

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 24, 1996. The views of the Commission are contained in USITC Publication 2976 (July 1996) entitled "Engineered Process Gas Turbo-Compressor Systems from Japan: Investigation No. 731-TA-748 (Preliminary)."

By order of the Commission.

Issued: July 1, 1996.

Donna R. Koehnke,
Secretary.

[FR Doc. 96-17427 Filed 7-8-96; 8:45 am]

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[Investigation No. 337-TA-372 Enforcement Proceeding]

Certain Neodymium-Iron-Boron Magnets, Magnet Alloys, and Articles Containing Same; Notice of Referral of Formal Enforcement Proceeding to an Administrative Law Judge for Issuance of a Recommended Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has referred the formal enforcement proceeding instituted on April 25, 1996, in the above-captioned investigation to an administrative law judge for appropriate proceedings and the issuance of a recommended determination.

FOR FURTHER INFORMATION CONTACT: Jay H. Reiziss, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-252-3116.

SUPPLEMENTARY INFORMATION: On October 10, 1995, the Commission issued a notice that it had determined not to review an initial determination (Order No. 29) of the presiding administrative law judge in the above-captioned investigation granting a motion to terminate the investigation as to respondents San Huan New Materials High Tech, Inc., Ningbo Konit Industries, Inc., and Tridus International, Inc. (the "San Huan respondents") on the basis of a Consent Order, and subsequently issued the Consent Order. The Consent Order provides that the San Huan respondents:

shall not sell for importation, import into the United States or sell in the United States after importation or knowingly aid, abet, encourage, participate in, or induce the sale for importation, importation into the United States or sale in the United States after importation of neodymium-iron-boron magnets which infringe any of claims 1-3 of the '439 patent, or articles or products which

contain such magnets, except under consent or license from Crucible.

On March 4, 1996, complainant Crucible Materials Corporation filed a complaint alleging that the San Huan respondents had violated the Consent Order and seeking institution of a formal enforcement proceeding. Crucible requested that the Commission enforce the Consent Order, impose civil penalties, assess reasonable attorney's fees, and impose such other remedies and sanctions as are appropriate. On March 12 and 28, 1996, the San Huan respondents filed letters objecting, *inter alia*, to a formal enforcement proceeding and requesting that an informal enforcement proceeding instead be instituted.

On April 25, 1996, the Commission issued an Order instituting a formal enforcement proceeding and instructing the Secretary to transmit the enforcement proceeding complaint to the San Huan respondents through counsel for a response. On June 4, 1996, the San Huan respondents filed a response to the complaint, denying violation of the Consent Order and infringement of the patent claims at issue and requesting that the Commission deny all relief sought and terminate the enforcement proceeding with prejudice.

Having examined the San Huan respondents' response to the formal enforcement proceeding complaint filed by Crucible, and having found that issues concerning possible violation of the Commission's Consent Order remain, the Commission determined to refer the enforcement proceeding to Judge Paul J. Luckern for issuance of a recommended determination concerning whether San Huan New Materials High Tech, Inc., Ningbo Konit Industries, Inc., and/or Tridus International, Inc. are in violation of the Commission's Consent Order. The recommended determination is to be issued within six (6) months of the Commission Order referring the enforcement proceeding to the administrative law judge.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75).

Copies of the Commission's Order and all other nonconfidential documents filed in connection with this enforcement proceeding 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 this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: July 1, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

In accordance with Department of Justice Policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. § 9622(d), notice is hereby given that on June 24, 1996, a proposed Consent Decree was lodged with the United States District Court for the Western District of Washington, *United States v. ASARCO Inc.*, Civil Action No. C91-5528B. The proposed Consent Decree settles claims asserted by the United States at the request of the United States Environmental Protection Agency (EPA) for releases of hazardous substances at the Asarco Smelter Operable Unit of the Commencement Bay Nearshore/Tideflats Superfund Site in Ruston and Tacoma, Washington. The defendant in the action is ASARCO Incorporated (Asarco). The claims of the United States on behalf of EPA are based upon contamination of the Asarco Smelter Site. The Asarco Smelter Site is comprised of the Asarco smelter facility, which is approximately sixty-seven acres in size, and the adjacent twenty-three acre slag peninsula.

In its amended complaint, the United States asserted claims against Asarco pursuant to Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. §§ 9606 and 9607(a), and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6973, for injunctive relief to abate an imminent and substantial endangerment to public health or welfare or the environment due to the release or threatened release of hazardous substances at the Asarco Smelter Site. The United States also sought recovery of costs that have been and will be incurred in response to releases and