

FOR FURTHER INFORMATION CONTACT:

Cynthia P. Johnson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3098.

SUPPLEMENTARY INFORMATION:

On February 2, 1994, the presiding administrative law judge (ALJ) issued his final ID in this investigation. The ALJ determined that no violation of section 337 of the Tariff Act of 1930, as amended, has occurred in the importation or sale of certain diltiazem hydrochloride and diltiazem preparations by reason of infringement of claim 1 of U.S. Letters Patent 4,438,035. Under Commission interim rule 210.53(h), the ID would have become the determination of the Commission on March 20, 1995, unless review was ordered or the review deadline extended.

On February 6, 1995, complainants Tanabe Seiyaku Co., Ltd. and Marion Merrell Dow, Inc. filed a letter requesting a six-day extension of time—from February 15, 1995, until February 21, 1995—to file a petition for review of the ID. On February 7, respondents Mylan Pharmaceuticals, Inc., Mylan Laboratories, Inc., and Profarmaco Nobel LRL submitted a letter taking no position on complainants' request for an extension of time, but requesting, in the event the Commission grants complainants' request, a six-day extension of time—from February 28, 1995 to March 6, 1995—to file their response to complainants' petition for review. A similar request was made on February 8, 1995, by the Fermion respondents.

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(h) (19 CFR 210.53(h)).

Copies of the nonconfidential version 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 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.

Issued: February 10, 1995.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-3819 Filed 2-15-95; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-366]

Notice of Commission Determination To Take No Action Concerning the Presiding Administrative Law Judge's Withdrawal of an Initial Determination Designating the Investigation "More Complicated"

AGENCY: International Trade Commission.

ACTION: Notice.

In the matter of Certain Microsphere Adhesives, Process for Making Same, and Products Containing Same, Including Self-Stick Repositionable Notes.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to take no action concerning a decision (Order No. 28) by the presiding administrative law judge (ALJ) in the above-captioned investigation which withdraws an earlier initial determination (ID) designating the investigation "more complicated." Order No. 28 states that the investigation may be designated "more complicated" at a later date if it appears that the current March 8, 1995, deadline for issuance of the ALJ's final ID cannot be met.

ADDRESSES: Copies of Order No. 28 and all other non-confidential documents filed in connection with this investigation are 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.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3104. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: On January 10, 1995, the ALJ issued an ID (Order No. 26) which designated the investigation "more complicated." The ID stated that the investigation's current schedule did not afford adequate time for the ALJ to read post-hearing briefs and write the final ID on violation. At

the time that Order No. 26 was issued, the ALJ contemplated a supplemental evidentiary hearing on January 23, 1995. That hearing was scheduled at the request of complainant Minnesota Mining and Manufacturing Co. (3M) and was to focus on whether respondent Print-Form GmbH & Co. infringed 3M's patent in issue. The ID also based its "more complicated" designation on the complex nature of the chemical processes at issue in the investigation.

On January 17, 1995, complainant 3M moved for reconsideration and reversal of Order No. 26, stating that it no longer wished a supplemental hearing. 3M urged that the investigation not be designated "more complicated" because of the short length of time remaining in the term of its patent at issue. 3M's motion was unopposed by any party and was supported by the Commission investigative attorney. On January 20, 1995, the ALJ issued Order No. 28 which grants 3M's motion to the extent that it withdraws the "more complicated" designation. However, Order No. 28 states that the ALJ may designate the investigation "more complicated" at a later date if she encounters difficulty in completing the final ID by the current March 8, 1995, deadline.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Issued: February 10, 1995.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 95-3817 Filed 2-15-95; 8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub-No. 16)]

Intrastate Rail Rate Authority—Mississippi

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional recertification.

SUMMARY: The State of Mississippi has filed an application for recertification. The Commission, under State Intrastate Rail Rate Authority, 5 I.C.C.2d 680, 685 (1989), provisionally recertifies the State of Mississippi to regulate intra-state rail rates, classifications, rules, and practices. After its review, the Commission will issue a recertification decision or take other appropriate action.

DATES: This provisional recertification will be effective on February 16, 1995.

