

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 Et Seq

Notice is hereby given that a proposed First Amendment to Consent Decree in *United States v. Westinghouse Electric Corporation*, Civil Action Nos. IP 83-9-C and IP 81-448-C, was lodged on June 3, 1997, with the United States District Court for the Southern District of Indiana.

The proposed amendment to consent decree provides for the performance of a removal action with respect to the sludge drying beds and sludge digesters at the Winston-Thomas Wastewater Treatment Facility, located in Bloomington, Indiana. The proposed amendment leaves all other portions of the consent decree, originally lodged with the Court on August 22, 1985, unchanged.

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. Westinghouse Electric Corporation*, DOJ Ref. #90-7-212A. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed amendment to consent decree may be examined at the office of the United States Attorney, Southern District of Indiana, U.S. Courthouse, 46 East Ohio St., 5th Floor, Indianapolis, Indiana 46204-1986; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; the Monroe County Library, 303 East Kirkwood Ave., Bloomington, Indiana 47408; and at the Consent Decree Library, 1120 G Street, NW, 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed amendment to 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 reference 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,
Section Chief, Environmental Enforcement
Section, Environment and Natural Resources
Division.

[FR Doc. 97-14948 Filed 6-6-97; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Martin Marietta Materials, Inc. et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), that a proposed Final Judgment, Stipulation and Order, and Competitive Impact Statement have been filed with the United States District Court in the Southern District of Indiana, in *United States versus Martin Marietta Materials, Inc., et al*, Civil No. IP97-854C-T/G.

On May 27, 1997, the United States filed a Complaint alleging that the proposed acquisition by Martin Marietta of the stock of American Aggregates would violate Section 7 of the Clayton Act, 15 U.S.C. § 18. The proposed Final Judgment, filed the same time as the Complaint, requires Martin Marietta to divest the Harding Street, Indianapolis, Indiana aggregate quarry and related assets that it will obtain in connection with the acquisition of American Aggregates.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to J. Robert Kramer, Chief, Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, N.W., Suite 3000, Washington, D.C. 20530 (telephone: 202/307-0924).

Constance K. Robinson,
Director of Operations.

United States District Court for the Southern District of Indiana

Stipulation and Order

United States of America, Plaintiff, v. Martin Marietta Materials, Inc.; CSR Limited; CSR America, Inc.; and American Aggregates Corporation, Defendants. Civil No.: IP97-854C-T/G; Filed: 5/27/97; Judge John Daniel Tinder.

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

1. The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the United States District Court for the Southern District of Indiana.

2. The parties stipulate that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that the plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

3. Defendants shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment or until expiration of time for all appeals of any court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation, comply with all the terms and provisions of the Final Judgment as though they were in full force and effect as an order of the Court.

4. This Stipulation shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

5. In the event (a) the plaintiff has withdrawn its consent, as provided in paragraph 2 above, or (b) the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

6. Defendants represent that the divestiture ordered in the proposed Final Judgment can and will be made, and that the defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained therein.

Dated: May 23, 1997.
For Plaintiff United States
Frederick H. Parmenter,