

the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), for reimbursement of costs incurred and to be incurred for response actions taken or to be taken at or in connection with the release or threatened release of hazardous substances at the Route 940 Drum Site in Tobyhanna Township, Monroe County, Pennsylvania, and a declaration of liability for further response costs to be incurred at the Site. Under the terms of the Consent Decree, the Estate of Herman Martens and Emil Wagner will pay \$335,000, John Baymor will pay \$40,000, and Summit Tool Corporation will pay \$25,000. In addition, Emil Wagner (or his estate) will be obligated to pay to the United States the sum of \$300,000 if either one of two contingencies occurs.

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 for the Environment and Natural Resources Division, Department of Justice, Washington, D.C., 20530, and should refer to *United States v. J.E.M. a Partnership*, DOJ Ref. #90-11-3-1539.

The consent decree may be examined at the Office of the United States Attorney, 228 Walnut Street, Harrisburg, PA; the Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA; and at the Consent Decree Library, 1120 G Street, NW 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, NW, 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$12.50 (25 cents per page reproduction cost), payable to the Consent Decree library.

Joel M. Gross,
Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Safe Drinking Water Act

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(d), notice is hereby given that on May 19, 1998, the United States, on behalf of the United States Environmental Protection Agency, filed

with the United States District Court for the Western District of Washington a modification to the Consent Decree that was entered on June 5, 1996, in *United States v. Selleck, Inc. and Robert E. Schaefer*, Civil Action No. C93-1004Z. The modification amends the June 5, 1996 Consent Decree in light of the defendants' agreement to convey the Selleck Water Supply System in its entirety to the Kangle Water Association. Accordingly, the parties agree that their June 5, 1996 Consent Decree should be modified so that only Section III.B (permanent injunction against Robert E. Schaefer) and Section XIV (retention by the district court of jurisdiction) will remain operative and in effect. This modification is expressly conditioned upon the successful completion of the defendants' conveyance to the Kangle Water Association.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed modification to the June 5, 1996 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. Selleck, Inc. and Robert E. Schaefer*, DOJ Ref. #90-5-1-1-5029.

A copy of the proposed modification to 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, (202) 624-0892. In requesting copies of the consent decree, please refer to *United States v. Selleck, Inc. and Robert E. Schaefer*. If you are requesting a copy from the Consent Library, please enclose a check payable to the Consent Decree Library in the amount of \$1.00 (25 cents per page reproduction costs).

Joel M. Gross,
Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
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DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment and Competitive Impact Statement; United States v. Enova Corporation

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 Competitive Impact Statement have

been filed with the United States District Court for the District of Columbia in *United States v. Enova Corporation*, Civil No. 98-CV-583 (TFH). The proposed Final Judgment is subject to approval by the Court after the expiration of the statutory 60-day public comment period and compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h).

On March 9, 1998, the United States filed a Complaint seeking to enjoin a transaction in which Pacific Enterprises ("Pacific") would merge with Enova Corporation ("Enova"). Pacific is a California gas utility company and Enova is a California electric utility company. Enova sells electricity from plants that use coal, gas, nuclear power, and hydropower. Pacific is virtually the sole provider of natural gas and transportation storage services to plants in southern California. The proposed merger would have created a company with both the incentive and the ability to lessen competition in the market for electricity in California. The Complaint alleged that the proposed merger would substantially lessen competition in the market for electricity in California during high demand periods in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

The proposed Final Judgment, filed contemporaneously with the Complaint, (1) orders Enova to sell certain of its generating assets to a purchaser or purchasers acceptable to the United States; and (2) limits Enova's ability to acquire similar assets. The Stipulation also imposes a hold separate agreement that, in essence, requires the defendant to ensure that, until the divestiture mandated by the Final Judgment has been accomplished, Enova's generators subject to the divestiture will be held separate and apart from, and operated independently of, any of its other Enova assets and businesses. A competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, and remedies available to private litigants.

Public comment is invited within the statutory 60-days comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Written comments should be directed to Roger W. Fones, Chief, Transportation, Energy, and Agriculture Section, Antitrust Division, 325 Seventh Street, NW., Suite 500, Washington, DC 20530 (telephone (202) 307-6351).

Copies of the Complaint, Stipulation, proposed Final Judgment, and Competitive Impact Statement are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust