Virginia. The subject provisions of the State Sip are federally-enforceable pursuant to the Clean Air Act (''CAA'') and 40 CFR part 52.

Under the consent decree, Bassett agreed to and has implemented remedial measures that have brought its facilities into compliance with the CAA and the State SIP. These measures include, but are not limited to, mailing specified repairs to boilers and installing new equipment on boilers at several of its Virginia facilities. Bassett has also agreed to perform two Supplemental Environmental Projects, which include installation and operation of pollution reduction equipment at several of its Virginia facilities and performance of a Pollution Prevention Assessment at four of its Virginia facilities. Further, Bassett has agreed to pay a civil penalty in the amount of $575,000.

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 decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Bassett Furniture Industries, Inc.*, DOJ Reference No. 90–5–2–1–2210.

The proposed consent decree may be examined at the office of the United States Attorney, Suite One, Thomas B. Mason Building, 105 Franklin Road, SW, Roanoke, Virginia 24011–2305; the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029; and the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 2005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $15.25 (.25 cents per page production costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 99–20161 Filed 8–4–99; 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

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *Cordova Chemical Company of Michigan, et al., CA No. G89–0961–CA and CPC International, Inc.* v. *Aeroject-General Corporation, et.al. CA No. G89–10503–CA* (W.D. Michigan) was lodged on July 20, 1999, with the United States District Court for the Western District of Michigan. With regard to the Defendants, Aerojet-General Corporation, Cordova Chemical Company of California and Cordova Chemcial Company of Michigan, (''Settling Defendants''), the Consent Decree resolves a claim filed by the United States on behalf of the United States Environmental Protection Agency (''EPA'') purusuant to the Comprehensive Environmental Response, Compensation and Liability Act, *as amended* 42 U.S.C. 9601, *et seq.*

The United States entered into the Consent Decree in connection with the Ott/Story/ Cordova Site located in Muskegon, Michigan. The Consent Decree provides that the Settling Defendants will be responsible for implementing injunctive relief related to contaminated soil 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 proposed Settlement Order. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *Cordova Chemical Company of Michigan, et al., and CPC International, Inc.* v. *Aerojet-General Corporation, et al.*, DOJ Ref. #90–11–2–481.

The proposed Consent Decree may be examined at the office of the United States Attorney, 330 Ionia Avenue, NW., Suite 301, Grand Rapids, Michigan 49503; the Region 57 office of the Environmental Protection Agency, 77 West Jackson Street, Chicago, Ill 60604; and at the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. In requesting a copy refer to the referenced case and enclose a check in the amount of $49.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 99–20159 Filed 8–4–99; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Suiza Foods Corp. and Broughton Foods Co.; Public Comments and Response

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that Public Comments and Plaintiff's Response have been filed with the United States District Court for the Eastern District of Kentucky, London Division, in *United States* v. *Suiza Foods Corporation and Broughton Foods Company*, Dkt. No. 99–CV–130.

On March 18, 1999, the United States filed a civil antitrust Complaint in the United States District Court for the Eastern District of Kentucky, London Division, alleging that the proposed acquisition of Broughton Foods Company (''Broughton'') by Suiza Foods Corporation (''Suiza'') would violate section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges that Suiza and Broughton compete to sell milk to school districts, that in 55 school districts located in South Central Kentucky the acquisition is likely to substantially lessen competition in the sale of school milk, and that therefore school districts and students would likely pay higher school milk prices or experience lower school milk quality and service.

A proposed Final Judgment embodying the settlement of this case was filed with the Court on April 28, 1999, along with a Competitive Impact Statement describing the Complaint and proposed Final Judgment. The Competitive Impact Statement and invitation for public comments were published in the **Federal Register** on May 17, 1999. Such comments, and the response thereto, are hereby published in the **Federal Register** and filed with the Court.

Copies of the Complaint, Stipulation, proposed Final Judgment, Competitive Impact Statement, Public Comments and Plaintiff's Response also may be inspected in Room 3233 of the Antitrust Division, Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530 (telephone: 202/633–2481) and at the office of the Clerk of the United States District Court for

the Eastern District of Kentucky, London Division, 300 South Main Street, London, Kentucky 40741.

Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations & Merger Enforcement.

United States District Court Eastern District of Kentucky, London Division

[Civil Action No. 99–CV–130]

United States of America, Plaintiff, vs. Suiza Foods Corporation, d/b/a Louis Trauth Dairy, Land O'Sun Dairy, and Flav-O-Rich Dairy, and Broughton Foods Company, d/b/a Southern Belle Dairy, Defendants.

Plaintiff's Response to Public Comments

Plaintiff, the United States of America, pursuant to the Antitrust Procedures and Penalties Act (''Tunney Act''), 15 U.S.C. 16(b)–(h), hereby files the Response to Public Comments relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

Plaintiff filed a civil antitrust Complaint on March 18, 1999, in United States District Court for the Eastern District of Kentucky, London Division, alleging that the proposed acquisition of Broughton Foods Company (''Broughton'') by Suiza Foods Corporation (''Suiza'') would violate section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges that Suiza and Broughton compete to sell milk to school districts, that in 55 school districts located in South Central Kentucky the acquisition is likely to substantially lessen competition in the sale of school milk, and that therefore school districts and students would likely pay higher school milk prices or experience lower school milk quality and service.

