

The Site was the location of a metals salvage and reclamation facility between 1948 and 1993. EPA sampling at the Site in 1994 showed high levels of lead and polychlorinated biphenyls, which are hazardous substances within the meaning of CERCLA, and the United States incurred response costs responding to the release or threat of release of these hazardous substances at the Site. The Site is now cleaned to industrial levels and is the location of a working warehouse. The United States anticipates no future response actions at the Site.

Under the proposed Decree, Settling Defendant TSI shall pay the United States \$4,493.00 plus interest toward the United States' approximately \$1.12 million in unreimbursed past costs at the Site. TSI also covenants not to sue any *de micromis* parties, or any *de minimis* parties that have settled or do settle with the United States. In exchange, the United States gives TSI a covenant not to sue and contribution protection for past response costs and certain future enforcement costs at the Site. The United States' covenants are contingent upon TSI's certification that it has provided the United States with a full and accurate statement of its assets and liabilities. If TSI has hidden assets that it could have used to pay response costs, the United States' covenant not to sue is void.

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, Department of Justice, Washington, D.C. 20530, and should refer to the *United States v. Alabama Electric Cooperative, et al*, DOJ Ref.#90-11-3-1617B.

The proposed consent decree may be examined at the office of the United States Attorney, District of Kansas, 500 State Avenue, Suite 360, Kansas City, KS 66101, 913-551-6730; the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, KS 66101, 913-551-7255; and at the Consent Decree Library, 1120 G Street, N.W., 3rd 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., 3rd Floor, Washington, D.C. 20005. In requesting a copy of the Decree, with all attachments, please refer to the referenced case and enclose a check in the amount of \$13.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

In requesting a copy of the Decree without the attachments, please enclose a check in the amount of \$8.00.

**Joel M. Gross,**

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

[FR Doc. 99-11266 Filed 5-4-99; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decrees Under the Clean Water Act and the Rivers and Harbors Act

Under 28 CFR 50.7, notice is hereby given that on April 23, 1999, three proposed Consent Decrees in *United States v. The Sanitary District of Hammond, et al.*, Civil Action No. 2:93 CV 225 JM, were lodged with the United States District Court for the Northern District of Indiana.

The United States and the State of Indiana asserted claims in this case under the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Rivers and Harbors Act of 1899, 33 U.S.C. 403 and 407, against the Sanitary District of Hammond ("HSD"), the City of Hammond, Indiana (the "City"), the Town of Munster, Indiana (the "Town"), and several other defendants that send wastewater to HSD's wastewater treatment plant. The case was resolved as to the defendants other than HSD, the City, and the Town by Consent Decrees entered by the Court in 1995. The settlements lodged today, if entered, will fully resolve this action against all of the remaining defendants.

The proposed HSD Consent Decree includes injunctive relief to redress HSD's effluent limit violations, unpermitted discharges, combined sewer overflow violations, noncompliance with closure requirements regarding sludge lagoons at the HSD treatment plant, and inflow problems that interfere with HSD's treatment processes. In addition, HSD will pay \$2.1 million toward a fund established under the prior settlements for remediation of contaminated sediments in the Grand Calumet River and \$225,000 in civil penalties to be split equally by the United States and the State of Indiana.

The proposed Consent Decrees with the City and the Town require them to take action on any further resolutions adopted by HSD modifying user fees or pretreatment requirements within set time periods, redressing delays that have hampered HSD's ability to implement improvements in its operations. In addition, the City and Town will implement, in conjunction

with HSD, a program to eliminate inflow to HSD's collection system from residential down spouts, remedying a major source of inflow to the system. Finally, the City and Town settlements require these defendants to submit to the U.S. Environmental Protection Agency and the Indiana Department of Environmental Management a report specifically identifying those portions of the HSD sewerage collection system that each owns or operates.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decrees. 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. The Sanitary District of Hammond, et al.*, D.J. Ref. 90-5-1-1-3308A.

The Consent Decrees may be examined at the Office of the United States Attorney, Northern District of Indiana, 1001 Main Street, Suite A, Dyer, Indiana 46311, at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, and at the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005, (202) 624-0892. Copies of the Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. In requesting copies, please enclose a check in the amount of \$22.00 (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. 99-11268 Filed 5-4-99; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on April 21, 1999 a proposed Consent Decree (The "decree") in *United States v. Montana Power Company*, Civil Action No. CV 99-28-BUDWM, was lodged with the United States District Court for the District of Montana.

In this action the United States sought to recover EPA's past costs incurred in connection with a removal action in the Butte Priority Soils Operable Unit ("BPSOU") which is part of the larger Silver Bow Creek/Butte Area NPL Site in Montana. Montana Power Company

(MPC) owns 30 acres of land which are located in the BPSOU. The proposed decree is a cash-out of MPC's liability under Section 107(a) of CERCLA, 42 U.S.C. 9607(a), and settles potential claims under CERCLA § 106, 42 U.S.C. 9606 and Section 7003 of RCRA, 42 U.S.C. 6973. Under the terms of the proposed decree, MPC will pay the sum of \$100,000 to the EPA Hazardous Substances Superfund.

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. Montana Power Company*, D.J. Ref. 90-11-3-1734. Commuters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003 of RCRA, 42 U.S.C. 6973(d).

The Consent Decree may be examined at the Office of the United States Attorney, District of Montana, 2929 Third Avenue North, #400, Billings, MT 59103, at U.S. EPA Region VIII, 999 18th Street, Suite 700, Denver, CO 80202, and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 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., 3rd Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$26.75 payable to the Consent Decree Library.

**Bruce S. Gelber,**

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

[FR Doc. 99-11264 Filed 5-4-99; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act 33 U.S.C. 1301, et seq.

Notice is hereby given that on April 23, 1999 a proposed Consent Decree ("Decree") in *United States v. Sinclair Oil Corporation*, Civil Action No. 98 CV 166B, was lodged with the United States District Court for the District of Wyoming. The United States filed this action pursuant to Sections 301 and 311 of the Clean Water Act, as amended by the Oil Pollution Act, 33 U.S.C. 1301 and 1321, as amended by the oil pollution Act, 33 U.S.C. 1301 and 1321, seeking injunctive relief and civil

penalties for the Defendant's discharge of oil from a rupture in its underground pipeline into a navigable water of the United States in violation of the Clean Water Act and the Oil Pollution Act.

The proposed Consent Decree requires the Defendant to either: (i) Repair and replace all sections of its pipeline manufactured by the same company that manufactured the ruptured pipe; or (ii) perform an ultrasonic "smart" pig of these portions of the pipeline, and repair or replace those portions as indicated by the results of the smart pig. In addition, Sinclair will pay a civil penalty of \$29,000, including interest, to the Oil Spill Liability Trust Fund. Finally, Sinclair will perform a Supplemental Environmental Project involving the replacement of 1000 feet of pipe from one of Sinclair's underground pipelines which passes under Casper Creek—a navigable water within a few miles of the spill site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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. Sinclair Oil Corporation*, Civil Action No. 98 CV 166B, and D.J. Ref. #90-5-1-4424.

The Decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Denver Field Office, 999 -18th Street, North Tower Suite 945, Denver, Colorado, 80202 and the U.S. EPA Region VIII, 999 18th Street, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington D.C. 20005, (202) 624-0892. A copy of the Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$10 for the Decree (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel M. Gross,**

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

[FR Doc. 99-11267 Filed 5-4-99; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

[Civil No. 1:98CV02836]

### Public Comments and Response on Proposed Final Judgment, *United States v. Pearson plc, Pearson Inc. and Viacom International Inc.*

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States of America hereby publishes below the comments received on the proposed Final Judgment in *United States v. Pearson, plc, Pearson Inc. and Viacom International Inc.*, Civil Action No. 1:98CV02836, filed in the United States District Court for the District of Columbia, together with the United States' response to the comments.

Copies of the comments and response are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW, Washington, DC 20530, telephone: (202) 514-2481, and at the Office of the Clerk of the United States District Court for the District of Columbia, United States Courthouse, Third Street and Constitution Avenue, NW, Washington, DC 20001. Copies of any of these materials may be obtained upon request and payment of a copying fee.

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

Civil Action No. 1:98CV02836

Judge: James Robertson

Filed: April 22, 1999

### PLAINTIFF'S RESPONSE TO PUBLIC COMMENTS

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h) (1997) ("Tunney Act") the United States hereby responds to the four public comments received regarding the proposed Final judgment in this case.

### I. Background

On November 23, 1998, the United States filed the Complaint in this matter alleging that the acquisition by Pearson plc and its wholly owned subsidiary, Pearson Inc. (collectively "Pearson") of certain publishing businesses of Viacom International Inc. ("Viacom") would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges that Pearson and Viacom, two of the nation's largest publishers of textbooks and other educational materials, compete head-to-head in the development, marketing and sale of comprehensive elementary school science programs and in the development, marketing and sale of textbooks used in thirty-two college