and Index Systems, Inc., of the British Virgin Islands (collectively, ''Rovi''). 75 FR 71737 (November 24, 2010). The complaint named as respondents Toshiba Corp. of Japan and its subsidiaries Toshiba America, Inc. of New York, New York; Toshiba America Consumer Products, LLC of Wayne, New Jersey; and Toshiba America Information Systems, Inc. of Irvine, California (collectively, ''Toshiba''). The complaint alleged a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain products containing interactive program guide and parental controls technology by reason of the infringement of certain claims of U.S. Patent Nos. 6,305,016; 6,020,929; and 6,701,523.

On July 6, 2011, Rovi and Toshiba moved to terminate the investigation based on a license agreement that settled the parties' dispute. On July 11, 2011, the ALJ issued the subject ID, granting the motion. Order No. 18.

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 28, 2011.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2011–19571 Filed 8–2–11; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

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

Under 28 CFR 50.7, notice is hereby given that on July 28, 2011, a proposed consent decree with defendant Wilko Paint, Inc., was lodged in the civil action entitled *United States* v. *Wilko Paint, Inc.,* No. 11–cv–01205–EFM–GLR, in the United States District Court for the District of Kansas.

In this action the United States is seeking to recover costs under the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), which were incurred in response to releases of hazardous substances at the 57th and North Broadway Superfund Site (''the Site''), in Wichita, Kansas. The proposed consent decree will resolve the United States' claim against the defendant under Section 107 of CERCLA, 42 U.S.C. 9607, for the Site. Under the terms of the proposed consent decree, defendant Wilko Paint will make a cash payment of $350,000 to the United States, which is based on Wilko's ability to pay a financial judgment against it, and will give the United States a share of any future insurance recovery related to the claim. In return, the United States will grant the defendant a covenant not to sue under CERCLA with respect to the Site. For thirty (30) days after the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments may be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or submitted by email to *pubcomment-ees.enrd@usdoj.gov,* and should refer to the proposed consent decree in *United States* v. *Wilko Paint, Inc.* (D. Kan.), D.J. Ref. 90–11–3–1737/2.

The proposed consent decree may be examined at the office of the United States Attorney, 1200 Epic Center, 301 N. Main Street, Wichita, Kansas 67212. During the public comment period, the Consent Decree may be examined on the Justice Department's Web site at *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the proposed consent decree may be obtained by mailing a request to the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. When requesting a copy by mail, please enclose a check payable to the U.S. Treasury in the amount of $6.50 (25 cents per page reproduction cost). A copy may also be obtained by e-mailing or faxing a request to Tonia Fleetwood, *tonia.fleetwood@usdoj.gov,* fax number (202) 514–0097, phone confirmation number (202) 514–1547, and mailing a check to the Consent Decree Library at the stated address.

Robert E. Maher, Jr.,

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

[FR Doc. 2011–19589 Filed 8–2–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on July 29, 2011, a proposed Consent Decree (''Consent Decree'') in *United States* v. *The Dow Chemical Company,* Civil Action No. 1:11–cv–13330–TLL–CEB, was lodged with the United States District Court for the Eastern District of Michigan.

In this action, the United States sought penalties from The Dow Chemical Company (''Dow'') for alleged violations of Section 112 of the Clean Air Act, 42 U.S.C. 7412, Section 301(a) of the Clean Water Act, 42 U.S.C. 1311(a), and Section 3005(a) of the Resource Conservation and Recovery Act, 42 U.S.C. 6925(a), at Dow's chemical manufacturing and research facility in Midland, Michigan. Under the Consent Decree, Dow will implement an Enhanced Leak Detection and Repair (''LDAR'') Program which imposes leak monitoring and repair requirements more stringent than existing LDAR regulations, including more frequent monitoring, more stringent repair practices, and the use of new, low-emissions valve technology. Dow also will pay a civil penalty of $2.5 million.

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* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *The Dow Chemical Company,* D.J. Ref. No. 90–5–2–1–08935.

During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: *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 by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov),* fax number (202) 514–0097, phone confirmation number (202) 514–1547. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of $19.00 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if requesting by email or fax, forward a check in that amount to the Consent

Decree Library at the address given above.

Maureen M. Katz,

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

[FR Doc. 2011–19657 Filed 8–2–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Green Seal, Inc.

Notice is hereby given that, on June 28, 2011, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Green Seal, Inc. (''Green Seal'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Green Seal has issued a new standard for personal care and cosmetic products.

On January 26, 2011, Green Seal filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 7, 2011 (76 FR 12370).

Patricia A. Brink,

Director of Civil Enforcement Antitrust Division.

