

Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's ADD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2001, the Commission determined that the domestic interested party group response to its notice of institution (66 FR 29829, June 1, 2001) was adequate and the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.¹ Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff Report

A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on October 1, 2001, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written Submissions.

As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,² and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before October 4, 2001, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party

may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by October 4, 2001. However, should Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

Issued: September 20, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01-23978 Filed 9-24-01; 8:45 am]

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DEPARTMENT OF JUSTICE

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

In accordance with Department of Justice policy codified at 28 CFR 50.7 and Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622, 42 U.S.C. 9622, notice is hereby given that on September 7, 2001, a proposed consent decree in *United States v. Dayton Power & Light Co., et al.*, No. C-3-98-451, was lodged with the United States District Court for the Southern District of Ohio. The proposed consent decree would settle the United States' claims against five Settling Defendants under CERCLA 107, 42 U.S.C. 9607, for the recovery of response costs incurred or to be incurred by the United States in connection with the Sanitary Landfill (IWD) Superfund Site ("Site") in Moraine, Ohio. The proposed consent

decree would also resolve the United States' claim under CERCLA Section 104(e), 42 U.S.C. 9604(e), for civil penalties against defendant Lee E. Snyder. Each of the Settling Defendants is an owner and/or operator of the Site, which was operated as a licensed landfill from 1971 to 1980. The U.S. Environmental Protection Agency ("EPA") incurred costs of approximately \$1.2 million in responding to the release or threatened release of hazardous substances at the Site.

Under the terms of the consent decree, the Settling Defendants agree to pay a total of \$110,000 (\$45,000 for the claim under CERCLA Section 104(e), and \$65,000 for the claims under CERCLA Section 107) with thirty (30) days of entry of the consent decree. In consideration for these payments, the Settling Defendants will receive a covenant not to sue for Site response costs and for the CERCLA Section 104(e) violations alleged in the United States' complaint. The Settling Defendants will also receive contribution protection for Site response costs.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments related to the proposed consent decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530, and should refer to *United States v. Dayton Power & Light Co., et al.*, Civil Action No. C-3-98-451; D.J. Ref. No. 90-11-2-1113A.

The consent decree may be examined at the Office of the United States Attorney, 602 Federal Building, 200 West 2nd Street, Dayton, Ohio 45402, and at the U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604. 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. In requesting a copy, please enclose a check in the amount of \$5.50 (22 pages at 25 cents per page reproduction cost).

William Brighton,

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

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¹ A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

² The Commission has found the response submitted by Bethlehem Likens Plate to be individually adequate. Comments from other interested parties will not be accepted (see 19 CAR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to The Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Harsco Corporation*, No. 01-166 (E.D. Ky) was lodged on August 29, 2001, with the United States District Court for the Eastern District of Kentucky. The consent decree settles claims for civil penalties and injunctive relief against Harsco Corporation ("Harsco") pursuant to Section 113(b) of the Clean Air Act ("the Act"), 42 U.S.C. 7413(b), based on violations of Kentucky's State Implementation Plan promulgated under the Act. 401 KAR 63:010(3)(1), (2). The consent decree requires Harsco to construct a partial enclosure with spraying equipment to control dust emissions from its slag recycling operations. The consent decree also requires Harsco to pay a civil penalty of \$175,000.

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 for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Harsco Corporation*, DOJ Ref.# 90-5-2-1-2115/1.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Kentucky, 110 West Vine Street, Suite 400 Lexington, Kentucky (859) 233-2661 and the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, S.W. Atlanta, Georgia 30303. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044-7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$9.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen M. Mahan,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Notice is hereby given that a proposed Consent Decree between the Surfrider Foundation and the United States Section of the International Boundary and Water Commission was lodged with the United States District Court for the Southern District of California on September 12, 2001. The proposed Consent Decree concerns alleged violations of Section 402 of the Clean Water Act, 33 U.S.C. 1342, at the South Bay International Wastewater Treatment Plant, located at 2415 Dairy Mart Road, San Diego County, San Diego, California. The proposed Consent Decree would require the performance of certain environmental studies and evaluations relating to discharges of wastewater from the Plant.

The United States Department of Justice will receive written comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to S. Randall Humm, Trial Attorney, United States Department of Justice, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026-3986, with copies provided to William A. Wilcox, Jr., International Boundary and Water Commission, Office of the Staff Counsel, 4171 No. Mesa Street; Suite C-310, El Paso, TX 79902, and should reference *Surfrider Foundation v. Ramirez*, No. 99-CV-2441-BTM-JFS (S.D. Cal.); consolidated with *California v. Ramirez*, No. 01-CV-0270-BTM-JFS (S.D. Cal.).

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of California, 4290 Edward J. Schwartz Federal Building, 880 Front Street, San Diego, California.

Letitia J. Grishaw,

Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 01-23950 Filed 9-24-01; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Biotechnology Research and Development Corporation ("BRDC")**

Notice is hereby given that, on August 1, 2001, pursuant to Section 6(a) of the National Cooperative Research and

Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Biotechnology Research and Development Corporation ("BRDC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. 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, Cargill Dow LLC, Minnetonka, MN has been added as a party 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 BRDC intends to file additional written notification disclosing all changes in membership.

On April 13, 1988, BRDC 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 May 12, 1988 (53 FR 16919).

The last notification was filed with the Department on November 27, 2000. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 29, 2001 (66 FR 17201).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01-23960 Filed 9-24-01; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division**Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.**

Notice is hereby given that, on August 20, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. 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, Adlink Technologies, Chungo City, Taipei, TAIWAN; and Integrated Production and Test Engineering, Genk, BELGIUM have been added as parties to this venture. Also, A&T Engineering, Mystic, CT; ATEME, Velizy, FRANCE; BittWare Research