

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")**

Notice is hereby given that a proposed consent decree in *United States v. Aerosystems, et al.*, Civ. No. 89-1780 (D.N.J.), was lodged with the United States District Court for the District of New Jersey on December 10, 2002 ("Consent Decree"). The Consent Decree resolves the liability of all of the defendants, against whom the United States asserted a claim on behalf of the United States Environmental Protection Agency ("EPA") under sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9606 and 9607(a), and the New Jersey Uniform Fraudulent Transfer Act, N.J.S. §§ 25:2-20 *et seq* for injunctive relief and recovery of costs incurred by the United States in connection with the Metaltec/Aerosystems Superfund Site, located in Franklin, New Jersey.

This is an ability to pay settlement based upon expert review of financial documentation provided to the United States by the defendants. This settlement calls for the liquidation of the Superfund Site property, in addition to an up-front cash payment to the United States of \$60,000.00 and an additional \$480,000.00 in installment payments over the next five years. These funds will be deposited into a special account to pay for response activities at the Site.

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, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Aerosystems, et al.*, DOJ Ref. #90-11-3-416.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of New Jersey, 502 Federal Building, 970 Broad Street (contact Assistant United States Attorney Susan Cassell); and the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866 (contact Assistant Regional Counsel, Amelia Wagner). A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, PO

Box 7611, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$10.00 (25 cents per page reproduction costs) for the Consent Decree, payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 02-33082 Filed 12-31-02; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree; National Marine Sanctuaries Act**

Notice is hereby given that the United States, on behalf of the United States District Court for the Southern District of Florida, in *United States v. Great Lakes Dredge and Dock Company*, Civil Action No. 97-2510, consolidated with 97-10075, on December 4, 2002. This Consent Decree resolves the claims of the United States against Great Lakes Dredge and Dock Company ("Great Lakes"), pursuant to the National Marine Sanctuaries Act, 16 U.S.C. 1431, *et seq*. The Consent Decree concerns the grounding of a vessel owned by Coastal Marine Towing and the dragging of a dredge pipe for 13 miles through the Florida Keys National Marine Sanctuary west of Marathon, Florida.

The Consent Decree provides that Great Lakes will purchase an annuity from Allstate Life Insurance Company ("Allstate") which will provide for the payment of \$969,000 to the National Oceanic and Atmospheric Administration ("NOAA") over a period of five years from December 16, 2002. The funds will be used by NOAA to repay damage assessment costs, compensatory or loss use values, and for the primary on-site restoration of the grounding site. The Consent Decree further provides that the United States covenants not to bring a civil action or take administrative action against Great Lakes pursuant to the NMSA for violations of the Act alleged in the Amended Complaint.

The Department of Justice will receive, for a period of 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, DC 20530, and should refer

to *United States v. Great Lakes Dredge and Dock Company*, DOJ #90-11-3-1636.

The proposed Consent Decree may be examined at the United States Attorney's Office, Southern District of Florida, 99 NE. 4th St., Suite 328, Miami, FL 33132. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please refer to the reference number given above and enclose a check in the amount of \$8.50 (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.*

[FR Doc. 02-33080 Filed 12-31-02; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended**

Notice is hereby given that a proposed Settlement Agreement, with respect to a Proof of Claim filed by the United States in *In re Irving Tanning Co.*, Case No. 01-10586 (Bankr. D. Me.), was lodged on December 17, 2002, with the United States Bankruptcy Court for the District of Maine. The proposed Settlement Agreement resolves claims of the United States against Irving Tanning Company ("Irving") at the Peter Cooper Landfill Site located in the Village of Gowanda, New York and at the Peter Cooper (Markhams) Site located in Dayton, New York, under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq*. The Settlement Agreement includes a covenant not to sue by the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607.

Under the proposed Settlement Agreement, the Proof of Claim filed by the United States on March 15, 2002, will be treated as an allowed unsecured claim in the amount of \$140,000. The Settlement Agreement provides that this allowed claim will be paid in accordance with the treatment of Class 7 claims pursuant to the Plan of Reorganization approved by the Bankruptcy Court on August 13, 2002. The amount of the dividend to be paid with respect to this allowed claim will depend upon the total amount of

allowed unsecured claims and the total amount of money available to the unsecured creditors.

