

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-6827 Filed 4-5-05; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-501]

### In the Matter of Certain Encapsulated Integrated Circuit Devices and Products Containing Same; Notice of Commission Determination To Remand Investigation to the Administrative Law Judge; Extension of Target Date for Completion of the Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to remand the above-referenced investigation to the presiding administrative law judge (ALJ) for further proceedings and findings in light of claim construction determinations made by the Commission and an expected ruling by the U.S. Court of Appeals for the District of Columbia (D.C. Court of Appeals) in *U.S. International Trade Commission v. ASAT Inc.*, Appeal No. 05-5009. The Commission also has determined to extend the target date in this investigation by seven (7) months and twenty-one (21) days, *i.e.*, until November 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3115. Copies of the public version of the IDs and all 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** On December 19, 2003, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, based on a complaint filed by Amkor Technology, Inc. ("Amkor") alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain encapsulated integrated circuit devices and products containing same in connection with claims 1-4, 7, 17, 18 and 20-23 of U.S. Patent No. 6,433,277 ("the '277 patent'"); claims 1-4, 7 and 8 of U.S. Patent No. 6,630,728 ("the '728 patent'"); and claims 1, 2, 13 and 14 of U.S. Patent No. 6,455,356 ("the '356 patent'"). 68 FR 70836 (December 19, 2003). The complainant named Carsem (M) Sdn Bhd; Carsem Semiconductor Sdn Bhd; and Carsem, Inc. (collectively, "Carsem") as respondents.

The evidentiary hearing in this investigation was held from July 6 through July 30, 2004, and August 9 through August 11, 2004. On November 18, 2004, the presiding ALJ issued a final ID finding no violation of section 337. All parties to the investigation, including the Commission investigative attorney filed timely petitions for review of various portions of the final ID. Respondents designated their petition contingent upon the granting of any other petition for review or upon the Commission's reviewing the ALJ's ID on its own motion pursuant to 19 CFR 210.44. All parties filed timely responses to the petitions for review.

On February 1, 2005, the Commission determined to review the final ID in its entirety. 70 FR 6454 (February 7, 2005). The Commission requested briefing, based on the evidentiary record, on the issue of claim interpretation only. *Id.* The Commission also extended the target date for completion of this investigation until March 31, 2005. *Id.* All the parties to this investigation filed timely written submissions and timely reply submissions regarding the issues under review.

On February 15, 2005, respondent Carsem filed a motion and memorandum to strike complainant's initial written submission regarding the issues under review. On February 25, 2005, both complainant Amkor and the IA filed responsive pleadings in opposition to Carsem's motion.

Having reviewed the record in this investigation, including the ID and the written submissions of the parties, the Commission has determined to make various claim construction determinations with regard to the patent claims under review, and to remand the investigation to the ALJ for additional

proceedings and findings in light of those claim constructions. The Commission has also directed the ALJ to reopen the evidentiary record to receive, and make findings based on, evidence that may become available after the D.C. Court of Appeals rules in *U.S. International Trade Commission v. ASAT, Inc.*, Appeal No. 05-5009. In order to allow sufficient time to complete the remand, the Commission has extended the target date for completion of the investigation by seven (7) months and twenty-one (21) days, *i.e.*, until November 21, 2005. The Commission also determined to deny respondent Carsem's motion to strike.

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 and 210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.45 and 210.51).

Issued: March 31, 2005.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05-6736 Filed 4-5-05; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on March 23, 2005, a proposed First Amendment to Consent Decree in *United States v. Boise Cascade Corp., et al.*, Civil Action 7:97-cv-1704 ("Amendment"), was lodged with the United States District Court for the Northern District of New York.

On November 20, 1997, the court entered a Consent Decree regarding the Sealand Restoration Superfund Site in Lisbon, New York ("Site"). The Consent Decree required five Settling Defendants to implement the groundwater remedy that EPA selected in a 1995 Record of Decision ("ROD") for the Site. In November 2001, EPA issued an Explanation of Significant Differences ("ESD") which modified the selected groundwater remedy (requiring the construction of a permeable reactive barrier) and provided for implementation of institutional controls and the performance of a supplemental study. The proposed Amendment conforms the Decree to the ESD. In addition, the Amendment calls for a revised threshold above which the

settling defendants will be required to pay for future 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 Amendment. 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. Boise Cascade Corp.*, D.J. Ref. 90-11-3-1144.