FOR FURTHER INFORMATION CONTACT: Elaine Sehr-Green (202) 927-5269 or Beryl Gordon (202) 927-5610 [TDD for hearing impaired: (202) 927-5721].

Decided: February 10, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-3946 Filed 2-15-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Clean Air Act

Consistent with Departmental policy, 28 CFR § 50.07, notice is hereby given that two proposed consent decrees in *United States v. Consolidation Edison Co. and John's Insulation, Inc.*, Civil Action No. 94 Civ. 1538 (LAP), were lodged on January 24, 1995 with the United States District Court for the Southern District of New York.

Defendant Consolidation Edison is the owner of the Waterside Generating Station in New York, New York and contracted with John's Insulation, Inc. to remove Asbestos containing material from that station. The asbestos containing material was removed, stored, and disposed of in violation of the National Emission Standard for Hazardous Air Pollutants for asbestos.

Under the terms of the proposed decree, Consolidation Edison will pay the United States the sum of \$100,000 within 14 days of the entry of the decree between the United States and Consolidation Edison and John's Insulation will pay the United States the sum of \$42,500 in installments as follows: \$15,000 within 7 days of the entry of the decree between the United States and John's Insulation, \$12,500 within 97 days of entry, and \$12,500 within 187 days of entry. John's Insulation Inc. will also pay interest on the amount then due at the time of the second and third installment payments.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decrees. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Consolidation Edison Co. and John's Insulation Inc.*, D.J. reference #90-5-2-1-1136A.

The proposed consent decrees may be examined at the Office of the United States Attorney for the Southern District of New York, 100 Church Street, 19th Floor, New York, New York; the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the two proposed consent decrees may be obtained in person or by mail from the Consent Decree Library 1120 G Street NW., 4th Floor, Washington, DC. In requesting a copy, please enclose a check in the amount of \$6.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce Gelber,

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

[FR Doc. 95-3913 Filed 2-15-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Under the Clear Air Act

Notice is hereby given that a proposed Consent Decree in *National Wildlife Federation, et al., v. Copper Range Company* (W.D. Mich.), Case No. 2:92-CV-186, entered into by plaintiffs National Wildlife Federation, Michigan United Conservation Clubs, United States of America, State of Michigan, and State of Wisconsin and defendant Copper Range Company was lodged on January 31, 1995 with the United States District Court for the Western District of Michigan. The proposed Consent Decree resolves certain claims of the plaintiffs against the defendant under the Clear Air Act, 42 U.S.C. 7401 *et seq.*, section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9603, sections 304 and 313 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. 11004, 11023, and certain other state statutes relating to defendant's smelting operation located on Highway 64 in White Pine, Ontonagon County, Michigan. Under the proposed Consent Decree, Copper Range has agreed that if it is to continue operating its smelter in the future, it will implement extensive injunctive relief to bring it into compliance with the Clean Air Act, including the construction of a new smelter. The proposed Consent Decree also requires Copper Range to pay a total of \$4.8 million in civil penalties and third party supplemental environmental projects as follows: \$1.6 million to the United States; \$3.0

million to the Michigan/Wisconsin Lake Superior Basin Trust Fund established pursuant to the Consent Decree; and \$200,000 to the State of Michigan.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *National Wildlife Federation, et al., v. Copper Range Company*, D.J. Ref. No. 90-5-2-1-1852. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Western District of Michigan, 399 Federal Building, 110 Michigan St. NW, Grand Rapids, Michigan 49503; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Street, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005 (202-624-0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy of the Consent Decree with exhibits, please enclose a check in the amount of \$43.75 (25 cents per page for reproduction costs), payable to the Consent Decree Library. In requesting a copy of the Consent Decree without exhibits, please enclosed a check in the amount of \$19.00 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 95-3908 Filed 2-15-95; 8:45 am]

BILLING CODE 4410-01-M

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

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed consent decree in *United States v. Henkel Corp. (N. D. Ga.)*, Civil Action No. 4:95CV0024RLV was lodged on January 26, 1995, with the United States District Court for the Northern District of Georgia. The consent settles an action brought under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and