

Cumberland Cement & Supply Company, the Kelly Springfield Tire Company, and Precise Technology, Inc. ("Settling Defendants"). The proposed Decree resolves the United States' claims under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9607, for past response costs incurred in connection with the Limestone Road Superfund Site ("Site") through August 31, 1993. Settling Defendants will pay \$1,860,213 out of total past costs of approximately \$2,450,000. The Consent Decree also requires Settling Defendants to pay the United States' future costs (including the Environmental Protection Agency's oversight costs associated with the Operable Unit 2 of the Site remedy) from August 31, 1993 until the date that the Settling Defendants receive notification that they have satisfied their obligations under the proposed Decree, by either agreeing to implement the Operable Unit 2 remedy or by reimbursing the United States for the costs which it incurs in connection with the implementation of that remedy.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial 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 *United States v. Fairchild Industries, Inc.* and *Cumberland Cement & Supply Company consolidated with the United States v. The Kelly Springfield Tire Company, et al.*, Consol. Civ. Action No. JFM-88-2933 (D. Md.), DOJ #. 90-11-3-227.

The proposed consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed partial 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 refer to the referenced case and enclose a check in the amount of \$9.25 (25 cents per page reproduction costs), payable to the Consent Decree Library. If you want a copy of the attachments to the proposed

consent decree please also enclose an additional \$31.25.

Joel M. Gross,
Chief, Environmental Enforcement Section.
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Notice of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental Policy, 28 CFR § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed Consent Decree in *United States v. San Juan Cement Company, Inc.*, Civ. Action No. 96-1381 DRD (D.P.R.) was lodged with the United States District Court for the District of Puerto Rico on July 12, 1996. The proposed Consent Decree resolves the United States' claims against San Juan Cement Company for multiple violations of the New Source Performance Standards ("NSPS") of the Clean Air Act, 42 U.S.C. 7411 and 7414, as amended, and regulations promulgated thereunder at 40 C.F.R. Part 60, at its cement manufacturing operation located in Dorado, Puerto Rico. The Consent Decree provides that San Juan Cement Company will pay a civil penalty of \$500,000, will construct and test a continuous opacity monitoring system on an emission point at its portland cement plant and, should the performance tests on this and/or on another emissions point yield unsatisfactory results, will take measures EPA deems necessary to bring the emissions points into compliance with the NSPS.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written 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 *United States v. San Juan Cement Company, Inc.* Civ. Action No. 96-1381 DRD (D.P.R.) DOJ # 90-5-2-1-1888.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Federal Office Building, Room 452, 150 Carlos E. Chardon Ave., Hato Rey, Puerto Rico 00918; at the Region II Office of the U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10278; 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 \$5.75 (25 cents per page reproduction costs) payable to Consent Decree Library.

Joel M. Gross,
Chief, Environmental Enforcement Section.
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Antitrust Division

[Civil Action No. 56-344 (AGS)]

United States District Court; Southern District of New York—United States of America, Plaintiff, vs. International Business Machines Corporation, Defendant

Take Notice that International Business Machines Corporation ("IBM"), defendant in this antitrust action, has filed a motion for an order terminating the final judgment entered by the United States District Court for the Southern District of New York on January 25, 1956 (the "Final Judgment"). IBM and the United States of America have consented to modify the Final Judgment to establish specific sunset periods for all provisions currently in effect, but the parties have reserved the right to withdraw their consent for at least 90 days after publication of this Notice. Prior to entry of an order modifying the Final Judgment, the Court and the parties will consider public comments. Any such comments on the proposed termination described in this Notice must be filed within 60 days following the publication of the last notice required by the Court's Order Directing Publication. The Complaint, Final Judgment and proposed modification are further described below.

The Complaint, filed on January 21, 1952, alleged that IBM had monopolized, attempted to monopolize and restrained trade in the tabulating industry, in violation of Sections 1 and 2 of the Sherman Act. The Final Judgment was entered by consent between the United States and IBM. The Final Judgment applies to IBM's conduct with respect to tabulating machines and cards, both of which IBM has not manufactured for many years, and "electronic data processing machines" ("computers"). Certain provisions of the Final Judgment have expired or no longer apply to IBM's business. However, other provisions of the Final Judgment continue to apply to IBM's computer business. On June 13, 1994, IBM filed its motion to terminate