

Johnsonburg Swamp Preserve in New Jersey.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Attention: Daniel W. Pinkston, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026-3986, and should refer to *United States v. Khubani Enterprises, Inc.*, DJ Reference No. 90-5-1-4-354.

The proposed consent decree may be examined at the Offices of the United States Attorney for the District of New Jersey, Federal Building, Room 502, 970 Broad Street, Newark, New Jersey 07102; the New York District Office of the United States Army Corps of Engineers, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278-0090, and at 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 \$7.75 for a copy of the consent decree with attachments.

Letitia J. Grishaw,

Chief, Environmental Defense Section,
Environment and Natural Resources Division,
United States Department of Justice.

[FR Doc. 95-24362 Filed 9-29-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree, Pursuant to the Clean Water Act

In accordance with Departmental policy and 28 CFR § 50.7, notice is hereby given that a proposed consent decree in *United States of America and Division of Water Resources, Department of Natural Resources, State of West Virginia v. Rayle Coal Company, et al.*, Civil Action No. 87-0085-W(K) consolidated with *Rayle Coal Company, et al. v. United States Environmental Protection Agency and Division of Water Resources, Department of Natural Resources, State of West Virginia*, Civil Action No. 88-0094-W(K), was lodged on or about September 19, 1995, with the United States District Court for the Northern District of West Virginia.

The proposed consent decree pertains to the United States' claims pursuant to Sections 301 and 309 of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1311 and 1319, and the State of West Virginia's claims pursuant to the West Virginia Water Pollution Control Act that the Defendants discharged effluent from an abandoned coal mine refuse pile on

Defendants' property near Tridelpia, West Virginia into Storch's Run, a tributary of Middle Wheeling Creek, without a permit. In the Decree, the Defendants (specifically, Rayle Coal Company and Marietta Coal Company) are required to expeditiously apply for an NPDES permit for effluent discharged from their abandoned coal mine refuse pile into Storch's Run. Further, the Defendants are required: (1) To pay a civil penalty of \$145,000 to the United States and the State of West Virginia; (2) to comply with interim effluent limitations at a specified discharge point until the Defendants' NPDES permit is final for purposes of administrative or judicial appeal; (3) to restore Storch's Run by cleaning treatment ponds, properly disposing of sludge from the cleanup and maintenance of the wastewater treatment system, by reclaiming all areas disturbed by restoration activities, and by certifying that the design and construction of the dams used in the treatment system meet appropriate state requirements; (4) to monitor and report compliance with the terms of the Consent Decree; (5) to pay stipulated penalties for failing to comply (a) with any interim effluent limitation, monitoring or reporting requirement in the Consent Decree, or (b) with effluent limitations set forth in the Defendants' NPDES permit for a six month compliance period.

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 of America and Division of Water Resources, Department of Natural Resources, State of West Virginia v. Rayle Coal Company, et al.*, DOJ Ref. #90-5-1-1-2826.

The proposed consent decree may be examined at the Office of the United States Attorney, 1100 Main Street, Suite 200, Wheeling, West Virginia; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, NW., 4th 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., 4th Floor, Washington, DC 20005. In requesting a copy of the body of the proposed decree, please refer to the referenced case and enclose a check in the amount of \$10.25 (25

cents per page reproduction costs), for each copy. The check should be made payable to the Consent Decree Library. Joel Gross,

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

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Antitrust Division

United States v. National Automobile Dealers Association; 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) through (h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia, in *United States v. National Automobile Dealers Association*, Civil Action No. 95-1804 (HHG). The Complaint alleged that the National Automobile Dealers Association ("NADA") engaged in anticompetitive practices designed to lessen price competition among car dealers. Those practices included encouraging members to maintain specific inventory levels at their dealerships, urging members to boycott manufacturers and auto brokers, and soliciting agreements from members not to advertise prices based on their own cost of buying the automobile.

On September 20, 1995, the United States and the NADA filed a Stipulation in which they consented to the entry of a proposed Final Judgment that, if approved by the court, would enjoin the NADA for ten years from entering into agreements with dealers to fix or maintain motor vehicle prices, urging or encouraging dealers to adopt or to refrain from adopting specific pricing or advertising policies, urging dealers to boycott or reduce the business they do with manufacturers or brokers, and terminating any dealer for reasons relating to the dealer's prices or advertising policies. The proposed Final Judgment would also require the NADA to set up an antitrust compliance program.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the Federal Register and filed with the Court. Comments should be directed to Mary Jean Moltenbrey, Chief, Civil Task Force II, Antitrust Division, Department of Justice, Liberty Place Building, Room 300, 325 Seventh