

perform lead-based paint abatement of all lead-based paint discovered in the units he owns. In addition, Zeman has agreed to pay an administrative penalty of \$2,000 to the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Dominion Management Services, Inc.*, D.J. #90-5-1-1-08289, or *United States v. Zeman*, D.J. #90-5-1-1-08288.

The proposed consent decrees may be examined at the Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, attention: Tara Jordan, 490 L'Enfant Plaza, SW., Room 3206, Washington, DC 20410, (202) 755-1785, ext. 157; at the office of the United States Attorney for the District of Minnesota, 600 U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415, and at U.S. EPA Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604. During the public comment period, the consent decrees may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies of the consent decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 2004-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax No. (202) 514-0097, phone confirmation No. (202) 514-1547. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$10.00 (25 Cents per page reproduction costs), payable to the U.S. Treasury for the consent decree in *United States v. Dominion Management Services, Inc.*, D.J. #90-5-1-1-08289, and \$9.75 (25 cents per page reproduction costs), payable to the U.S. Treasury, for the consent decree in *United States v. Zeman*, D.J. #90-5-1-1-08288.

**Karen Dworkin,**

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

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under the Oil Pollution Act of 1990, the Federal Water Pollution Control Act, and the Comprehensive Environmental Response, Compensation and Liability Act**

Notice is hereby given that, on June 28, 2004, proposed Consent Decrees in *United States vs. Modesto Energy Limited Partnership, Modesto Environmental Corp., Empower Management Corp., and CMS Generation Co.*, Civil Action No. S-04-1231 LKK KJM, were lodged with the United States District Court for the Eastern District of California.

In this action, the United States brought suit pursuant to the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. 2701 *et seq.*, the Federal Water Pollution Control Act ("FWPCA"), 33 U.S.C. 1251 *et seq.* and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, seeking unreimbursed costs of approximately \$3,430,564.74, exclusive of interest, incurred by the United States, and/or expended by the Oil Spill Liability Trust Fund, in responding to a tire fire/oil spill at the Westley "tires-to-energy" facility located in Westley, California. One Consent Decree provides for Modesto Energy Limited Partnership, *et al.*, to pay \$482,000 in Past Response Costs related to the release of oil and hazardous substances at the Site. The other Consent Decree provides for CMS Generation Co. to pay \$475,000 in Past Response Costs related to the release of oil and hazardous substances at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *U.S. vs. Modesto Energy Limited Partnership, et al.* D.J. Ref. #90-5-1-1-07881.

The Consent Decrees may be examined at the Office of the United States Attorney, at 501 I Street, Suite 10-100 Sacramento, California 95814-2322. During the public comment period, the Consent Decrees may also be examined on the following Department of Justice Web site <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S.

Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.50 (25 cents per page reproduction cost) for each Consent Decree, payable to the U.S. Treasury.

**Ellen M. Mahan,**

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

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**DEPARTMENT OF JUSTICE**

**Antitrust Division**

**Proposed Termination of Judgment**

Notice is hereby given that International Sign Association ("ISA"), successor in interest to National Electric Sign Association ("NESA"), a defendant in *United States v. National Electric Sign Association et al.*, Civil Action No. 51 C 2064 (N.D. Ill.), has filed a motion to terminate the Final Judgment entered in that matter on April 5, 1954, as it affects NESA and its successors in interest. The Antitrust Division of the Department of Justice, in a stipulation also filed with the Court, tentatively has consented to termination of the Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On December 18, 1951, the United States filed a complaint against NESA and three individual defendants who were members of NESA. The complaint alleged that NESA excluded from membership in its Supply distributor Section any parts distributor who also engaged in the manufacture of electric signs or who resold sign parts at less than the parts manufacturers' suggested resale price. The complaint also charged that NESA attempted to coerce parts manufacturers into selling parts only to parts distributors and not directly to sign manufacturers or to parts distributors also engaged in the business of manufacturing signs.

On April 5, 1954, defendants entered a consent decree. Under the decree, defendants were restrained from discriminatory conduct in granting membership in NESA or in charging dues to NESA members. The decree also required defendants to amend NESA's bylaws so as to incorporate Sections V and VI of the Final Judgment and to furnish to each of its present and future members a copy of the Final Judgment.