

complaint further alleges that an industry in the United States exists or is in process of being established as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint, as amended and supplemented, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

**FOR FURTHER INFORMATION CONTACT:** Anne M. Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2574.

#### Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (1998).

#### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on September 23, 1998, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mechanical lumbar supports and products containing same by reason of infringement of claims 15 or 16 of U.S. Letters Patent 5,518,294, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following

are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

McCord Winn Textron Inc., 645 Harvey Road, Manchester, New Hampshire 03103

(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:

SchUkra Manufacturing Inc., 310 Carlingview Drive, Etobicoke, Ontario Canada M9W 5G1

SchUkra of North America Ltd., 1361 Ouellette Avenue, Windsor, Ontario Canada N8X 1J7

SchUkra U.S.A., Inc., 15045 Fogg Street, Plymouth, Michigan 48170

SchUkra Berndorf GmbH, Leobersdorfer Strasse 26, A2560 Berndorf, Austria

SchUkra Automobil-Erstausrüstungs-GmbH, Geberstrasse 5A, D90411 Nürnberg, Germany

(c) Anne M. Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401-P, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Debra Morris 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 section 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.

By order of the Commission.

Issued: September 23, 1998.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 98-25965 Filed 9-28-98; 8:45 am]  
BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, and in accordance with section 122(d) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), notice is hereby given that on September 11, 1998, a proposed Consent Decree in *United States v. City of Fort Lauderdale, Florida, et al.*, Civil Action No. 98-6982 was lodged with the United States District Court for the Southern District of Florida.

In this action the United States alleges that the defendants are liable under CERCLA for costs incurred by the United States in conducting response actions at the Wingate Superfund Site (the "Site") located in Fort Lauderdale, Broward County, Florida. The United States seeks injunctive relief for the remedy specified in the Record of Decision ("ROD") and the recovery of response costs incurred in connection with the release of hazardous substances from the Site into the environment.

This consent decree represents a settlement for conducting the remedy at the Site and the recovery of response costs. The proposed settlement involves thirty-six settling defendants which comprise a group entailing the owner/operator, generators, and transporters of hazardous substances released at the Site. The proposed consent decree requires the settling defendants to finance and conduct the remedial design and remedial action ("RD/RA"), which includes construction of a geosynthetic membrane cap over the Site property. The proposed settlement provides the defendants with an orphan share compromise in an amount equal to past response costs (\$1.8 million), plus projected future oversight costs (\$1.6 million). Fourteen parties will also receive *de minimis* covenants from the United States limited to the remedy selected in the ROD, based upon the volume and toxicity of their representative waste contributions to 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 Second 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. City of Fort Lauderdale, Florida, et al.*, Wingate Superfund Site), D.J. Ref. 90-11-2-1176. Commenters may request an opportunity for a public meeting in the affected area, in accordance with section 7003(d) of the Resources Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973(d).

The proposed Consent Decree may be examined at the Office of the United States Attorney, Southern District of Florida, 500 E. Broward Boulevard, Fort Lauderdale, Florida 33394; Region 4, Office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303; and at the Consent Decree Library, 1120 G Street, NW, 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, NW, 3rd Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$31.25 (without exhibits), \$53.25 (with exhibits) (25 cents per page reproduction cost) payable to the Treasurer of the United States.

**Walker Smith,**

*Deputy Chief, Environment and Natural Resources Division.*

[FR Doc. 98-26018 Filed 9-28-98; 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, 42 U.S.C. 9601 et seq.

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(d)(2), notice is hereby given that a third proposed consent decree in *United States v. Reilly Industries, Inc.*, Civil Action No. IP-93-1045-C, was lodged on August 27, 1998, with the United States District Court for the Southern District of Indiana.

The proposed Consent Decree concerns the Reilly Tar and Chemical Superfund Site ("Site"), which is located on approximately 120 acres at 1500 South Tibbs Avenue, in Indianapolis, Indiana. Pursuant to the proposed consent decree and section 106 of the Comprehensive

Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606, Reilly Industries will implement all Remedial Design and Remedial Action activities needed to implement the Third, Fourth and Fifth Operable Unit remedies at the Site. The remedies include Soil Vapor Extraction ("SVE") treatment of contaminated soils, placement of appropriate final covers over all remaining soil contamination at the property, recording of use restrictions on the property as an institutional control, as well as continued pumping and treatment of ground water until cleanup standards are attained. Reilly Industries will also pay the United States for unreimbursed past costs at the Site, pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), in the amount of \$171,159.29 and will pay all future response costs incurred in connection with 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 for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Reilly Industries, Inc.*, DOJ Ref. 190-11-2-1273.

The proposed consent decree may be examined at the Office of the United States Attorney, United States Courthouse, 5th Floor, 46 East Ohio Street, Indianapolis, Indiana 46204; the Region V Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, NW., 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, NW., 3rd Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check (25 cents per page reproduction costs) in the amount of \$23.75 for the consent decree only (95 pages) or \$82.50 for the consent decree plus appendix (330 pages), payable to the Consent Decree Library.

**Bruce Gelber,**

*Deputy Chief Environmental Enforcement Section.*

[FR Doc. 98-26019 Filed 9-28-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree in Comprehensive Environmental Response, Compensation and Liability Act Cost Recovery Action

In accordance with the Department Policy, 28 C.F.R. § 50.7, notice is hereby given that a Consent Decree in *United States v. Ralph Riehl Jr. et al.*, Civil Action No. 89-226E was lodged with the United States District Court for the Western District of Pennsylvania on September 17, 1998. This Consent Decree resolves the United States' claims against EMI Company under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607(a), for response costs incurred at the Millcreek Dump Superfund Site in Millcreek Township, PA. The Consent Decree requires EMI Company to pay \$875,000 in reimbursement of response costs relating to the Millcreek Dump Superfund Site cleanup. The Decree also requires EMI Company to pay a \$100,000 civil penalty, pursuant to Section 106 of CERCLA, 42 U.S.C. 9606 for its failure to comply with a Unilateral Administrative Order issued by the Environmental Protection Agency on March 31, 1992, requiring cleanup at the Site.

The Department of Justice will accept written comments on the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States v. Ralph Riehl Jr. et al.*, DOJ No. 90-11-3-519.

Copies of the proposed Consent Decree may be examined at the Office of the United States Attorney, Western District of Pennsylvania, 100 State Street, Suite 302, Erie, PA 16507; EPA Region III, 1650 Arch Street, Philadelphia, PA 19103; 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 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. When requesting a copy of the proposed Consent Decree, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "Consent Decree Library" in the amount of \$6.50, and please