[FR Doc. 2011–19443 Filed 8–2–11; 8:45 am]

BILLING CODE 4410–41–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 07–43]

Terese, Inc., D/B/A Peach Orchard Drugs; Admonition of Registrant

On July 25, 2007, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Terese, Inc., d/b/a/Peach Orchard Drugs (Respondent), of Augusta, Georgia. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, which authorizes it to dispense controlled substances as a retail pharmacy, and the denial of any pending applications to renew or modify its registration, on the ground that its ''continued registration is inconsistent with the public interest.'' ALJ Ex. 1, at 1 (citing 21 U.S.C. 823(f) & 824(a)(4)).

The Order specifically alleged that Ms. Terese Fordham, the president of Terese, Inc., had applied for and received a DEA Certificate of Registration as a retail pharmacy. *Id.* The Order alleged that Ms. Fordham was married to John Duncan Fordham, who was the pharmacist-in-charge and owner of Duncan Drugs, which had been located at the same address as Respondent. *Id.* The Order further alleged that on May 5, 2005, both Mr. Fordham and Duncan Drugs were convicted of violating 18 U.S.C. 1347, and that on May 25, 2005, Mr. Fordham was ''excluded from the Medicaid program.'' *Id.* The Order then alleged that Mr. Fordham ''violated his conditions of release by unlawfully dispensing Medicaid controlled substances prescriptions by use of another provider's identification number,'' that Fordham was sentenced to 52 months imprisonment, and that Duncan Drugs ''was forfeited to the United States.'' *Id.*

Next, the Show Cause Order alleged that Ms. Fordham had falsified Respondent's application to enroll in Medicaid, and that on December 2, 2006, the Georgia Department of Community Health had denied Respondent's Medicaid application. *Id.* at 2. The Order then alleged that at a state hearing, ''Ms. Fordham and [Respondent's] pharmacist-in-charge declined to present evidence of corporate ownership information to the State.'' *Id.*

Finally, the Show Cause Order alleged that ''DEA considers *for purposes of the Controlled Substances Act* that a retail pharmacy only operates through its officers and agents'' and that ''[t]he registration of a pharmacy may be revoked as the result of the unlawful activity of its owners, majority shareholder, officer, managing pharmacist or other key employee.'' *Id.* (emphasis added). The Order then concluded by alleging that ''[i]n this matter, the restoration of the pharmacy operations to the spouse of the prior owner/operator is not a bona fide transaction but more of a device to retain a DEA registration with no change of control or financial interest by the previous owner who had engaged in misconduct as a registrant.'' *Id.*

Respondent timely requested a hearing on the allegations, ALJ Ex. 2, and the matter was placed on the docket of the Agency's Administrative Law Judges (ALJs). Thereafter, on April 15, 2008, an ALJ conducted a hearing in Charleston, South Carolina, at which both parties called witnesses to testify and introduced documentary evidence. ALJ at 2.

On May 13, 2009, the ALJ issued her recommended decision. Therein, the ALJ rejected the Government's principal theories that Respondent is the alter ego of Duncan Drugs and that the creation of the pharmacy is a sham transaction which was carried out to avoid the consequences of Duncan Drugs' loss of its registration. ALJ at 20–22. While the ALJ also found that Respondent had committed three recordkeeping violations (it failed to note the date of receipt of controlled-substance orders on DEA Form 222, had failed to record an initial inventory, and had not executed a power of attorney authorizing an employee to order Schedule II controlled substances), she found Respondent's attempt to remedy the violations to be ''sincere'' and that the violations ''would not, standing alone, justify revoking its registration.'' *Id.* at 22–24 (citing 21 CFR 1305.13(e), 1304.11(b), 1305.04, and 1305.05(a)). The ALJ also noted that there was ''no evidence that there has been any diversion of controlled substances from Respondent.'' *Id.* at 22. The ALJ thus recommended that Respondent's registration ''be continued, subject to the condition that Mr. Fordham shall have no involvement with Respondent in any capacity, including ownership, management, or as an employee, and shall exercise no influence or control, direct or indirect, over the operation of Respondent.'' *Id.* at 27.

Neither party filed exceptions to the ALJ's decision. Thereafter, the record was forwarded to my office for final agency action.

During the initial course of my review, I noted that the record indicated that two proceedings were then pending which appeared to be material to the allegations: the divorce proceeding filed by Ms. Fordham and Respondent's appeal of the State's denial of its application to enroll in Medicaid. Accordingly, I ordered that Respondent address the status of these proceedings.

In responding to my order, Respondent noted that Mrs. and Mr. Fordham had voluntarily dismissed without prejudice their claims in the divorce proceeding. Respondent further noted that the Georgia Department of Community Health was now appealing the order of the Superior Court of Richmond County which vacated the Department's Decision.

Having considered the record as a whole, I agree with the ALJ's conclusion that the three recordkeeping violations