

DEPARTMENT OF JUSTICE

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

This Notice amends a Notice previously published at 63 FR 29751–29752 (Wed., Jun. 1, 1998), announcing that a proposed consent decree was lodged on April 21, 1998 with the United States District Court for the Eastern District of California. The Consent Decree embodies a settlement in *United States v. Chevron USA, Inc., et al.*, Civil Action No. F–98–5412 REC DLB. This Notice makes technical corrections to the description of the work to be performed under the Consent Decree.

In the complaint filed concurrently with the lodging of the consent decree, the United States sought injunctive relief for performance of response actions, and reimbursement for response costs incurred by the United States Environmental Protection Agency, in response to releases of hazardous substances at the Purity Oil Sales Superfund Site, located near Fresno, California, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9601 *et seq.* The settling defendants have agreed to contribute towards performance of future response actions at the Purity Site; defendant Chevron USA Inc. has agreed to perform that work. Future work includes operation and maintenance of the groundwater extraction and treatment system for the groundwater operable unit (estimated to cost \$10 million) and construction, operation, and maintenance of the components of the soils operable unit (estimated to cost between \$10 and 12 million). The soils operable unit may include treatment of soils at a depth of 14 to 40 feet with a soil vapor extraction system pending a two-year soil vapor monitoring program, construction of a cap, and enclosure of an on-site canal in a reinforced concrete pipe.

The consent decree includes a covenant not to sue under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606, 9607, and under Section 7003 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6973.

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, U.S.

Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Chevron USA Inc.*, DOJ Ref. #90–11–2–355. Commenters may request a public hearing in the affected area, pursuant to Section 7003(d) of RCRA, 42 U.S.C. § 6973(d).

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of California, Room 3654 Federal Building, 1130 “O” Street, Fresno, California 93721; the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105; 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, please refer to the referenced case and enclose a check in the amount of \$116.50 (25 cents per page reproduction costs), payable to the Consent Decree Library. A copy of the decree, exclusive of signature pages and attachments, may be obtained for \$21.50.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
[FR Doc. 98–16215 Filed 6–17–98; 8:45 am]

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DEPARTMENT OF JUSTICE

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

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(i), notice is hereby given that a proposed Consent Decree in *United States v. William Davis, et al.*, Civ. Action No. 90–0484–T, was lodged in the United States District Court for the District of Rhode Island on May 18, 1998. The proposed Consent Decree resolves the United States’ claims against Power Semiconductors, Inc. and Swan Engraving Company (“Settling Defendants”), under Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), as amended, 42 U.S.C. 9607(a), concerning response action at the Davis Liquid Waste Superfund Site located in Smithfield, Providence County, Rhode Island (the “Davis Site”).

Under the terms of the Consent Decree the Settling Defendants are required to pay \$74,375 to the United

States in partial reimbursement of the United States’ past and future costs. Swan Engraving Company’s share of this amount, \$63,750, will be paid in three equal payments over two years. In addition, the Settling Defendants are jointly and severally responsible along with United technologies Corp. (“UTC”) and other previous settlers for the source control portion of the remedy at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written 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, D.C. 20530, and should refer to *United States v. William Davis, et al.*, Civ. Action No. 90–0484–T, DOJ #90–11–2–137B.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Rhode Island, Westminster Square Building, 10 Dorrance Street, 10th Floor, Providence, Rhode Island 02903; at the Region I Office of the U.S. Environmental Protection Agency, 90 Canal Street, Boston, Massachusetts 02203; and at the Consent Decree Library, 1120 G Street, NW 4th Floor, Washington, DC 20005, (202) 624–0892. Copies of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$11.00 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resource Division.
[FR Doc. 98–16211 Filed 6–17–98; 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 (CERCLA)

In accordance with Departmental policy, 28 CFR § 50.7, and with Section 122 of CERCLA, 42 U.S.C. § 9622, notice is hereby given that a consent decree in *United States v. J.E.M., a Partnership*, Civil Action No. 3:CV–95–1882 (M.D. Pa.), was lodged on June 2, 1998, with the United States District Court for the Middle District of Pennsylvania. The consent decree resolves the claims of the United States under Section 107 of

the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), for reimbursement of costs incurred and to be incurred for response actions taken or to be taken at or in connection with the release or threatened release of hazardous substances at the Route 940 Drum Site in Tobyhanna Township, Monroe County, Pennsylvania, and a declaration of liability for further response costs to be incurred at the Site. Under the terms of the Consent Decree, the Estate of Herman Martens and Emil Wagner will pay \$335,000, John Baymor will pay \$40,000, and Summit Tool Corporation will pay \$25,000. In addition, Emil Wagner (or his estate) will be obligated to pay to the United States the sum of \$300,000 if either one of two contingencies occurs.

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, Department of Justice, Washington, D.C., 20530, and should refer to *United States v. J.E.M. a Partnership*, DOJ Ref. #90-11-3-1539.

The consent decree may be examined at the Office of the United States Attorney, 228 Walnut Street, Harrisburg, PA; the Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA; and at the Consent Decree Library, 1120 G Street, NW 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$12.50 (25 cents per page reproduction cost), payable to the Consent Decree library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 98-16212 Filed 6-17-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Safe Drinking Water Act

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(d), notice is hereby given that on May 19, 1998, the United States, on behalf of the United States Environmental Protection Agency, filed

with the United States District Court for the Western District of Washington a modification to the Consent Decree that was entered on June 5, 1996, in *United States v. Selleck, Inc. and Robert E. Schaefer*, Civil Action No. C93-1004Z. The modification amends the June 5, 1996 Consent Decree in light of the defendants' agreement to convey the Selleck Water Supply System in its entirety to the Kangley Water Association. Accordingly, the parties agree that their June 5, 1996 Consent Decree should be modified so that only Section III.B (permanent injunction against Robert E. Schaefer) and Section XIV (retention by the district court of jurisdiction) will remain operative and in effect. This modification is expressly conditioned upon the successful completion of the defendants' conveyance to the Kangley Water Association.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed modification to the June 5, 1996 Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Selleck, Inc. and Robert E. Schaefer*, DOJ Ref. #90-5-1-1-5029.

A copy of the proposed modification to the 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, (202) 624-0892. In requesting copies of the consent decree, please refer to *United States v. Selleck, Inc. and Robert E. Schaefer*. If you are requesting a copy from the Consent Library, please enclose a check payable to the Consent Decree Library in the amount of \$1.00 (25 cents per page reproduction costs).

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 98-16213 Filed 6-17-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment and Competitive Impact Statement; *United States v. Enova Corporation*

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have

been filed with the United States District Court for the District of Columbia in *United States v. Enova Corporation*, Civil No. 98-CV-583 (TFH). The proposed Final Judgment is subject to approval by the Court after the expiration of the statutory 60-day public comment period and compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h).

On March 9, 1998, the United States filed a Complaint seeking to enjoin a transaction in which Pacific Enterprises ("Pacific") would merge with Enova Corporation ("Enova"). Pacific is a California gas utility company and Enova is a California electric utility company. Enova sells electricity from plants that use coal, gas, nuclear power, and hydropower. Pacific is virtually the sole provider of natural gas and transportation storage services to plants in southern California. The proposed merger would have created a company with both the incentive and the ability to lessen competition in the market for electricity in California. The Complaint alleged that the proposed merger would substantially lessen competition in the market for electricity in California during high demand periods in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

The proposed Final Judgment, filed contemporaneously with the Complaint, (1) orders Enova to sell certain of its generating assets to a purchaser or purchasers acceptable to the United States; and (2) limits Enova's ability to acquire similar assets. The Stipulation also imposes a hold separate agreement that, in essence, requires the defendant to ensure that, until the divestiture mandated by the Final Judgment has been accomplished, Enova's generators subject to the divestiture will be held separate and apart from, and operated independently of, any of its other Enova assets and businesses. A competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, and remedies available to private litigants.

Public comment is invited within the statutory 60-days comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Written comments should be directed to Roger W. Fones, Chief, Transportation, Energy, and Agriculture Section, Antitrust Division, 325 Seventh Street, NW., Suite 500, Washington, DC 20530 (telephone (202) 307-6351).

Copies of the Complaint, Stipulation, proposed Final Judgment, and Competitive Impact Statement are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust