

for filing posthearing briefs or statements is 5:15 p.m. (Eastern Daylight Time) May 15, 1998. In the event that, as of the close of business March 11, 1998, no witnesses are scheduled to appear, the hearing will be canceled. Any person interested in attending the hearings as an observer or non-participant may call the Secretary to the Commission (202-205-1816) after March 11, 1998 to determine whether the hearing will be held.

Washington, DC hearing.—The hearing will be held in Washington, DC at the International Trade Commission building, 500 E Street, SW, Washington, DC 20436, beginning at 9:30 am on Thursday, April 30, 1998. Requests to appear at the public hearing in Washington, DC should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436 no later than 5:15 p.m. (Eastern Standard Time) April 14, 1998. Persons testifying at the hearing are encouraged to file prehearing briefs or statements; the deadline for filing such briefs or statements (a signed original and 14 copies) is April 21, 1998. The deadline for filing posthearing briefs or statements is 5:15 p.m. (Eastern Daylight Time) May 15, 1998. In the event that, as of the close of business on April 14, 1998, no witnesses are scheduled to appear, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202-205-1816) to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the public hearings, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than

May 15, 1998. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436.

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.

Issued: October 24, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97-28810 Filed 10-29-97; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-370]

In the Matter of Certain Salinomycin Biomass and Preparations Containing Same; Notice of Commission Hearing

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to hold a public hearing in the above-captioned investigation to allow parties to present oral argument on the recommendation of the presiding administrative law judge (ALJ) that the Commission order monetary sanctions.

FOR FURTHER INFORMATION CONTACT: Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3104.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 6, 1995, based on a complaint filed by Kaken Pharmaceutical Co. Inc. (Kaken). On November 6, 1995, the ALJ issued his final initial determination (ID) in this investigation, finding no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, by respondents Hoechst Aktiengesellschaft, Hoechst Veterinar GmbH, and Hoechst-Roussel Agri-Vet Co. (collectively, Hoechst). His determination was based on his findings that the patent at issue was invalid for failure to disclose the best mode of operation and unenforceable due to inequitable conduct during prosecution of the patent. The ALJ's ID was not reviewed by the Commission and was ultimately upheld on appeal, *Kaken Pharmaceutical Co. v. USITC*, Appeal

Nos. 96-1300-1302, nonprecedential opinion dated March 31, 1997.

On January 19, 1996, Hoechst filed a motion for sanctions against Kaken, which the Commission referred to the presiding ALJ for issuance of a recommended determination (RD). Hoechst's motion alleged, *inter alia*, that Kaken committed sanctionable conduct by filing a complaint totally lacking in merit. On May 14, 1997, the ALJ issued his RD in which he recommended that the Commission impose on Kaken and its attorneys joint and several liability for an amount of money equal to double the entire attorneys' fees and costs of the Hoechst respondents incurred in both the section 337 investigation on the merits and in the proceedings on sanctions. All parties filed comments on the RD. On August 8, 1997, Kaken and its attorneys requested leave to file a reply to Hoechst's comments and an opportunity for oral argument before the Commission. Hoechst and the Commission investigative attorney (IA) opposed the motion to file a reply brief, but agreed to the request for oral argument if the Commission believed oral argument would be useful in determining whether a sanction should issue, and if so, what the sanction should be. On August 29, 1997, Hoechst filed a motion to file a surreply in the event that the Commission granted Kaken's motion to file a reply. On September 11, 1997, Kaken and its attorneys responded that they had no objection to Hoechst's motion to file a surreply if the Commission also granted leave for Kaken and its attorneys to file their reply.

Commission Hearing

The Commission will hold a public hearing on Wednesday, December 10, 1997, in its main hearing room, 500 E Street, S.W., Washington, D.C., beginning at 9:30 a.m. The hearing will be limited to the issues raised by the presiding ALJ's recommendation on sanctions, dated May 14, 1997. The order and time limits for presentations shall be as follows:

Kaken and its attorneys—30 minutes.

The Office of Unfair Import

Investigations—30 minutes.

Hoechst—30 minutes.

These time limits shall be exclusive of questioning by the Commission. Kaken and its attorneys and the IA may set aside part of their times for rebuttal. The hearing will be open to the public.

