

**ACTION:** Notice of issuance of incidental take permit for endangered species.

**SUMMARY:** On November 29, 2002, a notice was published in the **Federal Register** (67 FR 71192), that an application had been filed with the U.S. Fish and Wildlife Service (Service) by Snowshoe Mountain Resort, for a permit to incidentally take, pursuant to section 10(a)(1)(B) of the Endangered Species Act (Act) of 1973 (16 U.S.C. 1539), as amended, the West Virginia Northern Flying Squirrel (*Glaucomys sabrinus fuscus*) on the proposed 51-acre Camp Wilderness Development pursuant to the terms of the Habitat Conservation Plan for the West Virginia Northern Flying Squirrel at the Proposed Camp Wilderness Development, Snowshoe Mountain, Pocahontas County, West Virginia.

Notice is hereby given that on February 24, 2003, after a 60-day public comment period as authorized by the provisions of the Act, the Service issued a permit (PRT-065121-0) to the above-named party subject to certain conditions set forth therein. The permit was granted only after the Service determined that it was applied for in good faith, that granting the permit will not be to the disadvantage of the threatened species, and that it will be consistent with the purpose and policy set forth in the Act, as amended.

Additional information on this permit action may be requested by contacting the West Virginia Field Office, 694 Beverly Pike, Elkins, West Virginia 26241, telephone number 304-636-6586, during normal business hours of 8 a.m. to 4:30 p.m.

No other Incidental Take Permits were issued in the Northeast Region in Fiscal Year 2003.

Dated: September 17, 2003.

**Richard O. Bennett,**

*Acting Regional Director, Region 5.*

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**BILLING CODE 4310-55-P**

## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-1014 and 1017 (Final)]

### Polyvinyl Alcohol From China and Korea

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United

States International Trade Commission (Commission) determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from China and Korea of polyvinyl alcohol ("PVA"),<sup>2</sup> provided for in subheading 3905.30.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce (Commerce) to be sold in the United States at less than fair value (LTFV).<sup>3</sup>

<sup>2</sup> For purposes of these investigations, PVA is defined as all polyvinyl alcohol hydrolyzed in excess of 80 percent, whether or not mixed or diluted with commercial levels of defoamer or boric acid, except as excluded from the definition. The following forms of polyvinyl alcohol are excluded from the definition of PVA:

- (1) PVA in fiber form;
- (2) PVA with hydrolysis less than 83 mole percent and certified not for use in the production of textiles;
- (3) PVA with hydrolysis greater than 85 percent and viscosity greater than or equal to 90 cps;
- (4) PVA with a hydrolysis greater than 85 percent, viscosity greater than or equal to 80 cps but less than 90 cps, certified for use in an ink jet application;
- (5) PVA for use in the manufacture of an excipient or as an excipient in the manufacture of film coating systems which are components of a drug or dietary supplement, and accompanied by an end-use certification;
- (6) PVA covalently bonded with cationic monomer uniformly present on all polymer chains in a concentration equal to or greater than one mole percent;
- (7) PVA covalently bonded with carboxylic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, certified for use in a paper application;
- (8) PVA covalently bonded with thiol uniformly present on all polymer chains, certified for use in emulsion polymerization of non-vinyl acetic material;
- (9) PVA covalently bonded with paraffin uniformly present on all polymer chains in a concentration equal to or greater than one mole percent;
- (10) PVA covalently bonded with silan uniformly present on all polymer chains certified for use in paper coating applications;
- (11) PVA covalently bonded with sulfonic acid uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent;
- (12) PVA covalently bonded with acetoacetyl uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent;
- (13) PVA covalently bonded with polyethylene oxide uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent;
- (14) PVA covalently bonded with quaternary amine uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent; and
- (15) PVA covalently bonded with diacetoneacrylamide uniformly present on all polymer chains in a concentration level greater than three mole percent certified for use in a paper application.

<sup>3</sup> Commissioner Charlotte R. Lane did not participate in these investigations.

