

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Under the Asbestos NESHAP**

Under 28 CFR 50.7, notice is hereby given that on August 7, 1998, a proposed Consent Decree in *United States v. M.K. Moore and Sons, Inc.*, Civil Action No. c 3-96-319, was lodged with the United States District Court for the Southern District of Ohio.

In this action, the United States sought penalties and injunctive relief for claims under the Asbestos National Emissions Standard for Hazardous Air Pollutants ("NESHAP"), 40 CFR part 61, Subpart M, promulgated under section 112 of the Clean Air Act ("Act"), 42 U.S.C. 7412, for inspection, notice, work practice and waste disposal violations. The claims arose in connection with M.K. Moore and Son's asbestos renovation or pre-demolition projects at eight facilities in and around the Dayton, Ohio area. Under the Consent Decree, M.K. Moore and Sons will pay a civil penalty of \$70,000 in four equal installments, will comply with the Asbestos NESHAP, and will undertake other injunctive actions, including designating an Asbestos Program Manager, training all supervisors, inspectors, and workers, providing monthly reports of its activities to U.S. EPA and the local air pollution control authority, and undertaking work practices to assure ease of monitoring of activities.

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, DC 20530, and should refer to *United States v. M.K. Moore and Sons, Inc.*, D.J. Ref. No. 90-5-2-1-2072.

The Consent Decree may be examined at the Office of the United States Attorney, 602 Federal Building, 200 W. Second St., Dayton, OH 45402, at the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604-3590, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. 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, DC 20005. In requesting a copy, please refer to the above-referenced case and enclose a check in the amount of \$10.25 (\$.25 per

page reproduction costs) payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 98-21915 Filed 8-13-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Pursuant to 28 CFR 50.7**

Notice is hereby given that a proposed Stipulation, Settlement Agreement, and Order in *United States v. Northeast Ohio Regional Sewer District*, Civil Action No. 1:90CV1388, was lodged on August 7, 1998, with the United States District Court for the Northern District of Ohio. The proposed Stipulation, Settlement Agreement, and Order resolves the United States' claims against the Northeast Ohio Regional Sewer District for alleged violations of the Clean Water Act and its National Pollution Discharge Eliminations System permits.

The proposed Stipulation, Settlement Agreement, and Order requires the District to pay a civil penalty of \$40,000, with 25 percent (\$10,000) going to the State of Ohio. There is no injunctive relief because the District completed its reconstruction of the Westerly facility at issue in this matter in 1996 and has had over a year of continuous compliance with its NPDES permit since completing its reconstruction of the Westerly facility.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Stipulation, Settlement Agreement, and Order. Comments should be addressed to the Section Chief, the Environmental Enforcement Section, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States v. Northeast Ohio Regional Sewer District*. Civil Action No. 1:90CV1388, DOJ Ref. No. 90-5-1-1-3453.

The proposed Stipulation, Settlement Agreement, and Order may be examined at the office of the United States Attorney, 1800 Bank One Center, 600 Superior Avenue, East, Cleveland, Ohio 44114; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, NW., 4th 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., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$2.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 98-21914 Filed 8-13-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on July 16, 1998, a proposed consent judgment in *Washington v. United States, et al.*, Civil Action No. C94-5326 FDB and *United States v. Washington, et al.*, Civil Action No. C94-5518 FDB, was lodged with the United States District Court for the Western District of Washington. Under the consent judgment, defendant State of Washington will pay \$2.3 million in reimbursement of costs incurred by the United States in response to releases of hazardous substances at the Wyckoff/Eagle Harbor Superfund Site on Bainbridge Island, Washington. The State will also perform operation, maintenance, monitoring and habitat mitigation work at 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 judgment. 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. Washington, et al.*, DOJ Ref. #90-7-1-525B.

The proposed consent judgment may be examined at the office of the United States Attorney, Western District of Washington, 3600 Seafirst Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, Washington 98104; the Region 10 Office of the U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library. In requesting a copy

please refer to the referenced case and enclose a check in the amount of \$13.50 for the judgment alone, or \$37.00 for the judgment and appendix. Make the check payable to the Consent Decree Library.

**Joel Gross,**

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

[FR Doc. 98-21916 Filed 8-13-98; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Proposed Termination of Judgment

Notice is hereby given that defendant, National Service Industries, Inc. ("NSI"), the successor corporation to National Linen Services Corporation ("NLS"), has filed with the United States District Court for the Northern District of Georgia, Atlanta Division, a motion to terminate the Judgment in *United States v. National Linen Service Corporation*, Civil Action No. 5171, and that the Department of Justice ("Department"), in a stipulation also filed with the Court, has tentatively consented to termination of the Judgment but has reserved the right to withdraw its consent pending receipt of public comments. The Complaint in this case (filed April 25, 1955) alleged that NLS had monopolized and attempted to monopolize the linen supply business in the Southeastern United States, and had also entered into price fixing agreements with competing linen suppliers.

On June 28, 1956, a Judgment was entered against NLS. In 1964, the name of National Linen Service Corporation became National Service Industries, Inc. The Judgment applies to two subdivisions of NSI's textile rental division: National Linen Service and National Healthcare Linen Service. The provisions of the Judgment that are still in effect prohibit NSI from combining with any linen supply company or laundry to fix prices to consumers, allocate territories or customers, or exclude any person from engaging in the linen supply business. It further enjoins NSI from charging unreasonably low prices for the purpose of suppressing competition; offering to supply linens without charge or at prices that discriminate between different customers in the same trade area, where the effect may be to injure competition (except that NSI is permitted to lower its prices or offer rebates to meet competition); entering into any requirements contracts; making certain potentially defamatory representations

to customers about competitors of NSI; threatening competitors or customers of competitors; coercing or agreeing with suppliers not to sell to competitors of NSI; entering into employment contracts with certain non-compete provisions; and from acquiring an interest in certain competing firms.

The Department has filed with the Court a Memorandum setting forth the reasons why the Government believes that termination of the Judgment would serve the public interest. Copies of NSI's motion papers, the Stipulation containing the Government's consent, the Government's Memorandum and all further papers filed with the Court in connection with this motion will be available for inspection at the Legal Procedures Unit of the Antitrust Division, Room 215 North, Liberty Place, Washington, DC 20530, and at the Office of the Clerk of the United States District Court for the Northern District of Georgia, Atlanta Division, 2211 Richard Russell Building, 75 Spring Street, S.W., Atlanta, GA 30303-3361. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Government. Such comments must be received by the Division within sixty (60) days and will be filed with the Court by the Government. Comments should be addressed to Mary Jean Moltenbrey, Chief, Civil Task Force, Antitrust Division, Department of Justice, Liberty Place Building, Suite 300, 325 7th Street, N.W., Washington, DC 20530.

**Rebecca P. Dick,**

*Director, Civil Non-Merger Enforcement.*

#### Stipulation

It is stipulated by and between the undersigned parties by their respective attorneys that:

1. Defendant, National Service Industries, Inc. ("NSI"), the successor corporation to National Linen Services Corporation, will publish at its expense a Notice, in the form attached as Attachment 1, in (a) two consecutive issues of *Textile Rental* and (b) two consecutive issues of *Industrial Launderer*; an Order, in the form attached as Attachment 2, directing such publication, may be filed and entered by the Court forthwith without further notice to any party or any other proceedings.

2. The United States will publish in the **Federal Register** a notice announcing NSI's motion and the

Department's tentative consent to it, summarizing the Complaint and Judgment, describing the procedures for inspection and obtaining copies of relevant papers, and inviting the submission of comments.

3. An Order in the form attached hereto as Attachment 3 terminating the Judgment entered in this cause of action on June 28, 1956, as amended, may be filed and entered by the Court, upon the request of any party or by the Court *sua sponte*, at any time more than 70 days after the last publication of the notices required by Paragraphs 1 and 2 of this stipulation and without further notice to any party or any other proceedings, provided that Plaintiff has not withdrawn its tentative consent, which it may do at any time before the entry of an Order terminating the Consent Decree by filing notice of withdrawal of its consent with the Court and serving a copy of said notice upon the other party.

4. In the event plaintiff withdraws its consent, or if the proposed Order terminating the decree is not entered pursuant to this stipulation, then this stipulation shall be of no effect whatsoever, the making of this stipulation shall be without prejudice to any party in this or any other proceeding, and the stipulation shall not thereafter be used in this or any other action or for any other purpose.

For the Plaintiff, United States of America.

Joel I. Klein,

*Assistant Attorney General, Antitrust Division.*

A. Douglas Melamed,

*Principal Deputy Asst. Attorney General, Antitrust Division.*

Rebecca P. Dick,

*Director, Civil Non-Merger Enforcement, Antitrust Division.*

Mary Jean Moltenbrey,

*Chief, Civil Task Force, Antitrust Division.*

Susan L. Edelheit,

*Asst. Chief, Civil Task Force, Antitrust Division.*

Theodore R. Bolema,

*Attorney, Antitrust Division, U.S. Department of Justice, Liberty Place Building, Suite 300, 325 7th Street, NW., Washington, DC 20530, Telephone: (202) 616-5945.*

For the Defendant National Service Industries, Inc.

Eric Queen,

*Fried, Frank, Harris, Shriver & Jacobson, One New York Plaza, New York, NY 10004-1980, Telephone: (212) 859-8077.*

Counsel for National Service Industries, Inc.