

Barracuda Networks, Inc., 3175 S. Winchester Blvd., Campbell, California 95008.

Panda Software International S.L., Buenos Aires 12, 48.001 Bilbao, Spain.

Panda Distribution, Inc., 230 N. Maryland Avenue, Suite 303, Glendale, California 91206.

(c) The Commission investigative attorney, pursuant to this investigation, is Rett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Carl C. Charneski is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 21, 2007.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E7-25278 Filed 12-28-07; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

Notice is hereby given that on December 13, 2007, a Consent Decree in *United States of America v. Merck &*

*Co., Inc.*, Civil Action No. 07-cv-5239, was lodged with the United States District Court for the Eastern District of Pennsylvania.

The proposed consent decree with Merck & Co., Inc., ("Merck") resolves the claims of the United States on behalf of EPA against Merck for injunctive relief and civil penalties under section 309 of the Clean Water Act ("CWA"), 33 U.S.C. 1319, in connection with the pharmaceutical and vaccine research and manufacturing facility located in West Point, Montgomery County, Pennsylvania. Pursuant to the consent decree, Merck will pay a total of \$1,575,000 in penalties. Merck will pay a civil penalty of \$750,000 to the United States, \$750,000 to the Commonwealth, and \$75,000 to the Pennsylvania Fish and Boat Commission. In addition, Merck has undertaken, and will continue to take, remedial measures at their facility to prevent further discharges. Finally, Merck has agreed to State Community Environmental Projects and Federal Supplemental Environmental Projects at a value in excess of \$9 million.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this proposed Consent Decree. Comments should 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, Attention: Nancy Flickinger (EES), and may be submitted by electronic mail to the following address: [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov). Comments should refer to *United States of America v. Merck & Co., Inc.*, Civil Action No. 07-cv-5239 D.J. Ref. 90-5-1-1-09062.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, Pennsylvania 19106, and at U.S. EPA Region III's Office, 1650 Arch Street, Philadelphia, PA 19103. 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 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 from the Consent Decree Library,

please enclose a check in the amount of \$7.75 (25 cents per page reproduction cost for a full copy) payable to the U.S. Treasury.

**Robert D. Brook,**

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

[FR Doc. 07-6243 Filed 12-28-07; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on December 14, 2007, a proposed Consent Decree in *Barbara Fisher and the United States v. Perma-Fix of Dayton, Inc.*, Civil Action No. 3:04 CV 418, was lodged with the United States District Court for the Southern District of Ohio.

This case began as a citizen suit filed by Barbara Fisher against Perma-Fix of Dayton, Inc. ("Perma-Fix") under section 304 of the Clean Air Act ("CAA" or "Act") for violations of provisions of the federally enforceable Ohio State Implementation Plan ("SIP") adopted pursuant to section 110 of the Act, 42 U.S.C. 7410; violations of the Title V Permit Program at section 502(a) of the Act, 42 U.S.C. 7661a, and 40 CFR 70.5(a) and 70.7(b), and Ohio Admin. Code Chapter 3745-77; violations of the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Off-Site Waste Recovery Operations (the "OSWRO regulations") codified at 40 CFR Part 63, Subpart DD; and violation of the nuisance provisions at Ohio Administrative Code 3745-15-07.

The United States intervened as a plaintiff in this action, seeking injunctive relief and civil penalties under section 113(b) of the Act, 42 U.S.C. 7413(b), against Perma-Fix for violations of the OSWRO NESHAP regulations codified at 40 CFR Part 63, Subpart DD; the general NESHAP regulations at 40 CFR Part 63, Subpart A; the Title V Permit Program at section 502(a) of the Act, 42 U.S.C. 7661a, and 40 CFR 70.5(a) and 70.7(b), and Ohio Admin. Code Chapter 3745-77; and provisions in the federally enforceable Ohio SIP adopted pursuant to section 110 of the Act, 42 U.S.C. 7410. The violations occurred at Perma-Fix's industrial waste processing facility in Dayton, Ohio.

The proposed Consent Decree resolves the United States' claims against Perma-Fix. Under the proposed Consent Decree, Perma-Fix will implement a compliance program that includes: Implementation of certain

pollution control measures at specified emission units; installation of a continuous monitoring system at the facility's regenerative thermal oxidizer ("RTO"); venting of certain vapor streams to the RTO; and engineering evaluation of airflow through the closed vent system to the RTO; visual inspection of vents, the closed vent system, and wastewater transfer lines; the implementation of standard operating procedures for the containment areas, the bioplant, and the solidification process; and the submission of applications for state-issued permits to install and an application for a Clean Air Act Title V permit. In addition, Perma-Fix will pay a civil penalty of \$360,000 and perform three Supplemental Environmental Projects at the cost of at least \$562,000.

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-ees.enrd@usdoj.gov](mailto: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 *Barbara Fisher and the United States v. Perma-Fix of Dayton, Inc.*, D.J. Ref. 90-5-2-1-08318.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Room 602, Federal Building, 200 W. Second Street, Dayton, Ohio 45402, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, to [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 no. (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 \$17.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that

moment to the Consent Decree Library at the stated address.

**Thomas A. Mariani, Jr.,**  
*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 07-6242 Filed 12-28-07; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open DeviceNet Vendor Association, Inc.

Notice is hereby given that, on November 14, 2007, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Open DeviceNet Vendor Association, Inc. ("ODVA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. 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, Camozzi SPA, Brescia, ITALY; and Trinite Automatisering B.V., Mydrecht, THE NETHERLANDS have been added as parties to this venture. Also, Advance Electric Company, Inc., Aichi, JAPAN; AMC Technologies, Edmonton, Alberta, CANADA; AVG Automation (Uticor), Bettendorf, IA; Cooper Power Tools, Lexington, SC; Daniel Woodhead Co. (Woodhead Connectivity), Northbrook, IL; Eilersen Electric A/S, Koddedal, DENMARK; Helix Technology Corporation (Granville-Phillips), Clemsford, MA; MAC Valves, Inc., Wixom, MI; Microwave Data Systems, Rochester, NY; Wizardry Inc., Gardnerville, NV; Woodhead Software & Electronics (SST), Waterloo, Ontario, CANADA; and Woodhead Software & Electronics France, Caudebec Les Elbeuf, FRANCE have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA 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 February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on August 30, 2007. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 7, 2007 (72 FR 62866).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 07-6227 Filed 12-28-07; 8:45 am]

BILLING CODE 4410-11-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 10, 2007, Chattem Chemicals, Inc., 3801 St. Elmo Avenue, Building 18, Chattanooga, Tennessee 37409, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Oripavine (9330), a basic class of controlled substance listed in schedule II.

The company plans to manufacture the listed controlled substance in bulk for sale to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a). Any such comments or objections being sent via regular mail should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), Washington, DC 20537; or any being sent via express mail should be sent to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrisette Drive, Springfield, Virginia 22152; and must be filed no later than February 29, 2008.

Dated: December 20, 2007.

**Joseph T. Rannazzisi,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. E7-25329 Filed 12-28-07; 8:45 am]

BILLING CODE 4410-09-P