

(a) The complainant is—Corning Incorporated, 1 Riverfront Plaza, Corning, NY 14831.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Plasma Optical Fibre, B.V., Zwaanstraat 1, 5651 CA Eindhoven, The Netherlands

Chromatic Technologies, Inc., 9 Forge Park, Franklin, MA 02038

(c) Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW, Room 401-H, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern 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 § 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 no later than 20 days after the date of service by the Commission of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint 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 both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: May 8, 1998

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

[FR Doc. 98-12681 Filed 5-12-98; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that a proposed consent decree in *United States v. American Recovery Company, et al.*, Civil Action No. 95-1590, was lodged on April 22, 1998 with the United States District Court for the Western District of Pennsylvania. The United States filed this action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") to recover past and future response costs incurred at or in connection with the Municipal and Industrial Disposal Company Site. The Consent Decree requires defendant Neville Chemical Company to pay \$100,000 (plus interest) to reimburse a portion of the United States' past costs associated with the investigation and clean up of the Municipal & Industrial Disposal Company Superfund Site ("Site"), located in Elizabeth Township, Pennsylvania.

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. American Recovery Company, et al.*, DO Ref. #90-11-2-949.

The proposed consent decree may be examined at the office of the United States Attorney, 633 Post Office & Courthouse, 7th & Grant Streets, Pittsburgh, PA 15219; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; 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, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$4.75 (25 cents per page reproduction costs) for each decree, payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 98-12629 Filed 5-12-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 C.F.R. § 50.7, notice is hereby given that a consent decree in *Clark Fork Pend Oreille Coalition, et al. vs. Idaho Transportation Department, et al.*, Civil No. 95-0300-N-EJL (D. Idaho), was lodged with the United States District Court for the District of Idaho on April 15, 1998. The proposed consent decree concerns violations of section 401 of the Clean Water Act, 33 U.S.C. §§ 1342 and 1344(a), involving the discharge of dredged or fill materials into the Sand Creek, its tributaries and adjacent ponds and wetlands by the Idaho Department of Transportation ("DOT") during 1994 road construction on U.S. Highway 95 in Bonner County, Idaho.

The Consent Decree includes the following terms: (1) Restoration of environmental harm; (2) an admission that ITD violated the CWA; (3) a penalty of \$200,00 to be deposited into a trust account entitled "Clark Fork Pend Oreille Wetlands Trust Fund," to protect, preserve, improve or enhance wetlands in Bonner County within the natural drainage to Pend Oreille Lake and Clark Fork River; (4) develop a program to educate ITD personnel about the requirements of the CWA; (5) establish an environmental inspector position for each major highway construction project to coordinate all CWA permitting issues for ITD projects; and, (6) adopt new contract procedures providing standards for erosion control, wetlands identification and the incorporation of Section 404 Permits into all construction contracts. The Army Corps of Engineers' headquarters, and the Corps Walla Walla, Washington District, as well as the United States Attorney's Office for the District of Idaho, support the settlement.

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, United States Department of Justice, Attention: Deborah A. Hill, Assistant United States Attorney, District of Idaho, P.O. Box 32, Boise, ID 83707, and should refer to *Clark Fork Pend Oreille Coalition, et al. vs. Idaho Transportation Department, et al.*, U.S. Attorney, No. reference N-95-0096.

The Consent Decree may be examined at the following offices:

Office of the United States Attorney,  
District of Idaho, 877 W. Main Street,  
Suite 201, Boise, Idaho 83702  
Office of District Counsel, Corps of  
Engineers, Walla Walla District, 201  
N. 3rd Avenue, Walla Walla, WA  
99362-1876.

A copy may be requested by calling  
Deborah A. Hill, Assistant United States  
Attorney, at (208) 334-1211. In  
requesting a copy, please enclose a  
check payable to the Treasury of the  
United States in the amount of \$6.00 for  
a copy of the Consent Decree with  
attachments and postage.

**Deborah A. Hill,**

*Assistant U.S. Attorney, District of Idaho.*  
[FR Doc. 98-12627 Filed 5-12-98; 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 ("CERCLA")

Notice is hereby given that on April  
21, 1998, a proposed Consent Decree  
was lodged with the United States  
District Court for the Northern District  
of Iowa in *United States v. Foxley Cattle  
Co., et al.*, Civil Action No. C98-4032  
DEO, (N.D. Iowa). The proposed  
Consent Decree settles claims asserted  
by the United States at the request of the  
United States Environmental Protection  
Agency ("EPA") under Section 107(a) of  
the Comprehensive Environmental  
Response, Compensation, and Liability  
Act of 1980 ("CERCLA"), 42 U.S.C.  
9607(a), in a complaint filed  
concurrently with the lodging of the  
proposed Consent Decree. The  
complaint seeks reimbursement of  
response costs incurred and to be  
incurred by the United States in  
response to the release or threatened  
release of hazardous substances at the  
Mid-America Tanning Company  
Superfund Site, located in Woodbury  
County, Iowa.

