

a result of an asbestos removal project at a Cytec facility located in Marietta, Ohio.

In the proposed settlement, Cytec and Baker agree to: achieve full compliance with the National Emission Standards for Hazardous Air Pollutants for asbestos (the "asbestos_NESHAP"); implement an Asbestos Control Program as provided in the consent decree; and pay civil penalties of \$176,135 and \$49,518, for Cytec and Baker respectively.

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 Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Cytec Industries, Inc., et al.*, No. C-2-98-1020, DOJ Ref. #90-5-2-1-2223.

The proposed consent decree may be examined at the office of the United States Attorney, 2 Nationwide Plaza, 280 N. High St., Fourth Floor, Columbus, Ohio 43215; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 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 please refer to the referenced case and decree and enclose a check in the amount of \$6.25 (25 cents per page reproduction costs) for the consent decree.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 98-29203 Filed 10-30-98; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act of 1976 (RCRA) as Amended, 42 U.S.C. 6928

Under 28 CFR § 50.7, notice is hereby given that on October 16, 1998, a proposed Consent Decree in *United States v. FMC Corporation, Inc.*, Civil Action No. 98-0406-I-BLW, was lodged with the United States District Court for the District of Idaho.

In this action, the United States sought injunctive relief and penalties for

violations by FMC Corporation (FMC) of the requirements of Sections 3004, 3005, and 3008 of RCRA, 42 U.S.C. §§ 6924, 6925, and 6928, and the regulations promulgated thereunder, in particular 40 CFR parts 261, 262, 265, and 270, at its facility near Pocatello, Idaho. This facility is the world's largest producer of elemental phosphorus, which is used in detergents, beverages, foods, synthetic lubricants, and pesticides, and is located on 1,400 acres within the Shoshone-Bannock Tribe's Fort Hall Indian reservation. The Consent Decree resolved the RCRA violations alleged in the Complaint filed simultaneously with the lodging of the Consent Decree, which stem primarily from FMC's use of certain surface impoundments used to store, treat and dispose of FMC's precipitator slurry/dust, which is also known as furnace off-gas solids, and waste water from the production of elemental phosphorus, which is also called phosphy water. These wastes contain phosphorus, and have been determined to be ignitable and reactive pursuant to 40 CFR § 262.21(a) and 40 CFR § 261.23(a).

The injunctive relief required under the proposed Consent Decree requires FMC to close all ponds illegally handling phosphorus bearing wastes, and operate certain interim use replacement ponds under strict limitations. FMC also must construct a wastewater treatment plant to deactivate the phosphorus bearing wastes, and implement plant upgrades to meet RCRA secondary containment requirements for all units handling ignitable or reactive wastes. FMC also will pay a civil penalty to the United States of \$11,864,800, and will offset approximately \$5 million in additional penalties through the implementation of fourteen Supplemental Environmental Projects (SEPs), which will reduce air emissions substantially in advance of the anticipated requirements of a future Federal Implementation Plan governing the facility under the Clean Air Act. FMC also will undertake as a SEP an environmental and public health assessment to evaluate effects of local pollutants on biota used by the Shoshone-Bannock Tribe in cultural practices, coupled with a public health component to measure any health effects of exposure and to present the findings to tribal members.

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 of the Environment and Natural Resources Division, Department of Justice,

Washington, D.C. 20530, and should refer to *United States v. FMC Corporation, Inc.*, D.J. Ref. 90-7-1-889.

The Consent Decree may be examined at the Office of the United States Attorney, 877 W. Main Street, Suite 201, Boise, Idaho 83702, at U.S. EPA Region 10, 1200 Sixth Avenue, ORC-158, Seattle, Washington 98101, and at the Consent Decree Library, 1120 G Street, N.W., 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, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$12.50 (25 cents per page reproduction cost), with attachments a check in the amount of \$20.75, payable to the Consent Decree Library.

Bruce Gelber,

Deputy 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. Halliburton Company and Dresser Industries, Inc.

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 Order, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States v. Halliburton Company and Dresser Industries, Inc.*, Civil Action No. 98-CV-2340. 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 September 29, 1998, the United States filed a Complaint seeking to enjoin a transaction in which Halliburton Company ("Halliburton") would merge with Dresser Industries, Inc. ("Dresser"). The Complaint alleges that the merger would combine two of four companies that provide logging-while-drilling ("LWD") services for oil and natural gas drilling projects. Oil and gas companies use LWD tools and services when drilling non-vertical wells, especially when drilling offshore. While the drilling ongoing, sensors in