

settling defendant under Section 106 or 107 of CERCLA with respect to the interim remedy for volatile organic compounds. In addition, 10 of these 13 parties will also pay \$3,350,000 to EPA and \$100,000 to DTSC. In exchange the plaintiffs covenant not to sue the 10 settling defendants under Section 106 or 107 of CERCLA with respect to the interim remedy for perchlorate.

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 Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to either or both of these cases: *United States v. Andruss Family Trust, et al.*, (C.D. Cal.), D.J. Ref. 90-11-2-09121/3; or *United States v. Abercrombie, et al.*, (C.D. Cal.), D.J. Ref. 90-11-2-09121/2.

The proposed Consent Decrees may be examined at the Office of the United States Attorney, 450 Golden Gate Avenue, San Francisco, California 94102. 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/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed 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 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 from the Consent Decree Library, please enclose a check payable to the "U.S. Treasury" or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address, in the following amounts (25 cents per page reproduction cost): \$13.75 for the Consent Decree in *Abercrombie* or \$9.75 for the Consent Decree in *Andruss* (without attachments).

**Henry S. Friedman,**

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

[FR Doc. 07-5582 Filed 11-7-07; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decrees

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that three (3) proposed Consent Decrees in *United States v. Sea Bay Development Corp., et al.*, No. 2:06-cv-624 (E.D. Va.), were lodged with the United States District Court for the Eastern District of Virginia, Norfolk Division, on October 26, 2007.

The proposed Consent Decrees concern a complaint filed by the United States against Sea Bay Development Corp., Beechtree Park, Inc., Green Sea Farms, LLC, Elwood H. Perry, Frank T. Williams' Farms, Inc., and Ferrell's Backhoe Service, Inc., to obtain injunctive relief from and to impose civil penalties against the Defendants for allegedly violating Section 301(a) of the Clean Water Act (CWA), 33 U.S.C. 1311(a), by discharging dredged or fill material and/or controlling and directing the discharge of dredged or fill material into waters of the United States without a permit at an approximately 1,560-acre property located in Chesapeake, Virginia.

The proposed Consent Decrees resolve all allegations against the Defendants. The proposed Consent Decree for Elwood H. Perry and Ferrell's Backhoe Service, Inc., requires payment to the United States of a civil penalty in the amount of \$65,000.00. The proposed Consent Decree for Frank T. Williams' Farms, Inc., requires payment to the United States of a civil penalty in the amount of \$35,000.00. The proposed Consent Decree for Sea Bay Development Corp., Beechtree Park, Inc., and Green Sea Farms, LLC, requires restoration and mitigation on a portion of the property consisting of approximately 873 acres of wetlands, and the preservation in perpetuity of that portion under a conservation easement or deed restriction. In addition, that Consent Decree allows the discharge of dredged or fill material in the remainder of the property, subject to certain limitations.

The Department of Justice will accept written comments relating to these proposed Consent Decrees for thirty (30) days from the date of publication of this Notice. Please address comments to Kenneth C. Amaditz, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026, and refer to *United States v. Sea Bay Development Corp., et al.*, DJ # 90-5-1-1-05061.

The proposed consent Decrees may be examined at the Clerk's Office, United

States District Court for the Eastern District of Virginia, Norfolk Division. In addition, the proposed Consent Decrees may be viewed at [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html).

**Russell M. Young,**

*Assistant Chief, Environmental Defense Section, Environment & Natural Resources Division, U.S. Department of Justice.*

[FR Doc. 07-5579 Filed 11-07-07; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on October 26, 2007, a proposed Settlement Agreement Regarding the Tri-State Mining District Sites was filed with the United States Bankruptcy Court for the Southern District of Texas in *In re ASARCO LLC, et al.*, Case No. 05-21207 (Bankr. S.D. Tex.). The Tri-State Mining District Sites consist of the Tar Creek Superfund Site, in Ottawa County, Oklahoma, the Cherokee County Superfund Site in Cherokee County, Kansas, the Oronogo-Duenweg Lead Mining Belt (Jasper County) Superfund Site in Jasper County, Missouri, and the Newton County Mine Tailings Superfund Site in Newton County, Missouri. The proposed Settlement Agreement entered into among the United States on behalf of the Environmental Protection Agency and the Department of Interior, and the States of Kansas, Missouri and Oklahoma, and ASARCO LLC ("Asarco") provides that the United States shall have total allowed general unsecured claims of \$144,000,000 for past and future response costs and natural resource damages for the Tri-State Mining District sites, and that the States of Kansas, Missouri and Oklahoma shall have allowed general unsecured claims of \$3,250,000, \$3,250,000, and \$7,500,000 respectively. The proposed Settlement Agreement resolves the United States' past and future response cost and natural resource damage claims at the Tri-State Mining District Sites.

The Department of Justice will accept comments relating to the proposed Settlement Agreement for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and mailed either electronically to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or in hard copy to

P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. Comments should refer to *In re Asarco LLC*, Case No. 05-21207 (Bankr. S.D. Tex.), and DJ Ref. No. 90-11-3-08633.

