

number of natural resource restoration, acquisition, and protection alternatives identified by the Charles George natural Resources Trustee Council (Trustee Council), and evaluates each of the possible alternatives based on all relevant consideration. The Trustee Council's Preferred Alternative has three parts: (1) The settlement funds will be used to protect properties adjacent to or near the areas of impact; (2) the settlement funds will be used to contribute to the anadromous fish restoration effort in the Merrimack River Watershed through the funding of stocking and monitoring of herring in the Concord River in Massachusetts, and contributing to the funding of the construction of a fish ladder at a dam on the Concord River which is an impediment to upstream migration of migratory fish; and (3) pending engineering estimates that determine that the work is cost-effective, the Upper Flint Pond Dam will be repaired to prevent migration of contaminated sediments into the Merrimack River. Details regarding the proposed projects are contained in the Final RP/EA.

The Final Revised Procedures for the DOI in implementing the NEPA were published in the **Federal Register** on January 16, 1997. Under those procedures, the DOI has determined that the Preferred Alternative will not have significant environmental effects as described in the Draft RP/EA and the attached Finding of No Significant Impact statement. Accordingly, the Preferred Alternative described in the draft RP/EA will not require preparation of an Environmental Impact Statement.

**Author:** The primary author of this notice is Laura Eaton-Poole, U.S. Fish and Wildlife Service, New England Field Office, c/o Great Meadows National Wildlife Refuge, Weir Hill Road, Sudbury, Massachusetts 01776.

**Authority:** The authority for this action is the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*).

Dated: October 18, 2002.

**Mamie A. Parker,**

*Regional Director, Region 5, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Notice of Availability for Public Comment of the Draft Decision on Implementation of Section 3406(b)(2) of the Central Valley Project Improvement Act (CVPIA) (Hereinafter Draft (b)(2) Decision), Central Valley Project (CVP), California

**AGENCY:** Bureau of Reclamation and Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of Availability for public comment.

**SUMMARY:** CVPIA Section 3406(b)(2) authorized and directed the Secretary to dedicate and manage annually eight hundred thousand (800,000) acre-feet of Central Valley Project yield for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by CVPIA; to assist the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento San Joaquin Delta Estuary; and to help to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following the date of enactment of CVPIA, including but not limited to additional obligations under the Federal Endangered Species Act.

The U.S. Department of the Interior through the U.S. Bureau of Reclamation (Reclamation) and the U.S. Fish and Wildlife Service has developed the Draft (b)(2) Decision to implement CVPIA

Section 3406(b)(2). Public comment on the Draft (b)(2) Decision is invited at this time.

**DATES:** Submit written comments on the Draft (b)(2) Decision on or before February 3, 2003.

**ADDRESSES:** Copies of the Draft (b)(2) Decision may be retrieved from the Web site at <http://www.mp.usbr.gov/cvpia/3406b2/index.html>. Copies may also be requested by contacting Lynnette Wirth at (916) 978-5102 or via her email address [lwirth@mp.usbr.gov](mailto:lwirth@mp.usbr.gov), or by writing her at the below address.

Written comments on the Draft (b)(2) Decision should be addressed to the Bureau of Reclamation, Attention: Lynnette Wirth, MP-140, 2800 Cottage Way, Sacramento, CA 95825.

**FOR FURTHER INFORMATION CONTACT:** For additional information, please contact Lynnette Wirth at (916) 978-5102, or e-mail [lwirth@mp.usbr.gov](mailto:lwirth@mp.usbr.gov).

**SUPPLEMENTARY INFORMATION:** We are inviting the public to comment on Interior's Draft (b)(2) Decision. Interior has been dedicating and managing water

pursuant to Section 3406(b)(2) beginning in 1993, the first water year following passage of the CVPIA. Since enactment of the statute, Interior has pursued ways to utilize (b)(2) water in conjunction with reoperation and water acquisitions to meet the goals of the CVPIA. Through this decision, Interior seeks to exercise Secretarial discretion to implement Section 3406(b)(2) in accordance with the language of CVPIA, the intent of Congress, as well as to make this decision consistent with the rulings of the *District Court in San Luis & Delta Mendota Water Authority, et al v. United States*, (CIV F 97-6140 OWW DLB) ((b)(2) litigation). This decision incorporates parts of the October 5, 1999, Final Decision upheld by the District Court, modifies others and adds new components. The intent of these changes is to simplify and clarify the accounting process for (b)(2) uses and to integrate its dedication and management with CVP operations for other CVP purposes.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, and we will honor such requests to the extent allowed by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowed by law. If you wish Interior to withhold your name and/or address, you must state this prominently at the beginning of your comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: December 12, 2002.

**Kirk C. Rodgers,**

*Regional Director, Mid-Pacific Region.*

[FR Doc. 02-33111 Filed 12-31-02; 8:45 am]

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## 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 Environmental 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