The prayer for relief seeks: (a) An adjudication that the transaction described in the Complaint would violate section 7 of the Clayton Act; (b) preliminary and permanent injunctive relief preventing the consummation of the transaction; (c) an award to the United States of the costs of this action; and (d) such other relief as is proper.

After this suit was filed, a proposed settlement was reached that permits Suiza to complete its acquisition of Broughton while preserving competition in the sale of milk in South Central Kentucky school districts where the transaction has raised competitive concerns. A Stipulation and proposed Final Judgment embodying the settlement were filed with the Court on April 28, 1999, along with a Competitive Impact Statement describing the Complaint and proposed Final Judgment. The Competitive Impact Statement and invitation for public comments were published in the **Federal Register** on May 17, 1999.

If entered by the Court, the proposed Final Judgment would order Suiza to divest the entire operations of one of Broughton's dairy plants, Southern Belle Dairy, based in Pulsaki County, Kentucky, and all its related assets. Southern Belle dairy is the one Broughton entity that competes for the sale of milk in all of the school districts alleged in the Complaint to be affected by the merger. Unless the plaintiff grants a time extension, Suiza must divest Southern Belle Dairy and related assets within six (6) months after the filing of the proposed Final Judgment in this action or within five (5) business days after notice of entry of the Final Judgment, whichever is later. If Suiza does not divest Southern Belle Dairy and related assets within that period, the Court, upon plaintiff's application, is to appoint a trustee to sell it. The proposed Final Judgment also requires that, until divestiture has been accomplished, Suiza and Broughton shall take all steps necessary to maintain and operate Southern Belle Dairy as an active competitor such that the sale and marketing of its products shall be conducted separate from, and in competition with, all of Suiza's products, shall maintain sufficient management and staffing,and shall maintain Southern Belle Dairy in operable condition at current capacity configurations.

The 60-day period to submit public comments expired on July 16, 1999. As of the date of the filing of this Response, the United States had received only one public comment. This came from the Food Service Director of Lincoln County Public Schools in Stanford, Kentucky. Lincoln County is one of the 55 school districts alleged in the Complaint to be impacted by the proposed acquisition.

II. Plaintiff's Response to Public Comments

The one public comment received in this matter is essentially an expression of gratitude to the United States Department of Justice staff for intervening in the proposed acquisition and for helping to preserve Southern Belle Dairy as an independent competitor. The Department staff appreciates this comment and has no other response. The single comment reflects the consistent concerns about the acquisition that the Department staff heard from many school food services directors during its investigation. The plaintiff also notes that the lack of any negative public comments indicates generally that there is no sector of the public likely to be dissatisfied with the proposed settlement.

The Court's responsibility under the Tunney Act is to determine whether entry of the proposed Final Judgment is ''within the reaches of the public interest.'' *United States* v. *Western Elec. Co.*, 993 F.2d 1572 (D.C. Cir. 1993). After due consideration of the public comment received, the plaintiff concludes that entry of the proposed Final Judgment as written will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint and is therefore in the public interest. The plaintiff intends to move the Court to enter the proposed Final Judgment after the public comments and this Response have been published in the **Federal Register**, as required by the Tunney Act, 15 U.S.C. 16(d).

Dated: July 29, 1999.

Respectfully submitted,

James K. Foster,

Litigation II Section, U.S. Department of Justice, 1401 H Street, NW, Suite 4000, Washington, DC 20530, (202) 307–0001.

By Facsimile:

Lincoln County Board of Education, 305 Danville Ave., Stanford, Kentucky 40104, USA.

To: U.S. Department of Justice—Antitrust Attn: Craig Conrath

Dear Sir,

Thank you for your intervention in the proposed merger between Flav-O-Rich and Southern Belle Dairy. We were concerned that we would have only one choice and the prices would go out of sight.

We appreciate what you did for our food service program.

Sincerely,

Carolyn Spangler,

Food Service Director, April 29, 1999.

Certificate of Service

I, James K. Foster, hereby certify that, on July 29, 1999, I caused the foregoing document to be served on defendants Suiza Foods Corporation and Broughton Foods Company, by fasimile and first-class mail, postage pre-paid, to:

Paul Denis, Esq., Swidler Berlin Shereff Friedman, LLP, 3000 K Street, NW., Suite 300, Washington, DC 20007, facsimile: 202/424–7645

William Kolasky, Esq., Wilmer, Cutler & Pickering, 2445 M Street, NW., Washington, DC 20037, facsimile: 202/663–6363

James K. Foster,

[FR Doc. 99–20162 Filed 8–4–99; 8:45 am]

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