

Agreement, the reorganized debtor will, *inter alia*, pay the United States \$88,000 plus interest with respect to Petoskey Manufacturing Company Site in Petoskey, Michigan.

The Department of Justice will receive comments relating to the proposed Amended Settlement Agreement 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 Petoskey Manufacturing Co.*, D.J. Ref. No. 90-11-3-658A.

The proposed Amended Settlement Agreement may be examined at the Office of the United States Attorney for the Western Division of Michigan, 330 Ionia Ave. NW, Suite 501, Grand Rapids, MI 49503; the Region 5 Office of the United States Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, IL 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 Amended Settlement Agreement 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 \$4.25 (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.

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DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, and Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed Consent Decree in *United States v. City of Portsmouth, et al.* and *State of New Hampshire v. City of Portsmouth, et al.*, consolidated as Civil Action No. 98-600-SD, was lodged with the United States District Court for the District of New Hampshire on October 30, 1998.

The claims in this civil action relate to the Coakley Landfill Superfund Site in North Hampton and Greenland, New Hampshire.

The proposed Consent Decree resolves the United States' claims under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973, on behalf of the U.S. Environmental Protection Agency ("EPA"), against 28 municipal, corporate, and other defendants (the "Settling Defendants") for the performance of the Operable Unit Two management of migration remedial action at the Coakley Landfill Site and reimbursement towards costs incurred by EPA relating to Operable Unit Two. In addition, the Consent Decree resolves claims by the State of New Hampshire against the Settling Defendants relating to Operable Unit Two. The Consent Decree also provides for contribution by the United States on behalf of certain agencies of the United States (the "Settling Federal Agencies") towards the costs of performance of the Operable Unit Two work and Operable Unit Two EPA costs. Furthermore, the Consent Decree provides for contribution by three of the Settling Defendants towards the costs of performance of Coakley Landfill Operable Unit One source control work, which is being carried out by persons other than these three Settling Defendants pursuant to a previous consent decree, as well as for contribution to EPA oversight costs for such Operable Unit One work.

The twenty eight Settling Defendants are the City of Portsmouth, Town of North Hampton, Town of Newington, 1101 Islington Street, Inc., Automotive Supply Associates, Inc., BFI Waste Systems of North America, Inc., Booth Fisheries Corporation, Bournival, Inc., Customs Pools, Inc., Erie Scientific, Gary W. Blake, Inc., Great Bay Marine, Inc., GTE Operations Support Incorporated, K.J. Quinn & Co., Inc., Kmart Corporation, Mobil Oil Corporation, New England Telephone & Telegraph Company, Newington Midas Muffler, Northern Utilities, Inc., PMC Liquidation Inc., Public Service Company of New Hampshire, S&H Precision Manufacturing Co., Inc., Saef Lincoln-Mercury, Inc., Seacoast Volkswagen, Inc., Simplex Technologies, Inc., United Technologies Corporation, Waste Management of Maine, Inc., and Waste Management of New Hampshire, Inc. These defendants include former operators of the Coakley Landfill and generators and transporters of wastes taken to the Coakley Landfill.

Under the terms of the Consent Decree, the Hazardous Substances Superfund will receive \$999,000 from the 28 Settling Defendants as a group towards EPA Operable Unit Two past costs and \$251,000 from the United States on behalf of the Settling Federal Agencies towards EPA Operable Unit Two past costs. The Settling Defendants will also perform the Remedial Design and Remedial Action ("RD/RA") for Operable Unit Two as selected in EPA's Record of Decision dated September 30, 1994. In addition, the Settling Defendants will reimburse the EPA Hazardous Substances Superfund up to \$60,000 in oversight costs relating to Operable Unit Two and, in the event that the United States or the State incurs future response costs other than oversight costs relating to Operable Unit Two, will reimburse the United States and the State for such future response costs. The United States, on behalf of the Settling Federal Agencies, will reimburse the Settling Defendants for 20.08% of the costs of Operable Unit Two work performed by the Settling Defendants, as well as 20.08% of oversight and future response costs paid by the Settling Defendants.

In addition, the Hazardous Substances Superfund will receive \$18,706.22 from Great Bay Marine, Inc.; \$16,250.00 from 1001 Islington Street, Inc.; and \$18,706.22 from Bournival, Inc., three of the Settling Defendants, towards EPA Operable Unit One oversight costs. Also, Great Bay Marine, Inc. will pay \$56,118.66; 1001 Islington Street, Inc. will pay \$48,750.00; and Bournival, Inc. will pay \$56,118.66, over time with interest, to the Coakley Landfill Trust, a trust account set up to pay for the Operable Unit One work being performed by other parties pursuant to the previous Coakley Operable Unit One decree.

