

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. American Cyanamid, et al.*, (M.D. Ga.) (Partial Consent Decree with Lucent Technologies, Inc., DOJ Ref. No. 90-11-3-07602). The Consent Decree may be examined at the Office of the United States Attorney, Middle District of Georgia, Cherry St. Galleria, 4th Floor, 433 Cherry St., Macon, GA 31201 ((478) 752-3511), and at EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303 (contact Bonnie Sawyer, Esq. (404) 562-9539). During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Partial Consent Decree 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 or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to *United States v. American Cyanamid, et al.*, (M.D. Ga.) (Partial Consent Decree with Lucent Technologies, Inc., DOJ Ref. No. 90-11-3-07602), and enclose a check in the amount of \$5.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ellen Mahan,**

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

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**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Crossing Dev., LLC & Matthew David Congdon*, Case No. 3:05-989-CMC, was lodged with the United States District Court for the District of South Carolina on March 30, 2005. This proposed Consent Decree concerns a complaint filed by the United States against the Defendants pursuant to Section 301(a) of the Clean Water Act ("CWA"), 33 U.S.C. 1311(a), to obtain injunctive relief from and impose civil penalties against the

Defendants for filling wetlands without a permit.

The proposed Consent Decree resolves these allegations by requiring the Defendants to restore the impacted areas, perform mitigation and to pay a civil penalty. The Department of Justice will accept written comments relating to this proposal Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Emery Clark, Assistant United States Attorney, United States Attorney's Office, Wachovia Building Suite 500, 1441 Main Street, Columbia, South Carolina 29201 and refer to *United States v. Crossing Dev., LLC, & Matthew David Congdon*, Case No. 3:05-989-CMC.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of South Carolina, 901 Richland Lane, Columbia, South Carolina.

In addition, the proposed Consent Decree may be viewed on the World Wide Web at <http://www.usdoj.gov/enrd/open.html>.

**Stephen Samuels,**

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

[FR Doc. 05-7465 Filed 4-13-05; 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

Pursuant to 28 CFR 50.7, notice is hereby given that on April 1, 2005, a proposed Consent Decree in *United States v. Diamond State Salvage Company, Inc., Estate of Herbert Sherr, Nancy A. Sherr, Executrix of the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light Company*, Civil Action No. 05-76, was lodged with the United States District Court for the District of Delaware.

In this civil action under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), the United States seeks recovery of response costs from Diamond State Salvage Company, Inc., the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light Company in connection with the Diamond State Salvage Superfund Site in Wilmington, New Castle County, Delaware ("the Diamond State Salvage Site"). The Consent Decree requires the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light

Company to pay a total of \$324,000 in reimbursement of response costs relating to the Diamond State Salvage Site. Diamond State Salvage Company, the current owner of the Diamond State Salvage Site, is not a party to the Consent Decree.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and refer to *United States v. Diamond State Salvage Company, Inc., Estate of Herbert Sherr, Nancy A. Sherr, Executrix of the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light Company*, D.J. Ref. 90-11-2-1275.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Delaware, 1201 Market Street, Suite 1100, Wilmington, DE 19899-2046 and at U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree 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 or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. When requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$7.75 for the Consent Decree only or \$15.50 for the Consent Decree and attachments thereto (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Brook,**

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

[FR Doc. 05-7467 Filed 4-13-05; 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—National Fenestration Rating Council, Inc.

Notice is hereby given that, on September 20, 2004, pursuant to section

6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), National Fenestration Rating Council, Inc. (“NFRC”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the name and principal place of business of the standards development organization is: National Fenestration Rating Council, Inc., Silver Spring, MD. The nature and scope of NFRC’s standards development activities are: Development and publication of product performance standards for window, door and skylight products.

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 05-7463 Filed 4-13-05; 8:45 am]

**BILLING CODE 4410-11-M**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on March 30, 2005, a proposed Consent Decree in *United States v. City of New Orleans*, et al., Civil Action No. 02-3618, Section “E”, was lodged with the United States District Court for the Eastern District of Louisiana.

In this action the United States, on behalf of the United States Environmental Protection Agency (“EPA”), sought to recover response costs from certain parties, including CFI Industries, Inc. (“CFI”). EPA incurred such costs in response to releases and threatened releases of hazardous substances from the Agriculture Street Landfill (the “Site”) located in New Orleans, Louisiana. The proposed Consent Decree require CFI to pay \$1.75 million towards the response costs incurred by EPA. The proposed Consent Decree resolves CFI’s liability under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), for costs already incurred to the site by EPA or by the Department of Justice on behalf of EPA.

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, U.S. Department of Justice, P.O. Box 7611, NW., Washington, DC 20044-7611, and should refer to *United States v. City of New Orleans*, et al., D.J. Ref. 90-11-3-1638/2.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Louisiana, 501 Magazine Street, Suite 210, New Orleans, LA 70130, and at the offices of EPA, Region 6, 1455 Ross Ave., Dallas, TX 75202-2733. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree 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 or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$5.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**W. Benjamin Fisherow,**

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

[FR Doc. 05-7466 Filed 4-13-05; 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 and Resource Conservation and Recovery Act

Notice is hereby given that on March 31, 2005, a proposed Supplemental Consent Decree, in *United States, et al., v. Outboard Marine Corp., et al.*, Civil No. 88-C-8571 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois, pertaining to the Outboard Marine Corporation (“OMC”) Superfund Site (the “Site”), located in Waukegan, Lake County, Illinois.

The Supplemental Consent Decree among the United States on behalf of the U.S. EPA, the State of Illinois (the “State”) (collectively, “Government Plaintiffs”) and the City of Waukegan, Illinois (the “City”) under the Comprehensive Environmental

Response, Compensation and Liability Act, as amended (“CERCLA”), 42 U.S.C. 9601-9675; the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. 6901-6992k; the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*; and other authorities, resolves the potential liability of the City, which has petitioned for leave of Court to intervene as Defendant, and its successors, assigns and transferees, for Existing Contamination at a portion (the “Property”) of the Site, located in Waukegan, Lake County, Illinois. The proposed settlement, incorporating aspects of a prospective purchaser agreement, is captioned as a Supplemental Consent Decree in this case brought in 1988 against OMC, which is currently in Chapter 7 bankruptcy proceedings initiated in December 2000 in Bankruptcy Court for the Northern District of Illinois.

This civil action was initially brought by the United States and the State of Illinois in 1988 against OMC under CERCLA and other authorities, in connection with releases and threatened releases of hazardous substances at the OMC Site, including the Property. On or about May 1, 1989, the Court entered a Consent Decree and Order resolving the Government Plaintiffs’ claims against OMC. Under that Consent Decree, OMC completed design, remediation and restoration activities in 1995 to address polychlorinated biphenyl compounds (“PCB”) contamination in the Waukegan Harbor, lagoons, ditches and other areas around portions of the OMC Site, including the Property, pursuant to a Record of Decision issued by U.S. EPA under CERCLA. OMC performed operation and maintenance (“O&M”) of the Waukegan Harbor PCB remedy under the 1989 Consent Decree until January 2001, shortly after filing for bankruptcy.

Under the Supplemental Consent Decree, the City, after acquiring the Property, will finance and perform major aspects of the O&M of the Waukegan Harbor PCB Remedy, perform certain maintenance measures for Plant 2, a building structure on the Property, and implement institutional controls relating to the Property. The City will receive a covenant not to sue under Sections 106 and 107(a) CERCLA, 42 U.S.C. 9606 and 9607(a)—excluding natural resource damages—and certain provisions of RCRA, the Toxic Substances Control Act, 15 U.S.C. 2601-2692, the Clean Water Act, 33 U.S.C. 1251-1387, the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*, Section 13 of the River and Harbors Act of 1899, 33 U.S.C. 407, the Illinois Public Nuisance Act, 415 ILCS 5/47-5 *et*