

Commission has determined to grant Respondents' motions for leave.

On May 10, 2010, Complainants filed their own petition seeking modification of the Commission's remedial orders. On May 27, 2010, the IA and Respondents filed responses to Complainants' petition for modification of the Commission's remedial orders.

Having examined the petitions seeking modification of the limited exclusion order and the cease-and-desist orders, and the responses thereto, the Commission determined that Respondents' petition complies with 19 U.S.C. 1337(k)(2) and 19 CFR 210.76(a), but that Complainants' petition does not. Accordingly, the Commission has determined to institute a modification proceeding to consider Respondents' petition, and has delegated the proceeding to the Chief Administrative Law Judge for assignment to a presiding administrative law judge.

While Broadcom's allegations of changed circumstances do not warrant the institution of a modification proceeding under Commission rule 210.76, the party might find a formal enforcement proceeding under rule 210.75(b) a more suitable avenue to address its concerns. In fact, the Commission indicated as much in 2009 when it declined Broadcom's request to initiate an informal enforcement proceeding under 210.75(a), in light of "the factual nature of the allegations" in the request. Separate from the particular dispute at issue in this investigation, the Commission is preparing to commence the third in a series of five-year surveys on the effectiveness of section 337 exclusion orders. As indicated when the Commission gave notice of its survey preparations, it will seek feedback on the experience of complainants "in policing the exclusion order, particularly with respect to any investigatory efforts and any interactions with U.S. Customs and Border Protection." 75 FR 8398 (Feb. 24, 2010). After evaluating the survey responses, the Commission may consider whether there are any appropriate actions for the Commission to undertake to enhance the effectiveness of the orders.

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 section 210.76 of the Commission's Rules of Practice and Procedure (19 CFR 210.76).

By order of the Commission.

Issued: August 16, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1163 (Final)]

Woven Electric Blankets From China

Determination

On the basis of the record¹ developed in the subject investigation, 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 of woven electric blankets, provided for in subheading 6301.10.00 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).

Background

The Commission instituted this investigation effective June 30, 2009, following receipt of a petition filed with the Commission and Commerce by Sunbeam Products, Inc., doing business as Jarden Consumer Solutions, Boca Raton, FL. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of woven electric blankets from China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 11, 2010 (75 FR 11557). The hearing was held in Washington, DC, on June 29, 2010, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on August 10, 2010. The views of the Commission are contained in USITC Publication 4177 (August 2010), entitled *Woven*

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

Electric Blankets From China: Investigation No. 731-TA-1163 (Final).

By order of the Commission.

Issued: August 10, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

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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 August 11, 2010, a proposed Consent Decree ("Decree") in *United States and the State of South Dakota v. Jeraldine Borsch Fahrni, the Chester A. Borsch, Jr. Trust, and Chester A. Borsch, Jr. as Trustee of the Chester A. Borsch, Jr. Trust*, Case No. 5:10-CV-05068-JLV, was lodged with the United States District Court for the District of South Dakota, Western Division. The case was brought under Sections 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9607(a) and 9613(g)(2), for the recovery of response costs related to the cleanup at the Gilt Edge Mine Superfund Site ("Site") in Lawrence County, South Dakota.

The Consent Decree requires the Defendants to confess to (1) entry of judgment in the amount of \$890,000; (2) agree to transfer the Site properties they own to the State of South Dakota; and (3) assign any insurance coverage related to the Site to the United States.

The United States and the State of South Dakota filed a Complaint simultaneous with the Consent Decree alleging that the Defendants are jointly and severally liable for response costs related to the cleanup at the Gilt Edge Mine Superfund Site in Lawrence County, South Dakota. 42 U.S.C. 9607(a), 9613(g)(2). The Consent Decree would resolve the claims against the Defendants as described 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 Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to the 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*