

initial determination (ID) (Order No. 23) finding that respondent Duton was in default. The ALJ also issued evidentiary sanctions in the form of adverse findings against Duton. On November 21, 1994, the Commission determined not to review the ID. 59 FR 61342 (November 30, 1994).

On February 2, 1995, the ALJ issued her final ID finding that: (1) claim 6 of the '107 patent and claim 1 of the '236 patent are valid and enforceable; (2) there is a domestic industry manufacturing and selling products protected by those two patent claims; (3) respondent IHK has imported products that infringe claim 6 of the '107 patent and claim 1 of the '236 patent; and (4) respondent Duton has exported to the United States products that infringe claim 6 of the '107 patent and claim 1 of the '236 patent. No petitions for review or agency comments were filed. On March 13, 1995, the Commission determined not to review the ALJ's final ID, and requested written submissions on the issues of remedy, the public interest, and bonding. 60 FR 14960 (March 21, 1995).

Submissions on remedy, the public interest, and bonding were received from complainants and the Commission investigative attorney (IA), both of whom also filed reply submissions on those issues.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission made its determinations on the issues of remedy, the public interest, and bonding. The Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry for consumption of infringing audible alarm devices manufactured and/or imported by or on behalf of IHK and Duton. In addition, the Commission issued a cease and desist order directed to IHK requiring IHK to cease and desist from the following activities in the United States: importing, selling, marketing, distributing, offering for sale, or otherwise transferring (except for exportation) in the United States infringing imported audible alarm devices.

The Commission also determined that the public interest factors enumerated in 19 U.S.C. 1337 (d) and (f) do not preclude the issuance of the limited exclusion order and the cease and desist orders, and that the bond during the Presidential review period shall be in the amount of 152 percent of the entered value of the articles in question.

Copies of the Commission orders, the Commission opinion in support thereof, 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

Issued: June 6, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on June 1, 1995 a proposed Consent Decree in *United States v. Grand Trunk Western Railroad Co.*, Civil Action No. 1:94 CV 530 was lodged with the United States District Court for the Western District of Michigan. This consent decree represents a settlement of claims against Grand Trunk Western Railroad Co. for violations of the Clean Water Act.

Under this settlement between the United States and Grand Trunk Western Railroad Co., Grand Trunk will construct a re-routing and pretreatment system to re-route its process wastewater to the Battle Creek, Michigan, publicly owned treatment works. In addition, Grand Trunk will pay the United States a civil penalty of \$535,000. Stipulated penalties may be imposed in the event Grant Trunk does not comply with the requirements of the Consent Decree.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Grand Trunk Western Railroad Co.*, D.J. Ref. 90-5-1-1-5037.

The proposed Amendment may be examined at the Office of the United States Attorney, Western District of Michigan, 399 Federal Building, 110 Michigan St. NW, Grand Rapids,

Michigan, and at U.S. EPA Region 5, Office of Regional Counsel, 200 West Adams, Chicago, Illinois, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$5.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environment and Natural Resources Division.

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Notice of Lodging a Joint Stipulation of Settlement Pursuant to the Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 6973(d), notice is hereby given that on June 2, 1995, a proposed joint stipulation of settlement in *United States v. Dale Valentine, et al.*, Civil Action No. 93CV1005J, was lodged with the United States District Court for the District of Wyoming.

The complaint filed by the United States on February 19, 1993, seeks injunctive relief and civil penalties under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973. The complaint alleges that an abandoned oil reprocessing facility near Glenrock, Wyoming, commonly known as Powder River Crude processors or Big Muddy Oil Processors (the "Site"), may present an imminent and substantial endangerment to human health or the environment. The complaint seeks injunctive relief and civil penalties for violations of administrative orders issued by EPA under Section 7003 of RCRA for a cleanup of the Site.

Under this stipulation, one of the ten defendants named in the action, Jim's Water Service, Inc., will pay a civil penalty of \$90,000 to the United States for violations of the administrative order issued by EPA to it on October 3, 1991. The stipulation provides that the penalty claim alleged in the Complaint will be dismissed with prejudice, and all other claims alleged in the Complaint, which include the claims for injunctive relief, will be dismissed without prejudice. This settlement is based in part on information provided to the United States by Defendant Jim's Water Service, Inc. indicating that its financial ability to pay a civil penalty is