

DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decree Pursuant to The Clean Air Act ("CAA")**

Consistent with the policy set forth in the Department of Justice regulations at 28 C.F.R. § 50.7, notice is hereby given that on October 30, 1997, a proposed Consent Decree was lodged with the United States District Court for the Southern District of Indiana, New Albany Division, in *United States v. Essroc Cement Corporation* ("ESSROC"), Cause No. NA 97-130-C-H/G, settling claims asserted by the United States, on behalf of the United States Environmental Protection Agency, pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 9613. The claims arose in connection with operation of ESSROC's portland cement manufacturing facility in Speed, Indiana.

The Consent Decree requires ESSROC to pay \$300,000 in civil penalties for alleged violation of the particulate matter and opacity emission limitations and other provisions in the New Source Performance Standards ("NSPS") for Portland Cement Plants at 40 CFR Part 60, Subpart F and the NSPS General Provisions at 40 C.F.R. Part 60, Subpart A. The Decree also requires compliance with certain NSPS requirements for reporting excess emissions, found at 50 CFR §§ 60.13(h), 60.7(c)(1) and 60.63(d).

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be directed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Essroc Cement Corporation*, DOJ Reference # 90-5-2-1-2090.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Indiana, U.S. Courthouse, 5th Floor, 46 East Ohio Street, Indianapolis, Indiana 46204, at the Region V offices of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, 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. In requesting a copy, please enclose a check in the amount of \$2.25 (25 cents per page

reproduction cost) payable to the Consent Decree Library.

Bruck S. Gelber,

Deputy Chief, Environmental Enforcement Section.

[FR Doc. 97-30538 Filed 11-19-97; 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 (CERCLA)**

In accordance with Departmental policy, 28 CFR § 50.7, and with Section 122 of CERCLA, 42 U.S.C. § 9622, notice is hereby given that a consent decree in *United States v. National Wood Preservers, Inc. et al.*, Civ. Action No. 96-CV-5269 (E.D. Pa.) was lodged on October 23, 1997 with the United States District Court for the Eastern District of Pennsylvania. The consent decree resolves the claims of the United States under Sections 107(a), and 113(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), for reimbursement of response costs incurred at the Havertown PCP Superfund Site located in Haverford Township, Delaware County, Pennsylvania and for declaratory judgment as to liability that will be binding in actions to recover further response costs related to the Site. The consent decree obligates Donald Goldstein to reimburse \$32,000 of the United States' response costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the 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. National Wood Preservers, Inc. et al.*, DOJ Ref. # 90-11-3-1680.

The consent decree may be examined at the office of the United States Attorney, 615 Chestnut Street, Philadelphia, PA; the Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA; and at the Consent Decree Library, 1120 G Street, NW 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the CERCLA may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, D.C. 20005. In requesting a copy please refer

to the referenced case and enclose a check in the amount of \$6.50 (25 cents per page reproduction cost), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 97-30539 Filed 11-19-97; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE**Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on October 30, 1997, a proposed partial consent decree in *United States v. North American Group Ltd., et al.*, Civil Action No. 3:97-CV-191-H was lodged with the United States District Court for the Western District of North Carolina.

The partial consent decree resolves claims under 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(a), as amended, against The North American Group Ltd., North American Environmental Corp., Federal Environmental Services, Federal Services, M.D. Babcock, Speer Mabry IV and Mark Odum, for response costs that were incurred by the United States Environmental Protection Agency in connection with the release and threatened release of hazardous substances at the Cherokee Site ("Site") in Charlotte, North Carolina.

The proposed consent decree provides that the aforementioned settling defendants will pay \$400,000 according to a payment schedule set forth in the partial consent decree. The proposed consent decree also requires the settling defendants to pay \$15,000 as a civil penalty for violating Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5), for failing to comply with two information requests issued by EPA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the partial 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. North American Group Ltd., et al.* D.J. Ref. 90-11-2-1173

The partial consent decree may be examined at the Office of the United States Attorney, Suite 1700 Carillon Building, 227 West Trade St., Charlotte,

North Carolina, at U.S. EPA Region IV, 61 Forsythe St., N.E., Atlanta, GA 30303, and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the partial 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. When requesting a copy, please enclose a check in the amount of \$9.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel Gross,

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

[FR Doc. 97-30540 Filed 11-19-97; 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

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed Settlement Agreement in *In re: The Railway Reorganization Estate, Inc. F/K/A The Delaware and Hudson Railway Co.*, Case No. 88-342, was lodged on October 27, 1997 in the United States Bankruptcy Court for the District of Delaware.

The Settlement Agreement resolves the United States' claim, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9607, for response costs incurred and to be incurred by EPA at the Quanta Resources Syracuse Superfund Site ("the Site") in Syracuse, New York. Under the Settlement Agreement, which remains subject to Bankruptcy Court approval, the United States will receive \$15,000 in reimbursement of response costs incurred and to be incurred by EPA 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 Settlement Agreement. 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 *In re: The Railway Reorganization Estate, Inc., F/K/A The Delaware and Hudson Railway Co.*, DOJ Ref. #90-11-3-848E.

The proposed Settlement Agreement may be examined at the Office of the

United States Attorney in Wilmington, Delaware, the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York; 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. In requesting a copy please refer to the referenced case and enclose a check made payable to the Consent Decree Library in the amount of \$2.25 (25 cents per page reproduction costs).

Bruce S. Gelber,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 97-30541 Filed 11-19-97; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Advanced Lead-Acid Battery Consortium

Notice is hereby given that, on October 16, 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"), the Advanced Lead-Acid Battery Consortium ("ALABC"), a program of International Lead Zinc Research Organization, Inc., filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Amara Raja Batteries, Ltd., Tiupati AP, INDIA, has made a commitment to the Consortium. C&D Charter Power Systems, Inc., Conshohocken, PA, has changed its name to C&D Technologies.

No other changes have been made in either the membership or planned activity of the Consortium. Membership in the Consortium remains open and ALABC intends to file additional written notification disclosing any future changes in membership.

On June 15, 1992, the ALABC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 29, 1992, 57 FR 33522. The

last notification was filed with the Department on July 24, 1997. A notice was published in the **Federal Register** on September 10, 1997, 62 FR 47689.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 97-30535 Filed 11-19-97; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 97-13]

Vincent A. Piccone, M.D.; Revocation of Registration

On February 25, 1997, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Vincent A. Piccone, M.D., (Respondent), of Staten Island, New York, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration AP3110765, and deny any pending applications for renewal of such registration as a practitioner pursuant to 21 U.S.C. 823(f) and 824(a)(3), for reason that he is not currently authorized to handle controlled substances in the State of New York.

By letter dated March 14, 1997, Respondent, through counsel, timely filed a request for a hearing, and the matter was docketed before Administrative Law Judge Gail A. Randall. On March 25, 1997, the Government filed a Motion for Summary Disposition, alleging that effective September 18, 1995, the Administrative Review Board of the State of New York, Department of Health, State Board for Professional Medical Conduct (Board), sustained the decision of the Board's Hearing Committee to revoke Respondent's license to practice medicine in the State of New York, and therefore, Respondent is not currently authorized to handle controlled substances in the State of New York.

On March 25, 1997, Judge Randall issued a Memorandum and Order providing Respondent with an opportunity to respond to the Government's motion and ordering that the filing of prehearing statements be held in abeyance until there is a resolution of the Government's motion. Respondent's counsel submitted a letter dated April 25, 1997, requesting a stay of the proceedings, "until I have had the opportunity to inspect the record in this case pursuant to 21 CFR 1301.46." Respondent's counsel further asserted