

products containing same that infringe certain claims of United States Patent No. 7,049,433. The notice of investigation named six firms as respondents.

On May 27, 2009, Cargill and ENI filed a motion to terminate the investigation based upon a settlement agreement and license agreement. The ALJ denied this motion. Order No. 23 (June 29, 2009).

On June 1, 2009, the Commission issued notice of its determination not to review an ID terminating the investigation with respect to respondents Hygieia Health Co., Ltd. and TSI Health Sciences, Inc. based on a settlement agreement. On July 28, 2009, the Commission issued notice of its determination not to review an ID terminating the investigation with respect to Nantong Foreign Medicines & Health Products Co., Ltd. and Tiancheng International, Inc. on the basis of withdrawal of the complaint as to these two respondents. On July 30, 2009, the Commission issued notice of its determination not to review an ID terminating the investigation with respect to DNP International, Inc. on the basis of a consent order.

On July 13, 2009, Cargill and respondent ENI filed a second joint motion pursuant to Commission Rule 210.21(b) to terminate the investigation based upon a settlement agreement and license agreement. On July 23, 2009, the Commission investigative attorney filed a response in support of the motion. On July 24, 2009, the ALJ issued Order No. 26, granting the motion. No petitions for review were filed.

On August 24, 2009, the Commission issued notice of its determination to review the subject ID, and requested briefing. On September 8, 2009, Cargill filed a submission. On September 9, 2009, Cargill filed a corrected submission, and the Commission investigative attorney filed a submission with a motion for leave to file out of time. The Commission has determined to grant the motion for leave to file out of time. Having reviewed the record and the submissions on review, the Commission has determined to affirm the subject 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 sections 210.45, 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.45, 210.50).

Issued: April 5, 2010.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-8206 Filed 4-9-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on April 2, 2010, a proposed Consent Decree ("Consent Decree") in *United States v. Union Pacific Railroad Company*, Civil Action No. 5:10cv251-FB was lodged with the United States District Court for the Western District of Texas.

In this action, the United States sought recovery, under 42 U.S.C. 9707(a)(4)(A), of past response costs incurred by the United States Environmental Protection Agency associated with a train derailment that occurred on June 28, 2004, near Macdona, Texas. A chlorine gas tanker ruptured, resulting in the release of chlorine gas into the environment. The Consent Decree resolves the claim between the United States and the Union Pacific Railroad Company for the amount of \$480,000.

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. Union Pacific Railroad Company*, D.J. Ref. 90-11-3-09267.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Texas, 601 NW Loop 410, Suite 600, San Antonio, Texas 78216, (210) 384-7300, and at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202, (800) 887-6063. 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

confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$3.25 (25 cents per page reproduction cost) 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.

**Maureen Katz,**

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

[FR Doc. 2010-8242 Filed 4-9-10; 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 (CERCLA)

Notice is hereby given that on March 31, 2010, a proposed Consent Decree ("Decree") in *United States v. Honeywell International Inc.*, Civil Action No. 1:10CV203, was lodged with the United States District Court for the Southern District of Ohio.

In this action the United States, on behalf of the U.S. Environmental Protection Agency ("U.S. EPA"), sought cost recovery and injunctive relief against Honeywell International Inc. relating to the third operable unit ("OU3") of the Allied Chemical and Ironton Coke Superfund Site ("Site") in Ironton, Ohio, under the Comprehensive Environmental Response, Compensation and Liability Act of 1980. Under the Decree, which resolves these claims, Defendant Honeywell will pay all interim and future response costs not inconsistent with the National Contingency Plan relating to OU3 and will perform the remedy for OU3 at the Site. The remedy for OU3, which is the final remedy for the Site, pertains to the former Tar Plant area of the Site, and calls for covering contaminated soil at OU3 with a cap that complies with Ohio solid waste regulations; controls to ensure the cap remains intact and thereby protects people from remaining contaminated soil and soil vapor; and a combination of dredging, off-site disposal and/or capping of contaminated sediment in the Ohio River adjacent to the Tar Plant's loading dock.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural