

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree for Recovery of Past Response Costs Under Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on September 11, 2000, a proposed Consent Decree in *United States v. Midwest Farmers Cooperative*, Civil Action No. C00-4098, was lodged with the United States District Court for the Northern District of Iowa.

In this action, the United States seeks recovery from Midwest Farmers Cooperative ("CO-OP") of costs incurred by the United States in responding to releases of hazardous substances at the Farmers Mutual Cooperative Superfund Site located in Hospers, Iowa, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9607, *as amended*.

Under the Consent Decree, Midwest will pay \$165,000 to the EPA Hazardous Substance Superfund in reimbursement of approximately \$350,000 in past response costs incurred by the United States, plus an additional \$50,380.55 in interest.

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 Environmental and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Midwest Farmers Cooperative*, DOJ # 90-11-3-06463.

The Consent Decree may be examined at the Office of the United States Attorney, 401 First Street SE, Cedar Rapids, Iowa, 52401; at EPA Region VII, 901 N. 5th Street, Kansas City, KS, 66101; or can be obtained by mail from the Consent Decree Library, P.O. Box 7611, United States Department of Justice, Washington, D.C., 20044-7611. In requesting a copy, please enclose a check of \$6.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce S. Gelber,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Synergy Development, Inc.*, Civil Action No. 1:00cv416, (S.D. Miss.), was lodged with the *United States v. Synergy Development, Inc.* on August 31, 2000. This proposed Consent Decree concerns a complaint filed by the United States against Synergy Development, Inc., pursuant to sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344 and imposes civil penalties against the Defendants for the unauthorized discharge of dredged or fill material into waters of the United States in connection with the construction of a detention pond off Popp's Ferry Road, Biloxi, Harrison County, Mississippi.

The proposed Consent Decree requires the payment of civil penalties in the amount of \$75,000 and prohibits the discharge of pollutants into the waters of the United States.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Crockett Lindsey, United States Attorney's Office, 808 Vieux Marche 2nd Floor, Biloxi, Mississippi 39530 and refer to *United States v. Synergy Development, Inc.*

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Mississippi, 725 Martin Luther King, Jr. Blvd. Suite 243, Biloxi Mississippi 39530.

Dated: September 5, 2000.

Brad Pigott,

U.S. Attorney,

Crockett Lindsey,

(MSB 1265), Assistant United States Attorney, 808 Vieux Marche, 2nd Fl., Biloxi, MS 39530, (228) 432-5521.

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DEPARTMENT OF JUSTICE

Antitrust Division**United States v. American Society of Composers, Authors and Publishers**

Notice is hereby given that on September 5, 2000 a proposed Second Amended Final Judgment, Stipulation and Memorandum in Support were filed with the United States District Court for

the Southern District of New York in *United States of America v. American Society of Composers, Authors and Publishers*, Civil Action No. 13-95. On February 26, 1941, the United States filed a Complaint alleging that the collective licensing activities of ASCAP violated Section 1 of the Sherman Act, 15 U.S.C. 1. The original Final Judgment, filed the same time as the Complaint, required ASCAP to grant licenses for performing rights on request and to provide per program licenses. The judgment was substantially amended March 14, 1950 (the Amended Final Judgment or AFJ) and again January 7, 1960 with entry of the "1960 Order." Also on March 14, 1950, a separate decree was entered in *United States of America v. American Society of Composers, Authors and Publishers*, Civil Action 42-245 (the "Foreign Decree"). That decree, as amended in 1997, prohibits ASCAP from entering into exclusive agreements with foreign performing rights organizations. The proposed Second Amended Final Judgment would update licensing requirements and the provisions addressing relationships between ASCAP and its members, and incorporate provisions of the Foreign Decree. Upon entry of the Second Amended Final Judgment, the 1960 Order, the Amended Final Judgment and Memorandum in Support are available for inspection at the Department of Justice in Washington, DC in Room 215, 325 Seventh Street, NW. and at the Office of the Clerk of the United States District Court for the Southern District of New York, New York. Copies of any of these materials may be obtained upon request and payment of a copying fee.

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 James Wade, Chief, Civil Task Force, Antitrust Division, Department of Justice, Washington, DC 20530, (202) 616-5935.

Mary Jean Moltenbrey,

Director, Civil Non-Merger Enforcement, Antitrust Division.

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