

characteristics of those who specifically view bears on roadsides in the park. The importance of visitation specifically tied to roadside bear viewing in the park will be examined. The NPS's goal in conducting this survey is to evaluate the importance and economic effects of roadside bear viewing. The obligation to respond is voluntary.

**Automated data collection:** This information will be collected via mail-back surveys no automated data collection will take place.

**Description of respondents:** Visitors to Yellowstone National Park.

**Estimated average number of respondents:** 1000 (800 respondents and 200 non-respondents).

**Estimated average number of responses:** 1000 (800 responses and 200 non-responses).

**Estimated average burden hours per response:** 21 minutes per respondent and 1 minute per non-respondent.

**Frequency of response:** 1 time per respondent and non-respondent.

**Estimated annual reporting burden:** 283 hours.

**Comments are invited on:** (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: August 7, 2008.

**Leonard E. Stowe,**

*NPS, Information Collection Clearance Officer.*

[FR Doc. E8-19429 Filed 8-21-08; 8:45 am]

**BILLING CODE 4312-52-M**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-487 (Remand)]

### In the Matter of Certain Agricultural Vehicles and Components Thereof; Notice of Commission Determination To Reverse a Remand Initial Determination of the Administrative Law Judge That Section 337 Has Been Violated; Termination of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to reverse the presiding administrative law judge's finding of violation of section 337 of the Tariff Act, as amended, on remand and has terminated the investigation.

**FOR FURTHER INFORMATION CONTACT:** Jonathan J. Engler, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3112. The public version of the ALJ's final ID and all other 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-ON-LINE) 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 February 13, 2003, based on a complaint filed by Deere & Company ("Deere") of Moline, Illinois. 68 FR 7388 (February 13, 2003). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of certain agricultural vehicles and components thereof by reason of infringement and dilution of U.S. Registered Trademarks Nos. 1,254,339; 1,502,576; 1,503,576, and 91,860.

Twenty-four respondents were named in the Commission's notice of investigation. Most of the respondents

were terminated from the investigation on the basis of consent orders, or found in default. The remaining respondents, Erntetechnik Franz Becker; Sunova Implement Company; Bourdeau Bros., Inc. and OK Enterprises (collectively, "the Bourdeau respondents"); Fitzpatrick Farms; Stanley Farms; J&T Farms; and Co-Ag LLC (collectively, "the Fitzpatrick Farms respondents"); and Agrideal participated in the investigation. On January 13, 2004, the ALJ issued his final initial determination ("ID") finding a violation of section 337. He also recommended the issuance of remedial orders. The Bourdeau respondents and Fitzpatrick Farms respondents petitioned for review of the ID.

On March 30, 2004, the Commission determined not to review the ID. The Commission then issued a general exclusion order directed to Deere European-version self propelled forage harvesters, two limited exclusion orders directed to Deere European-version telehandlers, and various cease and desist orders, on May 14, 2004.

The Bourdeau respondents appealed the Commission's final determination to the U.S. Court of Appeals for the Federal Circuit (the "Federal Circuit"). On March 30, 2006, the Federal Circuit vacated and remanded the Commission's final determination as it related to Deere European-version self-propelled forage harvesters ("EVSPFHs"). *Bourdeau Bros. v. International Trade Commission*, 444 F.3d 1317 (Fed. Cir. 2006).

On June 20, 2006, the Commission rescinded the general exclusion order and certain cease and desist orders, and remanded the investigation to the presiding ALJ for proceedings consistent with the Federal Circuit's decision in *Bourdeau*. On August 18, 2006, the ALJ issued Order No. 55, denying complainant's and respondents' motions for summary determination. The ALJ issued his final ID on remand ("Remand ID") on December 20, 2006. He found that Deere did not authorize the sale of Deere European-version self-propelled forage harvesters in the United States and that all or substantially all of the Deere self-propelled forage harvesters sold in the United States were North American versions. In further briefing before the Commission, the respondents claimed error.

On February 20, 2007, the Commission determined to review in part Order No. 55 and the Remand ID. The Commission requested briefing by the parties (1) On the standard for authorization that was applied in Order No. 55 and how that standard was applied in light of the burden of proof;

(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]

**BILLING CODE 7020-02-P**

## 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](mailto: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](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](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 \$ \$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