Notices of Appearance

Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by December 2, 1997.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337 and Commission rule 210.25, 19 C.F.R. § 210.25.

Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

By order of the Commission.

Issued: October 24, 1997.

Donna R. Koehnke,

Secretary.

[FR Doc. 97-28811 Filed 10-29-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Remedial Design and Remedial Action Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") of 1980

In accordance with Department policy, 28 CFR 50.7, and 42 U.S.C. 9622(d), notice is hereby given that on October 9, 1997, a proposed CERCLA Remedial Design and Remedial Action Consent Decree ("RD/RA Consent Decree") in *United States v. Alaska Railroad Corporation, et al.*, Civil Action No. A91-589 CIV, was lodged with the United States District Court for the District of Alaska.

In this action, the United States seeks injunctive relief under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), from the Alaska Railroad Corporation ("ARRC"), Bridgestone/Firestone, Inc., Chugach Electric Association, Inc., J.C. Penney and Co., Inc., Montgomery Ward and Co. ("Montgomery Ward"), Sears, Roebuck and Co., and Westinghouse Electric Corporation ("the Defendants") to abate the releases and threatened releases of hazardous substances into the environment at the Standard Steel Metals & Salvage Yard Superfund Site in Anchorage, Alaska ("the Site"). The United States also seeks reimbursement from the Defendants other than ARRC under Section 107(a) of CERCLA of response costs it has incurred and will continue to incur in connection with the Site and a declaration under Section 113(g) of CERCLA of the liability of those Defendants for further such response costs. (ARRC is responsible

under an earlier Partial Consent Decree in this case to pay 2.5% of such costs.)

Under the RD/RA Consent Decree, the Defendants other than Montgomery Ward ("the Settling Defendant") will implement the remedy chosen by the Environmental Protection Agency for the Site in its July 16, 1996 Record of Decision. ARRC's responsibility for work to be performed at the Site is limited, however, to implementation of requirements of the Record of Decision that only it, as party in possession and control of the Site, can accomplish. The RD/RA Consent Decree also requires the Settling Defendants to reimburse the Hazardous Substances Superfund for 38.5% of the costs incurred by the United States in overseeing implementation of the remedy over and above \$53,665.18. (This percentage includes that owned by ARRC. The remaining 61.5% of these costs are to be paid by the federal government pursuant to the aforementioned Partial 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 RD/RA 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. Alaska Railroad Corporation, et al.* D.J. No. 90-11-3-810.

The proposed RD/RA Consent Decree may be examined at the Office of the United States Attorney for the District of Alaska, Room 253, Federal Building and U.S. Courthouse, 222 West Seventh Avenue, Anchorage, Alaska 99513-7567; at the Region 10 Office of the Environmental Protection Agency, Hazardous Waste Records Center, 1200 Sixth Avenue, Seventh Floor, Seattle, Washington, 98101; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005 (Tel: 202-624-0892). A copy of the proposed RD/RA 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 exclusive of exhibits, please enclose a check in the amount of \$26.75 (25 cents per page reproduction cost) payable to Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment & Natural Resources Division.

[FR Doc. 97-28731 Filed 10-29-97; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—CommerceNet Consortium

Notice is hereby given that, on August 6, 1997, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), CommerceNet Consortium, ("CommerceNet") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing certain 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, the following organizations have joined CommerceNet as Sponsor Members: MicroSystems Software, Inc., Framingham, MA; NeoMedia Technologies, Inc., Fort Meyers, FL; SOFTBANK Net Solutions, Buffalo, NY; Release Software Corporation, Melno Park, CA. The following organization has upgraded to an executive member: INTERSHOP Communications, Inc. The following organizations changed their names: News Datacom to NDS America; and DBM Group to Strategic Response.

No other changes have been made in either the membership or planned activities of CommerceNet. Membership remains open and CommerceNet intends to file additional written notifications disclosing all changes in membership.

On June 13, 1994, CommerceNet filed its original notification pursuant to § 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to § 6(b) of the Act on August 31, 1994 (59 FR 45012). The last notification was filed with the Department on May 15, 1997, and a notice was published in the **Federal Register** on June 13, 1997 (62 FR 32370).

Constance K. Robinson,

Director of Operations, Antitrust Division.

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