

*Heartland Partners, et al.*, DOJ. Ref. #90-11-2-1210.

The proposed consent decree may be examined at the office of the United States Attorney for the Western District of Wisconsin, 660 W. Washington Avenue, Suite 200, Madison, WI 53701-1585; at Region 5, Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, IL 60604; 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. In requesting a copy, please enclose a check in the amount of \$6.25 (25 cents per page reproduction costs) payable to the Consent Decree Library. When requesting a copy please refer to *United States v. CMC Heartland Partners, et al.*, DOJ. Ref. #90-11-2-1210.

**Joel M. Gross,**

Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.  
[FR Doc. 98-20396 Filed 7-29-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Environmental Settlements

In accordance with Department policy, 28 CFR § 50.7, notice is hereby given that on June 16, 1998, the United States, on behalf of the U.S. Environmental Protection Agency ("EPA") entered into proposed settlements in two related cases, *United States v. City of McKinney, Texas* (498-cv-202) and *United States v. McKinney Smelting, Inc.* (498-cv-204). The settlements involve remediation of, and environmental violations at, the McKinney Smelting, Inc. ("MSI") scrap metal recycling facility. The Consent Decrees were lodged with the Court on July 10, 1998.

The settlement with the City of McKinney (the "City") is pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601, *et seq.* and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.* The United States has alleged that the City contributed to the contamination of the MSI facility as the past owner of roads which border the facility and which contained lead battery casings as fill material in the roadbed. Under the proposed settlement, the City will contribute \$33,500 to fund a portion of the cleanup of the MSI facility, which

will be performed by a prospective purchaser, Ferex, Inc., in accordance with a March 25, 1998 "Agreement and Covenant Not to Sue" ("PPA") with the United States.

The Consent Decree with MSI is pursuant to Section 7003 of RCRA, 42 U.S.C. 6973, Section 15(1)(C) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. 2614(1)(C) and Sections 301(a) and 402(p) of the Clean Water Act ("CWA"), 33 U.S.C. 1311(a) and 1342(p). The United States alleges MSI's improper disposal of non-liquid polychlorinated biphenyls ("PCBs"), failure to comply with the Storm Water Pollution Prevention requirements of the CWA, and that the disposal of hazardous and solid waste at the facility may present an imminent and substantial endangerment to health or the environment. The proposed Consent Decree requires MSI to pay \$25,000 in settlement of CWA civil penalty claims, based on the company's financial inability to pay the full penalty demanded.

The U.S. Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Consent Decrees. 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 the appropriate settlement, either *United States v. City of McKinney, Texas*, D.J. ref. 90-5-1-1-4458/2 or *United States v. McKinney Smelting, Inc.*, D.J. ref. 90-5-1-1-4458. In addition, interested parties may request a public meeting in the affected area in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Consent Decrees may be examined at the Office of the United States Attorney for the Eastern District of Texas, Sherman Division, 660 North Central Expressway, Suite 400, Plano, Texas 75704; the Office of the City Manager, City of McKinney, 222 E. Tennessee, McKinney, Texas 75070; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. A copy of the proposed Consent Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., Washington, D.C. 20005. In requesting a copy of these Decrees, Please enclose a check to cover the \$.25 per page reproduction costs. A check in the amount of \$11.50 is required if requesting a copy of the City of McKinney Decree. A check in the amount of \$4.75 is required if requesting a copy of the McKinney Smelting, Inc.

Decree. Make checks payable to: Consent Decree Library.

**Joel Gross,**

Chief, Environmental Enforcement Section,  
Environment & Natural Resources Division.  
[FR Doc. 98-20400 Filed 7-29-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Air Act, the Emergency Planning and Community Right to Know Act and the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Terra International, Inc. and Terra Industries, Inc.*, No. C98-4070MWB (N.D. Iowa), was lodged on June 26, 1998, with the United States District Court for the Northern District of Iowa. With regard to the Defendants, the Consent Decree resolves claims filed by the United States on behalf of the United States Environmental Protection Agency ("EPA") pursuant to the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the Emergency Planning and Community Right to Know Act, 42 U.S.C. 11001 *et seq.*, and the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601, *et seq.*

The United States entered into the Consent Decree in connection with the Terra Industries Port Neal facility located in Port Neal, Iowa. The Consent Decree provides that the Settling Defendants will pay a civil monetary penalty of \$500,000 plus reimburse the United States a total of \$150,000 for past costs incurred by the United States at the Site. The Settling Defendants also perform Supplemental Environmental Projects valued at more than \$100,000.

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 National Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Terra International, Inc. and Terra Industries, Inc.*, DOJ Reg. #90-5-2-1-2062A.

The proposed Consent Decree may be examined at the office of the United States Attorney, 320 6th Street, Room 327, Sioux City, Iowa 51101; the Region 7 office of the Environmental Protection

Agency, 726 Minnesota Avenue, Kansas City, Kansas; 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 refer to the referenced case and enclose a check in the amount of \$5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

Chief, Environmental Enforcement Section.  
[FR Doc. 98-20402 Filed 7-29-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree in an Oil Spill Case

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree was lodged in *In re Complaint of United States, as Owner of SS CAPE MOHICAN (O.N. 536672), for exoneration from or limitation of liability*, Civil Action No. C97-1380 EDL (N.D. Cal.), on July 16, 1998 with the United States District Court for the Northern District of California.

On October 28, 1996, fuel oil in a stabilization tank on the SS CAPE MOHICAN flowed from the vessel into a drydock operated by San Francisco Drydock and overflowed from the drydock into San Francisco Bay (the "Oil Spill"). The United States has filed claims against San Francisco Drydock. San Francisco Drydock has filed claims against the United States. The State of California has filed claims against San Francisco Drydock and the United States.

The State of California and the United States have entered into a joint consent decree with San Francisco Drydock that resolves the claims asserted by both governments against San Francisco Drydock. Under the Consent Decree, San Francisco Drydock will pay the state and federal governments \$7,756,646 to settle the state and federal claims for response costs, assessment costs, and natural resources damages. Of that total, \$3.625 million is for natural resources damages under the trusteeship of the federal and state governments. The state and federal natural resources trustees presently plan to use the \$3.625 million to restore and enhance habitats, birds, marine aquatic species, public areas, and public services affected by the spill. The natural resources trustees will describe specific restoration

projects in one or more restoration plan proposals. Public comment on the specific projects will be sought before the trustees prepare the final restoration plan or plans.

Other federal components of the settlement include the recovery of Coast Guard and Navy response costs of \$1,239,198; Department of the Interior ("DOI") response costs of \$138,832; compensation for the oiling of historic ships in the amount of \$50,000; and National Oceanic and Atmospheric Administration response costs of \$120,630.

The State of California is recovering other amounts, including state response costs of \$1,757,984; state damage assessment costs of \$175,000; payments to the state environmental enhancement fund and the oil spill prevention and administration fund totaling \$175,000, and a civil penalty of \$50,000. In addition, the state and the San Francisco District Attorney's Office will jointly administer \$400,000 to be devoted to enhancing and protecting natural resources in or around, or affected by or having an effect on, San Francisco Bay.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the joint natural resources damages component of the proposed consent decree, the \$3.625 million. No comments are requested on the recovery of response costs or other matters. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and copied to Robert R. Klotz, Environmental Enforcement Section, U.S. Department of Justice, 301 Howard Street, Suite 870, San Francisco, CA 94105. Comments should refer to *In re Complaint of United States, as Owner of SS CAPE MOHICAN (O.N. 536672), for exoneration from or limitation of liability*, Civil No. C97-1380 EDL, and DOJ No. 90-5-1-1-4407.

The proposed CAPE MOHICAN consent decree may be examined at the office of the United States Attorney, Northern District of California, 450 Golden Gate Avenue, San Francisco, California 94102; 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. To request a copy of the consent decree in *In re Complaint of United States, as Owner of SS CAPE MOHICAN (O.N.*

*536672), for exoneration from or limitation of liability*, please refer to that case title, Civil No. C97-1380 EDL, and DOJ No. 90-5-1-1-4407, and enclose a check for the amount of \$9.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel Gross,**

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

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### United States v. General Electric Company; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Montana, Missoula Division, in *United States v. General Electric Company*, Civil Action No. 96-121-M-CCL. Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection at the Department of Justice in Washington, DC, in Room 300, 325 Seventh Street, NW., and at the Office of the Clerk of the United States District Court for the District of Montana, 301 South Park, Room 542, Helena, MT 59626.

The Complaint in this case, filed in August 1996, alleged that General Electric had entered into agreements that violated Sections 1 and 2 of the Sherman Act, 15 U.S.C. 1 and 2, with hospitals in the United States. The District Court dismissed the government's Section 2 claims, leaving for adjudication whether GE's agreements, by restraining trade, had violated Section 1. The challenged agreements were part of license agreements between GE and the hospitals in which the hospitals agreed, as a condition for obtaining a license for GE's advanced diagnostic materials for the servicing of their GE imaging equipment (such as MRIs, CT scanners, x-ray machines, etc.), that they would not compete with GE in servicing medical equipment for others.

The proposed Final Judgment enjoins GE from restraining, in connection with such licenses, a licensee's right to service medical equipment for third parties. Section IV(B) of the Final Judgment prohibits GE from requiring