Under the proposed Consent Decree,  
defendant Foxley Cattle Company shall,  
*inter alia*, reimburse the EPA Hazardous  
Substance Superfund \$642,000, plus  
interest, shall pay \$100,000 for payment  
of Natural Resource Damages to the  
United States, and shall conduct and  
perform groundwater sampling and  
analysis at the Site in accordance with  
an EPA approved plan. Defendant  
Andrew M. Hain shall, *inter alia*,  
reimburse the EPA Hazardous  
Substance Superfund \$100,000. In

exchange, and conditioned upon the  
complete and satisfactory performance  
of their obligations under the proposed  
Consent Decree, the settling defendants  
shall receive a covenant not to sue  
pursuant to Sections 106 and 107(a) of  
CERCLA, 42 U.S.C. 9606 and 9607(a),  
and Section 7003 of RCRA, 42 U.S.C.  
6973, to undertake response actions or  
to recover response costs at or in  
connection with the Site. Foxley also  
shall receive a covenant not to sue  
pursuant to Section 107(a) of CERCLA,  
42 U.S.C. 9607(a), for Natural Resource  
Damages related to the Site. In addition,  
the settling defendants receive  
contribution protection under Section  
113(f)(2), 42 U.S.C. 9613(f)(2), for  
matters addressed in the proposed  
Consent Decree. The United States  
reserves the right to pursue the settling  
defendants in certain circumstances if  
previously unknown conditions or  
information indicates that response  
action performed at the Site is not  
protective of human health or the  
environment.

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 addressed  
to the Assistant Attorney General of the  
Environment and Natural Resources  
Division, U.S. Department of Justice,  
Washington, D.C. 20503, and should  
refer to *United States v. Foxley Cattle  
Co., et al.*, DOJ #90-11-2-1185A. The  
proposed Consent Decree may be  
examined at the EPA Region 7 Office at  
726 Minnesota Ave., Kansas City, KS  
66101. 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., 4th Floor,  
Washington, D.C. 20005 (202) 624-0892.  
In requesting a copy, please enclose a  
check in the amount of \$10.50 (25 cents  
per page) payable to the "Consent  
Decree Library".

**Joel Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 98-12628 Filed 5-12-98; 8:45 am]  
BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

Notice is hereby given that on April  
17, 1998, a proposed Consent Decree  
was lodged with the United States  
District Court for the District of Kansas  
in *United States v. Texaco Pipeline,  
Inc., et al.*, Civ. No. 96-2152-GTV (D.

Kan.). The proposed Consent Decree  
settles claims asserted by the United  
States at the request of the United States  
Environmental Protection Agency  
("EPA") in an action originally filed on  
April 1, 1996. The United States filed  
this action pursuant to the Federal  
Water Pollution Control Act, commonly  
referred to as the Clean Water Act  
("CWA" or "Act"), 33 U.S.C. §§ 1251 *et  
seq.* The complaint requested the  
assessment of civil penalties and  
injunctive relief against defendants  
Texaco Pipeline, Inc. ("Texaco  
Pipeline") and Texaco Trading and  
Transportation, Inc. ("Texaco Trading")  
for discharges of oil into navigable  
waters of the United States or adjoining  
shorelines in violation of Sections 301  
and 311 of the CWA, 33 U.S.C. 1311 and  
1321. These discharges took place from  
the defendants' pipeline systems in the  
State of Kansas.

Under the proposed Consent Decree,  
the defendants' collectively will pay to  
the United States a \$925,000 civil  
penalty. In addition, Texaco Trading  
shall purge and permanently remove  
from service specified portions of its  
pipeline system. The defendants also  
shall undertake additional injunctive  
relief which includes the lowering of  
pipeline, improved maintenance of  
pipeline, and inspection of pipeline  
within the State of Kansas.

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 addressed  
to the Assistant Attorney General of the  
Environment and Natural Resources  
Division, U.S. Department of Justice,  
Washington, D.C. 20530, and should  
refer to *United States v. Texaco Pipeline  
Inc., et al.*, DOJ #90-5-1-1-4272. The  
proposed Consent Decree may be  
examined at the EPA Region 7 Office at  
726 Minnesota Ave., Kansas City, KS  
66101. 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., 4th Floor,  
Washington, D.C. 20005 (202) 624-0892.  
In requesting a copy, please enclose a  
check in the amount of \$8.00 (25 cents  
per page) payable to the "Consent  
Decree Library".

**Joel Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 98-12630 Filed 5-12-98; 8:45 am]  
BILLING CODE 4410-15-M