The Department of Justice will receive, for a period of up to thirty days from the date of this publication, comments relating to the proposed Settlement Agreement. Any comments should be addressed to Donald G. Frankel, Trial Attorney, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice, One Gateway Center, Suite 616, Newton, Massachusetts 02458 and should refer to *In re Irving Tanning Co.*, D.J. Ref. #90-11-2-06887/3.

The proposed Settlement Agreement may be examined at EPA Region 2, 290 Broadway, New York, NY 10007-1866 (contact George Shanahan, 212-637-3171). A copy of the Settlement Agreement 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 a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$2.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

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

[FR Doc. 02-33083 Filed 12-31-02; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

Under 28 CFR 50.7 and 42 U.S.C. 9622(d), notice is hereby given that on December 19, 2002, a proposed Consent Decree ("Consent Decree") in *United States v. NL Industries, Inc. et al.*, Civil Action No. 91-CV-578-JLF, was lodged with the United States District Court for the Southern District of Illinois.

The United States filed the above-referenced civil action under sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), against NL Industries, Inc. ("NL") and others in 1991. The complaint seeks injunctive relief to compel defendants to perform remedial actions at the NL Industries/Taracorp Superfund Site, as well as civil penalties and punitive damages for failure to comply with a 1990

administrative order issued pursuant to section 106 of CERCLA. In addition, the complaint seeks to recover response costs incurred by the United States in connection with the Site.

Under the proposed consent decree. In addition, NL will pay \$29.78 million to the Superfund within 30 days of entry of the consent decree. In addition, NL will pay up to an additional \$710,000 to the Superfund, depending on the outcome of an audit of certain response costs relating to the Site. Finally, the proposed consent decree requires NL to pay a penalty of \$1 million for failure to comply with the 1990 administrative order. Because another group of potentially responsible parties committed to complete the implementation of remedial action at the Site, the proposed consent decree does not include any requirements for NL to perform remedial action.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. NL Industries, Inc., et al.*, D.J. Ref. 90-11-3-608A.

The Consent Decree may be examined at the Office of the United States Attorney, Nine Executive Drive, Fairview Heights, Illinois 62208-1344, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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

[FR Doc. 02-33084 Filed 12-31-02; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Stipulation and Order of Judgment Under the Clean Air Act

Notice is hereby given that on December 12, 2002, a proposed Stipulation and Order for Judgment,

(Stipulation) in *United States v. Sierra Rock, et al.*, Civil Action No. S-00-2117 GEB DAD was lodged with the United States District Court for the Eastern District of California.

In this action the United States sought civil penalties and injunctive relief for violation of the Clean Air Act against Defendants Sierra Rock, and Loring and Thelma Brunius as owners and operators of the Weber Creek Quarry, located in El Dorado County, California. The complaint alleges that defendants are liable for violating section 114(a)(1), and (3), and 113 (b)(1) of the Clean Air Act and the California State Implementation Plan (California SIP) by failing to adequately respond to an Administrative Order requiring compliance with an Information Request, and for violating numerous provisions of the California SIP and defendants' operating permits, especially as they relate to the duty to control and suppress dust during quarry operations. Pursuant to the Stipulation between the parties, Defendants agree to pay a civil penalty of \$69,729. Because of defendants' limited ability to pay, the civil penalty will be made in three installments over a two-year period and interest will accrue on the delayed installment payments. In addition, defendants agree to implement specific and substantial injunctive provisions aimed at reducing dust at the quarry.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the Stipulation. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *U.S. v. Sierra Rock, et al.*, D.J. Ref. 90-5-2-1-07194.

The Stipulation may be examined at the Office of the United States Attorney, 501 "I" Street, 10th Floor, Sacramento, CA 95814, and at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California, 94105. A copy of the Stipulation may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$3.00 (25 cents