## Background

The Commission instituted these investigations effective September 5, 2002, following receipt of a petition filed with the Commission and Commerce by Celanese, Ltd. of Dallas, TX and E.I. du Pont de Nemours & Co. of Wilmington, DE. The final phases of the investigations were scheduled by the Commission following notification of preliminary determinations by Commerce that imports of polyvinyl alcohol from China and Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notices of the scheduling of the final phases of the Commission's investigations and of a public hearing to be held in connection therewith were given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the **Federal Register** of April 14, 2003 (68 FR 17964), as amended by the **Federal Register** of August 19, 2003 (68 FR 49792). The hearing was held in Washington, DC, on May 8, 2003, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 24, 2003. The views of the Commission are contained in USITC Publication 3634 (September 2003), entitled *Polyvinyl Alcohol from China and Korea: Investigations Nos. 1014 and 1017 (Final)*.

By order of the Commission.

Issued: September 29, 2003.

**Marilyn R. Abbott,**

*Secretary.*

[FR Doc. 03-25012 Filed 10-1-03; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

In accordance with 28 U.S.C. 50.7 and section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that on September 18, 2003, a proposed Consent Decree in *United States v. Harding Township, New Jersey*, Civil Action No. 03-4445 (FSH), was lodged with the United States District Court for the District of New Jersey.

In this action the United States, on behalf of the United States Department

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

of the Interior ("DOI"), seeks reimbursement of response costs incurred and to be incurred in connection with response actions at the former Harding Landfill (the "Site"), located within the Great Swamp National Wildlife Refuge in Harding Township, Morris County, New Jersey. The Complaint alleges that the defendant is liable under sections 107(a) and 113(f) of CERCLA, 42 U.S.C. 9607(a) and 9613(f). Pursuant to the Consent Decree, the defendant will transfer title to and interest in a 65 acre parcel of real property (the "Parcel") adjacent to the Great Swamp National Wildlife Refuge to DOI's Central Hazardous Materials Fund as reimbursement for costs incurred and to be incurred by DOI at the Site. The Parcel will be managed by Fish & Wildlife Service as part of the Great Swamp National Wildlife Refuge for use by and enjoyment of the public.

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. Harding Township, New Jersey*, D.J. Ref. 90-11-3-07117.

The Consent Decree may be examined at the Office of the United States Attorney for the District of New Jersey, 970 Broad Street, Room 400, Newark, New Jersey 07102, and at U.S. Department of the Interior, Office of the Solicitor, 1849 C Street, NW., Washington, DC 20240. 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 \$8.00 (25 cents per page reproduction cost), payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 03-24932 Filed 10-1-03; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Consistent with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that on September 15, 2003, a proposed consent decree in *United States v. Mallinckrodt Baker, Inc., et al.*, Civil Action No. 03-417S, was lodged with the United States District Court for the District of Rhode Island.

In this action the United States sought recovery of response costs pursuant to Section 107(a) of CERCLA, for costs incurred related to the Davis Liquid Waste Site in Smithfield, Rhode Island. The consent decree requires three generator defendants to pay \$1,400,00, of which the United States will receive \$660,000. The remaining portion will go to the State of Rhode Island and National Starch and Chemical Co. ("National Starch"), a contribution plaintiff.

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. Mallinckrodt Baker, Inc., et al.*, D.J. Ref. #90-11-2-137/1.

The consent decree may be examined at the Office of the United States Attorney, Fleet Center, 50 Kennedy Plaza, 8th Floor, Providence, Rhode Island 02903 (contact AUSA Michael Iannotti), and at U.S. EPA Region I, One Congress Street, Suite 1100, Mail Code SES, Boston, MA 02114 (contact Ruthann Sherman). 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

\$10.50 (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.*

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on September 16, 2003, a proposed Consent Decree in *United States v. Phelps Dodge Corporation*, Civil Action No. CIV-03-1804-PHX-SMM, was lodged with the United States District Court for the District of Arizona.

In this action the United States sought injunctive relief and civil penalties for violations of section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), at the United Verde mine near Jerome, Arizona. The defendant is Phelps Dodge Corporation, the owner of the United Verde mine.

Under the terms of the proposed settlement, Phelps Dodge will pay a civil penalty of \$220,142. In addition, Phelps Dodge will carry out three projects at the United Verde mine designed to address the violations alleged in the complaint.

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. Phelps Dodge Corporation*, D.J. Ref. 90-5-1-1-07311.

The Consent Decree may be examined at the Office of the United States Attorney, Sue A. Klein, Assistant U.S. Attorney, Two Renaissance Square, 40 North Central Ave., Suite 1200, Phoenix, AZ 8500. 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) 616-6584, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the