respondents on the basis of a consent order. 58 FR 60672 (November 17, 1993).

The ALJ held an evidentiary hearing on temporary relief from December 13 through December 18, 1993. On January 26, 1994, the ALJ issued an ID denying Genentech's motion for temporary relief. The temporary relief ID was adopted by the Commission on February 25, 1994.

On March 2, 1994, the ALJ designated the permanent phase of the investigation ''more complicated''.

The evidentiary hearing on issues concerning permanent relief commenced on April 11, 1994, and concluded on April 24, 1994. On July 28, 1994, the ALJ issued an ID delaying the issuance of his final ID on permanent relief until November 29, 1994. On August 22, 1994, the Commission determined not to review that ID.

On August 29, 1994, the BTG and Novo respondents individually moved for an order imposing sanctions against complainant Genentech for alleged discovery abuse and reopening the record for the reception of additional documentary evidence. In his final ID, issued on November 29, 1994, the ALJ granted the motion for sanctions, and denied the requests to reopen the record. In the ID, the ALJ dismissed the complainant with prejudice and terminated the investigation as a sanction for Genentech's misconduct during discovery. Additionally, the ALJ issued an opinion ruling on the merits of the investigation based on the evidentiary record as it closed on April 24, 1994.

On December 12, 1994, complainant Genentech and the Commission investigative attorney filed petitions for review of the ID. The Novo respondents filed a contingent petition for review. On December 19, 1994, all parties filed responses to the petitions for review.

On December 12, 1994, complainant Genentech filed a motion to supplement the Commission record. Responses to Genentech's motion were filed by the BTG respondents, the Novo respondents, and the IA. The Commission denied Genentech's motion on the basis that the record, as defined by interim rule 210.43(a), already includes the documents at issue. On December 20, 1994, Genentech moved for leave to reply to the BTG respondents' opposition to Genentech's motion to supplement the record. The Commission denied Genentech's motion for leave to reply as moot in view of its denial of Genentech's motion to supplement the record.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and Commission interim rule 210.53, 19 C.F.R. 210.53.

Copies of the ID and all other 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 S.W., Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

Issued: January 17, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–1864 Filed 1–24–95; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Consent Decree in Action Brought Under the Clean Air Act

Notice is hereby given that a proposed Consent Decree in *United States* v. *Lafarge, et al.*, Civil Action No. 4–94CV–356Y, was lodged with the United States District Court for the Northern District of Texas on December 29, 1994. This Consent Decree resolves a Complaint filed by the United States against Victor Yorstoun pursuant to Section 112 of the Clean Air Act, 42 U.S.C. 7412.

The United States Department of Justice brought this action on behalf of the U.S. Environmental Protection Agency, seeking to impose civil penalties and injunctive relief on Lafarge, Inc., Victor Yorstoun and Art O'Shea for their alleged violations of the National Emission Standards for their alleged violation of the National Emission Standards for Hazardous Air Pollutants (''the NESHAP'') for asbestos during demolition activities at a mill building at the Lafarge cement manufacturing and distribution facility in Fort worth, Texas. The NESHAP for asbestos consists of regulations promulgated by EPA pursuant to the Clean Air Act.

The settlement in this case requires defendant Yorstoun to comply with the asbestos NESHAP in all future demolition and activities which he owns or operates.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044 and refer to *United States* v. *Lafarge,* DOJ number 90–5–2–1–1865.

Copies of the proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Texas, 801 Cherry Street, Suite 1700, Fort Worth, Texas 76102, and at the U.S. Environmental Protection Agency, Office of the Regional Counsel, Region VI, 1445 Ross Avenue, Dallas, Texas, 75202. Copies of the proposed Consent Decree may also be obtained from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. A copy of the proposed Consent Decree may be obtained by mail or in person from the Consent Decree Library. When requesting a copy of the Consent Decree, please enclose a check in the amount of $3.25 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 95–1824 Filed 1–24–95; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Payne and Dolan, Inc.*, Civil Action No. 95–C–24 was lodged on January 9, 1995, with the United States District Court for the Eastern District of Wisconsin.

The proposed Consent Decree concerns the Key Terminals Facility, which is located on approximately 11 acres on North Main Street, in Kewaunee, Wisconsin. Pursuant to the proposed Consent Decree, and the Resource Conservation and Recovery Act, as amended (''RCRA''), 42 U.S.C. 6901 *et seq.*, Payne and Dolan, Inc. will pay the United States a penalty of $240,000. Pursuant to other terms of the propose settlement, Payne and Dolan will also complete RCRA closure of the Key Terminals facility under a plan approved by the Wisconsin Department of Natural Resources (''WDNR'').

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication,