

interest from February 26, 1998, and stipulated penalties for failure to comply with the CAA, RCRA, and the Decree.

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 of the Environment and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States v. Refined Metals Corporation*, Civil Action No. IP 90-2077-C (S.D. Ind.) and DOJ Reference No. 90-11-2-469.

The proposed consent decree may be examined at: (1) the office of the United States Attorney for the Southern District of Indiana, U.S. Courthouse 5th Floor, 46 East Ohio Street, Indianapolis, Indian 46204, 317-226-6333; (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590; and (3) the U.S. Department of Justice, Environment and Natural Resources Division Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005-202-624-0892. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$70.00 (pages at 25 cents per page reproduction costs), made payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 98-19737 Filed 7-23-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree

Notice is hereby given that on July 13, 1998 a proposed Consent Decree in *Upper Chattahoochee Riverkeeper Fund, Inc., The Chattahoochee Riverkeeper, Inc., and W. Robert Hancock, Jr. v. The City of Atlanta, Georgia*, Civil Action No. 1:95-CV-2550-TWT and *United States of America and State of Georgia v. City of Atlanta*, Civil Action 1:98-CV-1956-TWT (CONSOLIDATED) was lodged with the United States District Court for the Northern District of Georgia. This Consent Decree represents a settlement of claims against the City of Atlanta, Georgia under Section 309 (b) and (d) of the Clean Water Act, 33 U.S.C. 1319 (b) and (d).

Under this settlement between the Citizen Plaintiffs, United States, the State and the City, the City will be required to undertake extensive

rehabilitation to its Combined Sewer Overflow systems (CSOs). The consent decree also provides for the recovery of a civil penalty of \$2,500,000 to be paid by the City. The penalty shall be paid as follows: within thirty (60)??? days after the consent decree is entered by the Court, the City shall pay \$500,000 to the United States, and \$500,000 to the State of Georgia, on or before the one year anniversary of the Date of Entry, the City shall pay \$750,000 to the United States and \$750,000 to the State of Georgia. In addition, the consent decree requires the City to undertake the implementation of a Supplemental Environmental Project ("SEP"). The SEP involves the acquisition of riparian properties or "greenways" for the purpose of reducing or eliminating non-point source pollution into the Chattahoochee and South Rivers and or their tributaries. The City shall also be required to undertake a cleanup of the Combined Sewer Overflow stream beds. A secondary benefit of the SEP shall be to protect, restore, and enhance aquatic and stream corridor habitats of the river systems.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America and State of Georgia v. City of Atlanta, Georgia*, Civil Action No. 1:98-CV-1956-TWT (CONSOLIDATED), D.J. Ref. 90-5-1-1-4430.

The proposed consent decree may be examined at the Office of the United States Attorney, Northern District of Georgia, 1800 United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30335 and at Region 4, Office of the Environmental Protection Agency, Water Programs Enforcement Branch, Water Management Division, Atlanta Federal Center, 61 Forsyth Street S.W., Atlanta, Georgia 30303-3104, 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. In requesting a copy, please enclose a check in the amount of \$29.25 (25 cents

per page reproduction cost) payable to the Consent Decree Library.

**Joel Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*  
[FR Doc. 98-19735 Filed 7-23-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of a Consent Decree Under the Clean Air Act

Notice is hereby given that on June 12, 1998, a proposed Consent Decree in *United States v. Wells Cargo, Inc.*, Civil Action No. CV-S-98-00901-LDG (RLH) was lodged with the United States District Court for the District of Nevada.

In this action the United States sought injunctive relief and the assessment of civil penalties against Wells Cargo, Inc., located in Las Vegas, Nevada. The United States alleges that Wells Cargo, Inc. operated its nonmetallic mineral processing plant and hot mix asphalt facility in violation of Sections 110 and 111 of the Clean Air Act, 42 U.S.C. 7410 and 7411. Specifically, the United States alleges that Wells Cargo, Inc., in violation of applicable New Source Performance Standards, failed to make required notification to the U.S. Environmental Protection Agency regarding the construction commencement date, the start-up date, and the opacity observation date for new equipment installed in December, 1994. The United States also alleges that Wells Cargo failed to perform timely opacity observations after the installation and start-up of new equipment. The United States further alleges that Wells Cargo operated its asphalt facility in violation of the emission limit for visible air contaminants as set forth in the Nevada state implementation plan. The Consent Decree entered provides for a civil penalty to be paid by the defendant of \$61,000 and the installation and operation of a smoke recovery system to be placed over the hot mix asphalt storage silos.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Wells Cargo, Inc.*, D.J. Ref. 90-5-2-1-2127.

The Consent Decree may be examined at the Office of the United States Attorney, 701 E. Bridger Avenue, Suite

800, Las Vegas, Nevada, at U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA, and at the Consent Decree Library, 1120 G Street, N.W., 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, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$6.75 (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. 98-19734 Filed 7-23-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

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

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. General Electric Company and InnoServ Technologies, Inc., No. 1:98CV01744RCL (D.D.C., filed July 14, 1998). On July 14, 1998, the United States filed a Complaint alleging that the proposed acquisition of InnoServ by General Electric would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed the same time as the Complaint, permits General Electric to acquire InnoServ but requires that General Electric divest InnoServ's PREVU diagnostic software used in the maintenance and repair of diagnostic imaging machines (e.g., CT scanners, MRIs, x-ray machines). Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection at the Department of Justice in Washington, D.C., in Room 215, 325 Seventh Street, N.W., and at the Office of the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, N.W., Washington, D.C.

Public comment is invited within 60 days of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Mary Jean Moltenbrey, Chief, Civil Task Force, Antitrust Division, Department of

Justice, Suite 300, 325 7th Street, N.W., Washington, D.C. 20530 (telephone: 202/616-5935).

**Constance Robinson,**

*Director of Operations and Merger Enforcement, Antitrust Division.*

#### Stipulation and Order

The undersigned parties, by their respective attorneys, stipulate that:

1. The Court has jurisdiction over the subject matter of this action and over each of the parties, and venue of this action is proper in the District of Columbia.

2. The Court may enter and file a Final Judgment in the form hereto attached upon the motion of any party or upon the Court's own motion at any time after compliance with the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)), and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice on defendants and by filing that notice with the Court.

3. The defendants agree to comply with the proposed Final Judgment pending its approval by the Court, and shall, from the date of signing this Stipulation, comply with all the terms and provisions of the proposed Final Judgment as though it were in full force and effect as an order of the Court, provided, however, that defendants shall not be bound by the terms and provisions of the proposed Final Judgment unless and until the closing of any transaction in which General Electric Company directly or indirectly acquires all or any part of the assets or stock of InnoServ Technologies, Inc.

4. If the United States withdraws its consent, or the court does not enter the proposed Final Judgment pursuant to the terms of the Stipulation, the time for all appeals of any Court ruling declining entry of the Final Judgment has expired, and the Court has not otherwise ordered continued compliance with the Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

5. The parties request that the Court acknowledge the terms of this Stipulation by entering the Order in this Stipulation and Order.

Dated: July 14, 1998.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

Joel I. Klein,

*Assistant Attorney General.*

John M. Nannes,

*Deputy Assistant Attorney General.*

Constance K. Robinson,

*Director of Operations and Merger Enforcement.*

Mary Jean Moltenbrey,

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For Defendant General Electric Company:

Richard L. Rosen,

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For Defendant InnoServ Technologies, Inc.:

Malcolm R. Pfunder,

*Gibson, Dunn & Crutcher LLP, 1050*

*Connecticut Avenue, NW., Washington, DC 20036, (202) 955-8227.*

So ordered on this \_\_\_\_ day of \_\_\_\_\_

United States District Judge.

#### Final Judgment

Plaintiff, United States of America, filed its Complaint on July 14, 1998. Plaintiff and defendants, General Electric Company ("GE") and InnoServ Technologies, Inc. ("InnoServ"), by their attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law. This Final Judgment shall not be evidence or admission by any party with respect to any issue of fact or law. Defendants have agreed to be bound by the provisions of this Final Judgment pending its approval by the Court.

The essence of this Final Judgment is the prompt and certain divestiture through sale or licensing of certain rights or assets by the defendants to establish a viable competitor in the sale of service for certain models of GE diagnostic imaging equipment, in the sale of comprehensive asset-management or multi-vendor services, or in the licensing of advanced diagnostic software for use in any such service. Defendants have represented to the United States that the sale required below can and will be accomplished and that defendants will later raise no claims of hardship or difficulty as grounds for asking the Court to modify