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**Walker B. Smith,**

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

[FR Doc. 97-21063 Filed 8-8-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **United States and States of New York and Ohio and Commonwealth of Pennsylvania v. Cargill Inc., Akzo Nobel, NV, Akzo Nobel, Inc., and Akzo Nobel Salt, Inc.; Public Comment and Response on Proposed Judgment**

Pursuant to the Antitrust Penalties and Procedures Act, 15 U.S.C. 16 (b)-(h), the United States publishes below the comment it received on the proposed final judgment in *United States et al. v. Cargill, Inc. et al.*, No. 6:97-CV-06161-L, filed in the United States District Court for the Western District of New York, together with the United States' response to that comment.

Copies of the comment and the response, which were attached to the United States' Certificate of Compliance with the Antitrust Procedures and Penalties Act, are available for inspection and copying 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 Western District of New York, Rochester Division, 100 State Street, Room 2120, Rochester, NY 14614. Copies of these materials may be obtained upon request and payment of a copying fee.

**Constance K. Robinson,**

*Director of Operations.*

May 19, 1997.

J. Robert Kramer II,

*Chief—Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW, Suite 3000, Washington, DC 20530*

Re: Authorize Letter of Support to J. Robert Kramer, II

Dear Mr. Kramer: Enclosed is a certified copy of the above reference resolution which was duly adopted by the County Legislature on the 12th day of May, 1997.

Very truly yours,

Stacy B. Husted,

*Deputy Clerk, Schuyler County Legislature.*

Enclosure

sbh

[Resolution No. 180]

### Schuyler County Legislature

#### Regular Meeting

May 12, 1997

Intro. No. 13

Approved by Committee RJF

Approved by Co. Atty. JPC

Motion by Fitzsimmons

Seconded by Young

Vote: 6 Ayes to 0 Noes

Name of Noes

Re: Authorize Letter of Support to J. Robert Kramer, II

Whereas, April 21, 1997, the United States, the states of New York, Ohio, and Pennsylvania filed a Civil Antitrust complaint, a proposed Final Judgment and a Stipulation and Order between the parties of AKZO Nobel and Cargill, Inc., and

Whereas, the Stipulation and Order and proposed Final Judgment requires Cargill and AKZO to ensure that, until the divestitures mandated by the proposed Final Judgment are accomplished, AKZO's Watkins Glen evaporated salt plant and related assets will be maintained and operated as a saleable and economically viable ongoing concern, and

Whereas, both facilities are an extremely important and a vital part of our community, and,

Whereas, written comments may be submitted to the United States Department of Justice within 60 days of the date of publication of the Competitive Impact Statement in the Federal Register.

Now, therefore, be it resolved that a letter be prepared to J. Robert Kramer II, Chief-Litigation II Section, Antitrust Division, United States Department of Justice, 1401 H Street, NW, Suite 3000, Washington, D.C., 20530, on behalf of our Schuyler County community simply to make the United States Department of Justice aware of the importance of the jobs provided by both of these facilities and the economic impact that any downsizing or plant closings would have on our small Schuyler County community.

State of New York  
County of Schuyler

I, Stacy Husted, Deputy Clerk to the Schuyler County Legislature, do hereby certify that the foregoing is a true and exact copy of resolution duly adopted by the County Legislature on May 12, 1997.

In testimony whereof, I have hereunto set my hand and the seal of said County Legislature at Watkins Glen, NY.

May 19, 1997.

Stacy B. Husted,

*Deputy Clerk.*

July 17, 1997.

Honorable Stacy B. Husted  
*Deputy Clerk, Schuyler County Legislature,  
County Office Building, Box 6, 105 Ninth  
Street, Watkins Glen, New York 14891*

Re: *Proposed Judgment in United States, et al. v. Cargill Inc. and Akzo Nobel, NV, et al.*

Dear Ms. Husted: Thank you for your May 19 letter to Mr. Kramer, in which you enclosed a copy of the May 12, 1997 resolution adopted by the Schuyler County Legislature concerning the proposed Final

Judgment in this case. The proposed Judgment, if entered by the Court, would alleviate the competitive concerns raised by Cargill's acquisition of the salt operations of Akzo Nobel. The Judgment requires Cargill and Akzo to divest certain assets related to the production and sale of bulk deicing salt. It also requires Cargill to divest the evaporated salt plant in Watkins Glen acquired from Akzo Nobel.

The Akzo and Cargill salt plants are the major employers in Watkins Glen, the seat of Schuyler County. In its resolution, the Schuyler County Legislature wanted to make "the Department of Justice aware of the importance of the jobs provided by both of these facilities and the economic impact that any downsizing or plant closings would have on our small Schuyler County community."

I would first note that the proposed Final Judgment does not affect the Watkins Glen salt plant owned by Cargill prior to Cargill's acquisition of Akzo Nobel. As to the Akzo plant, the Department of Justice and the Schuyler County Legislature have similar concerns. The Judgment requires Cargill to divest the former Akzo plant in such a way as to satisfy the Department of Justice that it will be used as part of a viable, ongoing business engaged in the production and sale of food grade salt (Judgment, §§IV(B) and (G)). As such, the Akzo plant will continue to need a skilled work force. Although the purchaser of the facility will have the same right that Akzo has historically had to determine the appropriate size of its workforce, the Department of Justice would not approve the plant's purchase by a person who intends to shut the plant down or take other actions that would render the plant an ineffective competitor in the market.

Thank you for bringing your concerns to our attention. We hope that this information will help alleviate them. Pursuant to the Antitrust Procedures and Penalties Act, a copy of your letter and the Schuyler County resolution and this response will be published in the **Federal Register** and filed with the Court.

Sincerely yours,

Anthony E. Harris,

*Attorney, Litigation II Section.*

[FR Doc. 97-21058 Filed 8-8-97; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. H-372]

RIN: 1218-AB58

#### **Metalworking Fluids Standards Advisory Committee: Notice of Open Meeting**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Metalworking Fluids Standards Advisory Committee: notice of open meeting.