

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, party 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*. 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*. 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*), 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 NESAHAP 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