

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended**

In accordance with Department of Justice policy, 28 CFR 50.7, notice is hereby given that a proposed partial consent decree in the consolidated action entitled *United States of America v. Western Publishing Co., Inc., et al.*, Civil Action No. 94-CV-1247 (LEK/DNH) and *State of New York v. F.I.C.A. a/k/a Dutchess Sanitation Services, Inc., et al.*, Civil Action No. 86-CV-1136 (LEK/DNH) (N.D.N.Y.), was lodged on January 22, 1999, with the United States District Court for the Northern District of New York. The proposed partial consent decree resolves claims of the United States, on behalf of the U.S. Environmental Protection Agency, and the State of New York against fourth-party Dupont Semiconductor Products, Pawling Corporation, H.O. Penn Machinery Co., Inc., Schatz Bearing Corp., Rao's Suburban Sanitation, Inc., Royal Carting of Dutchess County, Inc., M & G Sanitation Corp., and Great Eastern Color Lithographic Corp., under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601-9675 ("CERCLA"). These claims are for recovery of response costs incurred and to be incurred by the United States in connection with the Hertel Landfill Superfund Site ("Site"), located in the Hamlet of Clintondale, Town of Plattekill, Ulster County, New York

Under the terms of the proposed partial consent decree, the settling defendants will pay to the United States \$275,000 in reimbursement of past response costs incurred by the United States, and a 15% premium on such payment to be applied toward future remedial action costs to be incurred with respect to the Site. The remedial action is to be performed by other settling defendants under a separate partial consent decree related to the resolution of this litigation and lodged concurrently herewith, providing performance of the remedial design and remedial action set forth in the September 27, 1991 Record of Decision for the Site. The instant proposed partial consent decree provides the settling defendants with releases for civil liability under Sections 106 and 107(a) of CERCLA relating to the Site as consideration for the payments to be made.

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, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States of America v. Western Publishing Co., Inc., et al.*, Civil Action No. 94-CV-1247 (LEK/DNH) and *State of New York v. F.I.C.A. a/k/a Dutchess Sanitation Services, Inc., et al.*, Civil Action No. 86-CV-1136 (LEK/DNH) (N.D.N.Y.), DOJ Ref. No. 90-11-2-767A.

The proposed partial consent decree may be examined at the Office of the United States Attorney, 445 Broadway, Room 231, Albany, New York 12207; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866; and the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005, telephone (202) 624-0892. A copy of the proposed partial consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$10.25 (25 cents per page reproduction costs) made payable to Consent Decree Library.

**Joel M. Gross,**

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## DEPARTMENT OF JUSTICE

**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Advanced Lead-Acid Battery Consortium (ALABC)**

Notice is hereby given that, on January 11, 1999, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Advanced Lead-Acid Battery Consortium ("ALABC"), a program of International Lead Zinc Research Organization, Inc., has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Banner Batterien GmbH, Linz, AUSTRIA and Curtis Instruments, Inc., Mount Kisco, NY, have been added as parties to this venture; and Electrosorce, Inc., Austin, TX has been withdrawn as a party to this venture. No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ALABC intends to file additional written notification disclosing all changes in membership.

On June 15, 1992, ALABC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 29, 1992 (57 FR 33522).

The last notification was filed with the Department on October 13, 1998. A notice has not yet been published in the **Federal Register**.

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

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## DEPARTMENT OF JUSTICE

**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Aerospace Vehicle Systems Institute ("AVSI") Cooperative**

Notice is hereby given that, on November 18, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Aerospace Vehicle Systems Institute ("AVSI") Cooperative has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are Texas Engineering Experiment Station, a component of the Texas A&M University System, College Station, TX; Allied Signal, Inc., Bellevue, WA; Boeing Company, acting through its division, Boeing Commercial Airplane Group, Seattle, WA; Hamilton Standard Division, United Technologies Corporation, Windsor Locks, CT; Honeywell, Inc., Phoenix, AZ; Moog Inc., East Aurora, NY; Parker Hannifin