The Consent Decree may be examined at the Office of the United States Attorney, James Foley Bldg., 445 Broadway, Room 218, Albany 12207 (contact Civil Chief, Assistant U.S. Attorney James Woods), and at U.S. EPA Region II, 290 Broadway, 17th Floor, New York, New York, 10007-1866 (contact Assistant Regional Attorney James Doyle). 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](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 \$30.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

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

[FR Doc. 05-6843 Filed 4-5-05; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Oil Pollution Act and the Clean Water Act

Notice is hereby given that on March 24, 2005, a proposed Consent Decree in *United States, et al. v. Marathon Oil Company, et al.*, Civil Action No. 2:05-CV-0090-LIM-WGH, was lodged with the United States District Court for the Southern District of Indiana. This Consent Decree represents a settlement of claims brought by the United States and the State of Indiana against Marathon Oil Company and Marathon Ashland Pipe Line LLC ("Settling Defendants") in the above referenced action under Sections 1002 and 1006 of the Oil Pollution Act, 33 U.S.C. 2702

and 2706, and Section 311 of the Clean Water Act, 33 U.S.C. 1321, for natural resource damages relating to discharges of oil from pipelines owned or operated by Settling Defendants in and around Rosedale, Catlin, and Daylight, Indiana.

Under the proposed Consent Decree, the Settling Defendants would convey 56.54 acres of riparian flood plain habitat to the Indiana Department of Natural Resources for replacement or acquisition of the equivalent of injured natural resources. In addition, the Settling Defendants would pay the United States and the State of Indiana \$24,220.10 for costs incurred in assessing the damages to natural resources resulting from the discharges of oil, and \$5,779.90 to be used for future restoration of the 56.64 acre property.

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, et al. v. Marathon Oil Company, et al.* (S.D. Ind.), D.J. Ref. 90-5-1-1-4150/1.

The Consent Decree may be examined at the Office of the United States Attorney, 10 West Market Street, Suite 2100, Indianapolis, IN 46204-3048, and at the U.S. Department of the Interior, Three Parkway Center, Room 385, Pittsburgh, PA 15220. During the public comment period, the Consent Decree also may 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](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 \$6.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act

Under 28 CFR 50.7, notice is hereby given of a proposed settlement agreement, *In the Matter of: Morning Star Mine Site*, for the performance of a removal action and the reimbursement of response costs incurred by the Department of the Interior ("DOI") under Sections 104, 107, and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA").

The proposed settlement resolves CERCLA claims against respondent Vanderbilt Gold Corporation ("VGC") and potential CERCLA claims against respondent Mineral, Metal & Mining Management Company ("4EM") related to VGC's mining activities at the Morning Star Mine Site ("Site"), which is an inactive open mine pit located in the Mojave National Preserve, a unit of the National Park Service. DOI incurred response costs of approximately \$1 million for a "time critical" removal action taken in response to the releases and threats of releases of hazardous substances at the Site. The proposed settlement requires respondents VGC and 4EM to: (1) Conduct a removal action at the Site, (2) reimburse DOI, over time, for approximately \$1 million in past response costs, (3) pay DOI's future response costs, and (4) pay DOI \$1 million, over time, for deposit into the DOI Natural Resource Damage Assessment and Restoration Fund to restore, replace, or acquire the equivalent of Park System Resources injured by VGC. In exchange, DOI agrees not to sue respondents for the work, past response costs, and future response costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed settlement. 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, with a copy to Robert Mullaney, U.S. Department of Justice, 301 Howard Street, Suite 1050, San Francisco, CA 94105, and should refer to *In the Matter of: Morning Star Mine Site*, D.J. Ref. #90-11-2-08222.

During the public comment period, the proposed settlement agreement may be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy