

Sharon Tube Co., Sharon, PA; Western Tube Conduit Corp., Long Beach, CA; Wheatland Tube Co., Wheatland, PA.; and the United Steelworkers of America, AFL-CIO, Pittsburgh, PA; the Commission instituted investigation No. TA-421-06, Circular Welded Non-Alloy Steel Pipe from China, under section 421(b) of the Act to determine whether circular welded non-alloy steel pipe from China is being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

Notice of the institution of the Commission's investigation and of the scheduling of a public hearing to be held in connection therewith was given by posting a copy of the notice on the Commission's Web site ([www.usitc.gov](http://www.usitc.gov)) and by publishing the notice in the **Federal Register** of August 10, 2005 (70 FR 46543). The hearing was held on September 16, 2005 in Washington, DC; all persons who requested the opportunity were permitted to appear in person or by counsel.

The views of the Commission are contained in USITC Publication 3807 (October 2005), entitled *Circular Welded Non-alloy Steel Pipe from China: Investigation No. TA-421-6*.

Issued: October 21, 2005.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-21395 Filed 10-25-05; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-551]

### In the Matter of Certain Laser Bar Code Scanners and Scan Engines, Components Thereof and Products Containing Same; Notice of Investigation

**AGENCY:** 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 September 23, 2005, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Symbol Technologies, Inc. of Holtsville, New York. An amended complaint was filed on October 14, 2005. The complaint, as amended, alleges violations of section 337 in the importation into the United

States, the sale for importation, and the sale within the United States after importation of certain laser bar code scanners and scan engines, components thereof and products containing same by reason of infringement of claim 48 of U.S. Patent No. 5,262,627, claims 7, 13, 14, 17, and 18 of U.S. Patent No. 5,545,889, claims 17 and 18 of U.S. Patent No. 5,917,173, claims 2 and 21 of U.S. Patent No. 5,457,308, and claims 1, 2, and 4-6 of U.S. Patent No. 6,220,514. 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 a permanent limited 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 at 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:

Kevin Baer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2221.

**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 (2005).

#### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on October 19, 2005, *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 laser bar code

scanners or scan engines, components thereof or products containing same by reason of infringement of one or more of claim 48 of U.S. Patent No. 5,262,627, claims 7, 13, 14, 17, and 18 of U.S. Patent No. 5,545,889, claims 17 and 18 of U.S. Patent No. 5,917,173, claims 2 and 21 of U.S. Patent No. 5,457,308, and claims 1, 2, and 4-6 of U.S. Patent No. 6,220,514, 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—Symbol Technologies, Inc., One Symbol Plaza, Holtsville, New York 11742-1300.

(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: Metro (Suzhou) Technologies Co., Ltd., 221 Xing Hai Street, Suzhou Industrial Park, Suzhou, China. Metrologic Instruments, Inc., 90 Coles Road, Blackwood, New Jersey 08012.

(c) Kevin Baer, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Charles E. Bullock 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 a final determination containing such findings, and may result in the issuance of a limited

exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 20, 2005.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-21317 Filed 10-25-05; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on October 12, 2005, a proposed consent decree in *United States v. ARCO Terminal Services Corp.*, Case No. 05-07358, was lodged with the United States District Court for the Central District of California.

In this action, the United States sought injunctive relief and civil penalties under Section 113 of the Clean Air Act ("CAA"), against ARCO Terminal Services Corp. ("ATSC") for failure to use the required control equipment to control emissions that resulted in 294 separate loading events that were subject to the control requirements of Rule 1142 at its marine loading facility in Long Beach, California. The Consent Decree requires ATSC to employ its existing control technology on all loading events subject to the requirements of Rule 1142 and to pay a civil penalty of \$225,000.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. ARCO Terminal Services Corp.*, D.J. Ref. #90-5-2-1-06988.

The proposed Consent Decree may be examined during the public comment period on the following United States 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, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, 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 number (202) 514-0097, phone confirmation number (202) 514-1547. When requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in

the amount of \$12.25 (\$.25 per page reproduction cost).

**Ellen M. Mahan,**

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

[FR Doc. 05-21363 Filed 10-25-05; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Partial Consent Decree Under the Clean Water Act

Notice is hereby given that on October 6, 2005, a proposed Consent Decree in *United States and Department of Health, State of Hawaii v. Hawaii Department of Transportation*, Civil Action No. 05-00636 was lodged with the United States District Court for the District of Hawaii.

The United States and the Department of Health, State of Hawaii ("DOH"), brings this action against the State of Hawaii Department of Transportation ("HDOT"), pursuant to Sections 309(b) and (d), of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. 1319(b) and (d) and Sections 342D-50(a) of the Hawaii Revised Statutes (2004). The Consent Decree provides for extensive injunctive relief, civil penalties, and two supplemental environmental projects ("SEP's"). Pursuant to the terms of the first project, HDOT will create an Environmental Management System ("EMS") for the operations at HDOT's airports, harbors, and highways that incorporate Best Management Practices and Pollution Prevention at each of its facilities.

Under the terms of the second project, HDOT will develop and conduct "Compliance Assistance Workshops" for construction contractors and will sponsor them at six locations on four of the islands, Hawaii, Kauai, Maui and Oahu.

Pursuant to 28 C.F.R. 50.7, the United States 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 U.S. Department of Justice, Assistance Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States and Department of Health, State of Hawaii v. Hawaii Department of Transportation*, Civil Action No. 05-00636, D.J. Ref. No. 90-5-1-1-07488.

The Consent Decree may be examined during the public comment period 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, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, 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 number (202) 514-0097, phone confirmation number (202) 514-1547. When requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$25.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

[FR Doc. 05-21362 Filed 10-25-05; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Between the United States of America and Fremont Lumber Company, Kerr-McGee Company and Western Nuclear, Inc., Under the Comprehensive Environmental Response, Compensation, and Liability Act

Under 28 CFR 50.7, notice is hereby given that on October 14, 2005, a proposed Consent Decree ("Consent Decree"), in the case of *United States v. Kerr-McGee Corp., et al.*, Civil Action No. 04-CV-00032 (D. OR.), has been lodged with the United States District Court for the District of Oregon.

The Complaint sought performance of work and the recovery of costs incurred in connection with the response action taken at the White King/Lucky Lass Superfund Site ("Site") in Lakeview County, Oregon. Under the terms of this Consent Decree Defendants agree to: (1) Implement the remaining remedial action at the Site; (2) pay approximately \$3 million in past costs incurred by EPA and the United States Department of Agriculture, Forest Service; (3) pay a civil penalty of \$ 50,000; (4) perform a Supplemental Environmental Project for their failure to timely comply with an existing Unilateral Administrative Order ("UAO"); (5) grant a covenant not to sue for all claims against the United States; and (6) dismiss a citizen suite under CERCLA Section 310. In addition, as part of this settlement the United States agrees to pay Defendants \$2,000,000 to resolve the contribution claims that have been asserted against U.S. Forest Service and other federal agencies. In exchange, the United States will provide