The proposed Settlement Agreement may be examined at: (1) The Office of the United States Attorney for the Southern District of Texas, 800 North Shoreline Blvd, #500, Corpus Christi, TX 78476-2001; (2) the Region 6 Office of the United States Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202; and (3) the Region 7 Office of the United States Environmental Protection Agency, 901 North Fifth Street, Kansas City, KS 66101. During the comment period, the proposed Settlement Agreement may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decree.html](http://www.usdoj.gov/enrd/Consent_Decree.html). A copy of the proposed Settlement Agreement may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611 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 number (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and D.J. Reference No. 90-11-3-08633, and enclose a check in the amount of \$4.25 for the Settlement Agreement (21 pages at 25 cents per page reproduction costs), made payable to the U.S. Treasury.

**Robert E. Maher, Jr.,**

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

[FR Doc. 07-5581 Filed 11-7-07; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### ***United States v. Abitibi-Consolidated, Inc. and Bowater Incorporated; 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 Complaint, proposed Final Judgment, Asset Preservation Stipulation and Order, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States v. Abitibi-Consolidated, Inc. and Bowater Incorporated*, Civ. Action No. 1:07CV01912. On October 23, 2007, the United States filed a Complaint alleging

that the proposed merger between Abitibi-Consolidated Inc. ("Abitibi") and Bowater Incorporated would violate section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges that the acquisition would substantially reduce competition for the production, distribution, and sale of newsprint in the United States. Specifically, the Complaint alleges that the merger would enhance the merged firm's ability and incentive to reduce their combined newsprint output and anticompetitively raise newsprint prices in the United States. The proposed Final Judgment, also filed on October 23, 2007, requires the parties to divest Abitibi's Snowflake, Arizona newsprint mill. A Competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, and the remedies available to private litigants who may have been injured by the alleged violation.

Copies of the Complaint, proposed Final Judgment, Asset Preservation Stipulation and Order, and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, 325 Seventh Street, NW., Suite 215, Washington, DC 20530 (202-514-2481), on the Internet at <http://www.usdoj.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee.

Public comment is invited within sixty (60) days of the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Joseph Miller, Assistant Chief, Litigation I Section, Antitrust Division, Department of Justice, 1401 H Street, NW., Suite 4000, Washington, DC 20530 (202-307-0001).

**J. Robert Kramer II,**

*Director of Operations, Antitrust Division.*

#### **The United States District Court for the District of Columbia**

United States of America, Department of Justice, Antitrust Division, 1401 H Street, NW., Suite 4000, Washington, DC 20530, Plaintiff, v. Abitibi-Consolidated Inc., 1155 Metcalfe Street, Suite 800, Montréal, QC H3B 5H2, Canada, and Bowater Incorporated, 55 E. Camperdown Way, Greenville, SC 29601, Defendants; Case No.: \_\_\_\_\_.

Case: 1:07-cv-01912, Assigned To: Collyer, Rosemary M., Assign. Date: 10/23/2007, Description: Antitrust.

### Complaint

The United States of America, acting under the direction of the Acting Attorney General of the United States, brings this civil action to enjoin the proposed merger of Defendants Abitibi-Consolidated Inc. ("Abitibi") and Bowater Incorporated ("Bowater"). The United States alleges as follows:

#### **I. Nature of the Action**

1. On January 29, 2007, Abitibi and Bowater announced plans to merge into a new company to be called AbitibiBowater Inc. in a transaction valued at \$1.6 billion.

2. Abitibi and Bowater are the two largest newsprint producers in North America. The combination of these two firms will create a newsprint producer three times larger than the next largest North American newsprint producer. After the merger, the combined firm will have the incentive and ability to withdraw capacity and raise newsprint prices in the North American newsprint market.

3. Unless the proposed transaction is enjoined, Defendants' merger will substantially lessen competition in the production and sale of newsprint, in violation of section 7 of the Clayton Act, 15 U.S.C. 18.

#### **II. Jurisdiction and Venue**

4. The United States brings this action under section 15 of the Clayton Act, as amended, 15 U.S.C. 25, to prevent and restrain Defendants from violating section 7 of the Clayton Act, 15 U.S.C. 18.

5. Both Defendants produce and sell newsprint in the flow of interstate commerce. Defendants' production and sale of newsprint substantially affect interstate commerce. This Court has subject matter jurisdiction over this action pursuant to section 15 of the Clayton Act, 15 U.S.C. 25 and 28 U.S.C. 1331, 1337(a), and 1345.

6. Defendants have consented to venue and personal jurisdiction in this judicial district.

#### **III. Defendants to the Proposed Transaction**

7. Abitibi, the largest newsprint supplier in North America, is a Canadian corporation with its principal place of business in Montréal, Québec, Canada. Abitibi produces and sells newsprint to customers around the world. Abitibi owns and operates, either solely or with other firms, eleven paper mills in the United States and Canada that currently produce newsprint, as well as one mill in the United Kingdom. In 2006, Abitibi's total sales were approximately \$4.85 billion, including