

civil penalty to the United States of America, and (2) a payment of \$200,000 to the Nature Conservancy, an environmental organization, with the requirement that the money shall be dedicated by the Nature Conservancy to the purchase, preservation, and/or management of wetlands in New Castle County, Delaware. In addition, the consent decree requires that defendant provide additional environmental enhancements in the Naamans Creek watershed to further mitigate the impact of storm water runoff in the Naamans Road area.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: Steven E. Rusak, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and should refer to *United States of America v. State of Delaware, Department of Transportation*, DJ Reference No. 90-5-1-4-05201.

The proposed consent decree may be examined at the Clerk's Office, United States District Court, 844 King Street, Wilmington, Delaware 19801.

**Letitia J. Grishaw,**

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

[FR Doc. 99-2607 Filed 2-3-99; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 to 9675

Notice is hereby given that a proposed consent decree in the case of *United States versus David B. Fisher, et al.*, Civil Action No. S92-00636M, was lodged on January 25, 1999 with the United States District Court for the Northern District of Indiana, South Bend Division. The proposed consent decree resolves the United States' claims against defendants Akzo Coatings, Inc. and The O'Brien Corporation for past costs incurred in connection with the Fisher Calo Chemicals Superfund Site located in LaPorte County, Indiana, in return for a total payment of \$925,000.

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. David B. Fisher, et al.*, DOJ Ref. #90-11-2-549A.

The proposed consent decree may be examined at the office of the United States Attorney, 204 South Main Street, South Bend, Indiana 46601-2191; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 3rd 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., 3rd Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$4.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 99-2610 Filed 2-3-99; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Second Settlement Agreement and Stipulated Order in *In Re NVF Company Under the Comprehensive Environmental Response, Compensation, and Liability Act*

Notice is hereby given that a Second Settlement Agreement and Stipulated Order in *In re NVF Company*, No. 93-1020 (D. Del.), has been entered into by the United States on behalf of U.S. EPA and NVF Company, and was lodged with the United States Bankruptcy Court for the District of Delaware on January 21, 1999. Under the Second Settlement Agreement and Stipulated Order, the United States will receive \$1.8 million plus interest with respect to the NVF Kennett Square facility in Chester County, Pennsylvania.

The Department of Justice will receive comments relating to the proposed Second Settlement Agreement and Stipulated Order for 30 days following the publication of this Notice. 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 *In re NVF Company*, D.J. Ref. No. 90-11-2-979.

The proposed Second Settlement Agreement and Stipulated Order may be examined at the Office of the United States Attorney for the District of Delaware, 1201 Market Street, Suite 1100, Chemical Bank Plaza, Wilmington, DE 19899-2046; the Region 3 Office of the United States Environmental Protection Agency, 1650 Arch St., Philadelphia, PA 19103; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005 (202-624-0892). A copy of the proposed Second Settlement Agreement and Stipulated Order may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy of the proposed Amended Settlement Agreement, please enclose a check in the amount of \$2.00 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 99-2608 Filed 2-3-99; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

Consistent with Departmental policy, 28 C.F.R. 50.7, 38 FR 19029, and 42 U.S.C. §9622, notice is hereby given that on January 25, 1999, a proposed consent decree in *United States v. Harry J. Smith, Jr., et al.*, Civil Action No. 99-21B, was lodged with the United States District Court for the District of Maine. The proposed Consent Decree will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, on behalf of the U.S. Environmental Protection Agency ("EPA") against defendants Harry J. Smith, Jr., Terrell L. Lord, and Lisa J. Lord relating to the Eastern Surplus Company Superfund Site ("Site") in Meddybemps, Maine. The proposed Complaint alleges that Mr. Smith is liable as a present owner, an owner at the time of disposal, an operator, and a person who accepted hazardous substances for transport to the Site under Sections 107(a)(1), (a)(2), and (a)(4) of CERCLA, 42 U.S.C. 9607(a)(1), (a)(2), and (a)(4). The