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. In addition, because the Consent Decree includes covenants not to sue the Settling Defendants under Section 7003 of RCRA, 42 U.S.C. 6973, the United States will provide an opportunity for a public meeting in the affected area, if requested within the thirty (30) day public comment period. See 42 U.S.C. § 6973(d). Any comments and/or requests for a public meeting should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. City of Portsmouth, et al.*, Civil Action No. 98-600-SD, D.J. Ref. 90-11-2-678B.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of New Hampshire, 55 Pleasant Street, Concord, New Hampshire 03301, at the Region I office of the Environmental Protection Agency, One Congress St., Boston, Massachusetts 02203, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, DC 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, DC 20005. In requesting a copy, please enclose a check in the amount of \$62.25, payable to the Consent Decree Library for the 25 cent per page reproduction cost.

Bruce S. Gelber,

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

[FR Doc. 98-30970 Filed 11-18-98; 8:45 am]

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DEPARTMENT OF JUSTICE

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

Notice is hereby given that on October 30, 1998, the United States lodged a proposed amended consent decree, with the United States District Court for the Northern District of Illinois, in *United States, et al. v. the City of Rockford, Illinois*, Civil No. 98 C 50026, under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.* The Amended Consent Decree resolves certain claims of the United States and the State of Illinois against the City of Rockford, Illinois, under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. 9606(a) and 9607(a) at the Southeast Rockford Groundwater Contamination ("Site") located in Rockford, Winnebago County, Illinois. Under the proposed Amended Consent Decree, the City of Rockford reaffirms the term and provisions of the original Consent Decree entered by the Court on or about April 9, 1998 (to perform the remedial action selected by U.S. EPA in its September 30, 1995, Record of Decision), and the Plaintiffs will be paid approximately \$14.7 million. The Amended Consent Decree resolves claims of Plaintiffs against the City of Rockford, as set forth in the Amended Consent Decree, and resolves potential claims the Plaintiffs may have against the Covenant Beneficiaries, as set forth

in the Amended Consent Decree. The City of Rockford and Covenant Beneficiaries will receive the covenants not to sue and contribution protection specified in the Amended Consent Decree. The Department of Justice also provides Notice that under section 7003(d) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973(d), the public may request an opportunity for a public meeting at which time they may offer comment.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611, and should refer to *United States, et al. v. The City of Rockford, Illinois*, (Civil No. 98 C 50026, N.D. Ill.), D.J. Ref. No. 90-11-3-945. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, Western Division, Rockford, Illinois; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, DC 20005, telephone No. (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 enclose a check for reproduction costs (at 25 cents per page) in the amount of \$13.75 for the Decree, payable to the Consent Decree Library.

Bruce S. Gelber,

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

[FR Doc. 98-30969 Filed 11-18-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96-4]

Cuong Trong Tran, M.D.; Denial of Application

On October 13, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Cuong Trong Tran, M.D. (Respondent), of Alexandria, Virginia, notifying him of an opportunity to show cause as to why

DEA should not deny his application for registration as a practitioner under 21 U.S.C. 823(f), for reason that such registration would be inconsistent with the public interest.

By letter dated November 13, 1995, Respondent filed a request for a hearing, and following prehearing procedures, a hearing was held in Arlington, Virginia on June 3, 4 and 17, 1996, before Administrative Law Judge Mary Ellen Bittner. At the hearing both parties called witnesses to testify and introduced documentary evidence. After the hearing, the Government submitted proposed findings of fact, conclusions of law and argument, and Respondent filed a letter in reply to the Government's submission. On January 13, 1998, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's application for a DEA Certificate of Registration should be denied. On April 24, 1998, Respondent filed exceptions to Judge Bittner's Opinion and Recommended Ruling, and subsequently, Government counsel filed a response to Respondent's exceptions. Thereafter, on May 14 and 21, 1998, Judge Bittner transmitted the record of these proceedings to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Ruling of the Administrative Law Judge. His adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that Respondent graduated from medical school in 1965. He has been practicing as a general practitioner in Alexandria, Virginia since 1974. In 1979, a state inspector advised Respondent that a number of his patients were known drug abusers; that it appeared that the patients were seeing Respondent only to obtain drugs; and that Respondent should be more careful in prescribing to his patients. According to the inspector, Respondent indicated that he would be more careful.

Sometime prior to December 1990, DEA and a local police department received reports from local pharmacies and from the Virginia Board of Medicine that Respondent was excessively prescribing controlled substances over extended periods of time. As a result of