

remanded in part the Commission's 2002 remand determination. The Panel remanded the determination to the Commission with an order to take further action consistent with its instructions. The Commission is directed to issue its remand determination within 60 days of the issuance of the Panel's decision, *i.e.*, by March 17, 2006.

Participation in the Remand Proceedings

Only the parties to the NAFTA Chapter 19 panel proceeding 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") referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the sunset reviews.

Written Submissions

The Commission invites the parties to the NAFTA Chapter 19 panel proceeding to file comments on or before February 21, 2006, with respect to how the record bears on the Panel's instruction that the Commission "provide further reasoned analysis supported by substantial evidence on the record, including any factual evidence not referred to in its Views on Remand, as to the conclusion that Magnola would enter the market by underselling in order to establish export volumes that would be significant in relation to anticipated demand increases."

These comments must be limited to the precise issue in the Panel's remand instruction quoted above, and must be based solely on the information already in the Commission's record and may not include additional factual information. Comments shall not exceed fifteen (15) pages of textual material, double-spaced and single-sided, on stationery measuring 8½ x 11 inches.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain 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

NAFTA Chapter 19 panel proceeding must be served on all other such parties, 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.

By order of the Commission.

Issued: February 9, 2006.

Marilyn R. Abbott,

Secretary to the Commission.

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DEPARTMENT OF JUSTICE

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

Notice is hereby given that on February 3, 2006, an electronic version of a proposed consent decree was lodged in the United States District Court for the District of South Carolina in *United States v. Exxon Mobile Corporation, et al.*, No. 7:06-00360-GRA (D.S.C.). The consent decree settles the United States' claims against numerous defendants under section 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607, in connection with the Aqua-Tech Environmental, Inc. (Groce Labs) Superfund Site near Greer, South Carolina (the "Site"). Under the proposed consent decree, 79 settling defendants will perform the Remedial Design and Remedial Action for the Site and reimburse the United States Environmental Protection Agency ("EPA") for past and future costs.

In connection with the proposed consent decree, the United States, on behalf of 13 settling federal agencies, will contribute funds to pay EPA's past costs and to fund the future work. A fourteenth settling federal agency, the U.S. Postal Service, will make a lump sum payment to EPA for past costs and will make a lump sum payment to the settling defendants to fund the work.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Exxon Mobil Corporation, et al.*, No. 7:06-CV-00360-GRA (D.S.C.) and DOJ #90-113-08483.

The consent decree may be examined at the Office of the United States Attorney for this District of South Carolina 1441 Main Street, Suite 500 Columbia, South Carolina 29201. 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 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 \$33.75 (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.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under Resource Conservation and Recovery Act

Under 28 CFR 50.7, notice is hereby given that on January 25, 2006, a proposed Consent Decree in *United States v. City of New York*, Civil Action No. 02-9653, was lodged with the United States District Court for the Southern District of New York.

The City operates over 1,600 underground storage tanks ("USTs"), which it uses to distribute fuel for use in City-owned vehicles. The United States filed a complaint in December 2002 alleging various violations of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6991e, and its implementing regulations governing USTs regarding these tanks, including: Failure to upgrade the tanks to prevent leaks; failure to implement methods for detecting leaks; failure to investigate suspected leaks; and various related recordkeeping violations. The proposed settlement provides for the City to pay