

with its determination of violation, the Commission issued a Limited Exclusion Order and Cease and Desist Order related to claim 48 of the '627 patent and claims 17 and 18 of the '173 patent.

On June 18, 2007, Metrologic filed a request for an advisory opinion under Commission Rule 210.79 (19 CFR 210.79) that would declare that its new scan module does not infringe claim 17 or 18 of the '173 patent and claim 48 of the '627 patent, and therefore is not covered by the Commission's Limited Exclusion Order or Cease and Desist Order issued on May 30, 2007. Metrologic further requested that the Commission conduct all proceedings related to the advisory opinion in an expedited manner and on summary determination based upon the evidence presented in its request without formal hearing or discovery.

The Commission has examined Metrologic's request for an advisory opinion and has determined that it complies with the requirements for institution of an advisory opinion proceeding under Commission Rule 210.79(a). Accordingly, the Commission has determined to institute an advisory opinion proceeding. The Commission directs Symbol and the IA to state their views regarding whether they oppose Metrologic's request for an advisory opinion that the new scan module is not covered by the Limited Exclusion Order or Cease and Desist Order, and if so, whether they believe the matter should be referred to the ALJ.

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 210.79(a) of the Commission's Rules of Practice and Procedure (19 CFR 210.79(a)).

Issued: August 10, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-15977 Filed 8-14-07; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act

Notice is hereby given that a proposed consent decree in *United States v. Alder-Gold Copper Company*, Civil Action No. 2:07-CV-00255-EFS, was lodged on August 3, 2007 with the United States District Court for the Eastern District of Washington. The

United States filed this action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act seeking clean up of groundwater contamination and recovery of costs incurred at the Alder Mill Site in Okanogan County, Washington.

The Consent Decree resolves the United States' claims by requiring the defendant Alder-Gold Copper Company to sell three parcels of land and pay a portion of the proceeds of the sale to the United States to reimburse the United States for its costs in cleaning up the Site. The United States estimates that the Consent Decree will result in the payment of between \$200,000 and \$300,000 to the Superfund.

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. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ess.enrd@usdoj.gov](mailto:pubcomment-ess.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Alder-Gold Copper Company*, DOJ Ref #90-11-3-08880.

The proposed consent decree may be examined at the office of the United States Attorney, 920 W. Riverside Ave, Suite 340, Spokane, Washington 99201, and at the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. During the public comment period, the proposed consent decree may also be examined on the Department of Justice Web site, at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.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 number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$20.25 (or \$4.75, for a copy that omits the exhibits and signature pages) (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that

amount to the Consent Decree Library at the stated address.

**W. Benjamin Fisherow,**

*Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department of Justice policy, notice is hereby given that on July 30, 2007, a proposed consent decree ("Consent Decree") in *United States v. ArvinMeritor, Inc.*, Civil Action No. 1:07-cv-00735-GJQ, was lodged with the United States District Court for the Western District of Michigan.

The Consent Decree would resolve claims against the sole defendant—ArvinMeritor, Inc.—for (i) Unreimbursed past response costs incurred by the United States related to removal and remedial actions at the Rockwell International Superfund Site ("Site") in Allegan, Michigan in exchange for a payment of \$3,475,000. The Consent Decree would also require ArvinMeritor to pay the United States' future response costs related to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box No. 7611, Washington, DC 20044-7611, and should refer to *United States v. ArvinMeritor, Inc.*, Civil Action No. 1:07-cv-00735-GJQ, D.J. Ref. 90-11-3-08013.

The Consent Decree may be examined at the Office of the United States Attorney for the Western District of Michigan, 330 Ionia Avenue, NW., Suite 501, Grand Rapids, Michigan 49503, and at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604-4590. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the 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