

Deterioration (PSD) requirements of 42 U.S.C 7470, *et seq.*, and the regulations promulgated thereunder. Pursuant to the Consent Decree, defendant has agreed to pay a civil penalty of \$90,000, to cease the plant process which was the source of the violation, and not to recommence that process except in compliance with the Clean Air Act.

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, DC 20530, and should refer to *United States v. Mundet-Hermettite, Inc.*, DOJ Ref. #90-5-2-1-1949.

The proposed consent decree may be examined at the office of the United States Attorney, 105 Franklin Rd. SW, Suite 1, Roanoke, VA 24011; 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 \$3.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

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Notice of Lodging of Partial Consent Decree for Claims Under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Department policy notice is hereby given that on February 10, 1995, a proposed Partial Consent Decree in *United States v. Smuggler-Durant Mining Corporation, et al.*, Civil Action No. 89-C-1802, was lodged with the United States District Court for the District of Colorado. The Complaint in this case was brought under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, against several parties who are owners or operators of facilities at which hazardous substances are being released into the environment, or who owned or operated facilities at a time when

hazardous substances were disposed of there. The United States' Complaint sought recovery of costs incurred and to be incurred by the United States in connection with the clean up of hazardous substances at the Smuggler Mountain Superfund Site ("Site") in and adjacent to the City of Aspen, Colorado.

The proposed partial Consent Decree involves the MAXXAM, Inc. and Top of Aspen, Inc. ("MAXXAM"). This decree settles claims brought by the United States against MAXXAM under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and provides the MAXXAM a covenant not to sue for past and future response costs or response actions under Sections 106 and 107(a) of CERCLA, 42 U.S.C. §§ 9606 and 9607(a), and Section 7003 of RCRA, 42 U.S.C. § 6973 as well as a limited covenant for natural resource damages on Operable Unit 1 of the Site. In return, MAXXAM will reimburse the United States \$1,700,000.00 for response costs incurred in connection with the Site. Finally, the decree resolves potential counterclaims by MAXXAM against the United States for any activities conducted on-site by any instrumentality of the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of entry of this publication comments relating to the proposed Partial Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Smuggler-Durant Mining Corporation, et al.*, DOJ Ref. No. 90-11-2-174.

The proposed Consent Decree may be examined at the Region VIII Office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, DC 20005, 202-624-0892. Copies of the proposed Consent Decrees 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 \$8.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 95-6049 Filed 3-10-95; 8:45 am]

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Antitrust Division

Proposed Termination of Final Judgment; Bardahl Manufacturing Corporation, et al.

Notice is hereby given that defendant Bardahl Manufacturing Corporation ("Bardahl") has filed with the United States District Court for the Western District of Washington a motion to terminate the Final Judgment in *United States v. Bardahl Manufacturing Corporation, et al.*, Civil No. 83-71; and that the Department of Justice ("Department"), in a stipulation also filed with the Court, has consented to termination of the Final Judgment but has reserved the right for at least seventy (70) days after the publication of the notice to withdraw its consent. The complaint in this case (filed June 30, 1969) alleged that Bardahl and other companies affiliated with Bardahl had conspired to fix uniform prices and allocate exclusive geographical sales territories for the sale of motor oils, greases and lubricants manufactured by Bardahl and sold by Bardahl distributors in the United States.

The Final Judgment (entered August 11, 1969) enjoined the defendants from selling any finished Bardahl products to any person upon any conditions which restrict the persons to whom, the prices at which, or the territory within which such products may be sold.

The Department has filed with the court a memorandum setting forth the reasons why the Government believes that termination of the Final Judgment would serve the public interest. Copies of the Complaint and Final Judgment, Bardahl'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 Room 10-437, Antitrust Division, Department of Justice, 10th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20001, and at the Office of the Clerk of the United States District Court for the Western District of Washington, 1010 Fifth Avenue, Room 215, Seattle, Washington 98104. 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 Christopher S.