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**Authority:** This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: July 8, 2004.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 04-15985 Filed 7-14-04; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-493]

### In the Matter of Certain Zero-Mercury-Added Alkaline Batteries, Parts Thereof, and Products Containing Same; Notice of Commission Decisions To Extend the Time To Determine Whether To Review an Initial Determination and To Extend the Target Date

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend to August 19, 2004, the time to determine whether to review the presiding administrative law judge's ("ALJ's") final initial determination ("ID") finding a violation of section 337 of the Tariff Act of 1930 in the above-captioned investigation. The Commission has also decided to extend the target date for completing the investigation to October 1, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3090. Copies of the ALJ's 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. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on

this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on June 2, 2003, based on a complaint filed by Energizer Holdings, Inc. and Eveready Battery Company, Inc., both of St. Louis, Missouri. 68 FR 32771 (June 2, 2003). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain zero-mercury-added alkaline batteries, parts thereof, and products containing same by reason of infringement of claims 1-12 of U.S. Patent No. 5,464,709 ("the '709 patent"). The complaint and notice of investigation named 26 respondents and were later amended to include an additional firm as a respondent. The investigation has been terminated as to claims 8-12 of the '709 patent. Several respondents have been terminated from the investigation for various reasons.

On June 2, 2004, the ALJ issued his final ID finding a violation of section 337. He also recommended the issuance of remedial orders. A number of the remaining respondents have petitioned for review of the ID. Complainants and the Commission investigative attorney have filed oppositions to those petitions.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.42 and 210.51 of the Commission's Rules of Practice and Procedure (19 CFR 210.42, 210.51).

By order of the Commission.

Issued: July 9, 2004.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 04-16083 Filed 7-14-04; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act ("RCRA")

Consistent with Departmental policy, 28 CFR 50.7, notice is hereby given that on June 23, 2004, a proposed Consent Decree in *United States v. Flura Corporation, et al.* Civil Action No. 2:04-CV-00200 was lodged with the United States District Court for the Eastern District of Tennessee.

In this action the United States sought injunctive relief and penalties against Flura Corporation ("Flura") and Edward

Tyczkowski pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA") Section 7003. The United States sought an injunction requiring Flura and Edward Tyczkowski to comply with Administrative Orders issued by EPA on June 17, 1999 and March 30, 2000, in order to abate an imminent and substantial endangerment to public health, welfare, and the environment connected with Flura's facility at 610 Rock Hill Road, Newport, Cocke County, Tennessee. The United States also sought civil penalties for Defendant's violations of the Administrative Orders pursuant to Section 7003(b) of RCRA, 42 U.S.C. 6973(b).

Due to the insolvency of Flura, and the confirmed inability to pay a penalty of Edward Tyczkowski, the proposed Consent Decree, which settles the liability of Flura and Mr. Tyczkowski for violations alleged in the Complaint, does not require the payment of any penalty. The proposed Consent Decree requires continued compliance with the EPA Administrative Orders and injunctive relief as to Edward Tyczkowski's handling, storage, treatment, transportation or disposal of solid or hazardous waste.

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 Decree. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d). Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044-7611, and should refer to *United States v. Flura Corporation, et al.*, D.J. Ref. 90-7-1-06889.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 800 Market Street, Suite 211 Knoxville, TN 37902, and at U.S. EPA Region IV, 61 Forsyth Street, Atlanta, Georgia, 30303. During the public comment period the proposed 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 proposed 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, please enclose a