 25.4 metric, ring spun; filling: 10.16 metric, open end spun; overall average yarn number: 13.95 metric

Finish: (Piece) dyed; napped on both sides, sanforized

(8) Certain woven, 100 percent cotton, double-napped flannel fabric, of specifications detailed below, classified in HTSUS subheading 5209.31.6050, for use in shirts, trousers, nightwear, robes, dressing gowns, and woven underwear:

Specifications:

HTS Subheading: 5209.31.6050

Fiber Content: 100% Cotton

Weight: 203 g/m<sup>2</sup>

Width: 150 centimeters cuttable

Thread Count: 21 warp ends per centimeter; 18 filling picks per centimeter; total: 39 threads per square centimeter

Yarn Number: Warp: 40.6 metric, ring spun; filling: 13.54 metric, open end spun; overall average yarn number: 19.2 metric

Finish: (Piece) dyed; napped on both sides, sanforized

[FR Doc. E9-3804 Filed 2-20-09; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

Notice is hereby given that on February 11, 2009, a proposed Consent Decree in *United States v. Bristol Myers Squibb Company, et al.*, CIV No. 09-cv-

0161 (N.D.N.Y.) was lodged with the United States District Court for the Northern District of New York.

The proposed Consent Decree is between the United States on behalf of the United States Environmental Protection Agency ("EPA") and Bristol-Myers Squibb Company, General Electric Company, International Business Machines Corporation, and Pass & Seymour, Inc. (Settling Defendants). The proposed Consent Decree resolves claims against the Settling Defendants under Sections 106, 107, and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9606, 9607, 9613 related to the Solvent Savers Superfund Site in Lincklaen, Chenango County, New York. Under the proposed Consent Decree, the Settling Defendants agree to design, construct and operate groundwater remedies for the Site, estimated to cost \$9.9 million, and a soil remedy including treatment of VOC's and PCBs for an estimated \$4.9 million, and to pay EPA's future oversight costs. In return, the Decree provides the Settling Defendants with a covenant not to sue under CERCLA §§ 106 and 107(a) for the performance and costs of this work and for oversight costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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](mailto: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. Bristol Myers Squibb Company*, (N.D.N.Y.) No. 09-cv-0161, D.J. Ref. 90-11-3-704/1.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of New York, Suite 900, 100 S. Clinton St., Syracuse, NY 13261-7198 and at the Environmental Protection Agency, Region 2, Office of Regional Counsel, 290 Broadway, New York, New York 10007-1866. 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](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the 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