

Postal Service are not expected to be received in a timely manner. Therefore, comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, and sent (1) C/O Eve Vaudo, U.S. E.P.A. Region 1, One Congress Street, Boston, MA 02114-2023; (2) by facsimile to (202) 353-0296; and/or (3) by overnight delivery, other than through the U.S. Postal Service, to Chief, Environmental Enforcement Section, 1425 New York Avenue, NW, 13th Floor, Washington, DC 20005. Each communication should refer on its face to *United States v. Franc Motors, et al.*, D.J. Ref. 90-11-3-07333/3.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Connecticut Financial Center, New Haven, CT, and at the Region 1 office of the Environmental Protection Agency, One Congress Street, Boston, MA. A copy of the proposed Consent Decree may also be obtained by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 616-6584; phone confirmation no. (202) 514-1547. There is a charge for the copy (25 cents per page reproduction cost). Upon requesting a copy, please mail a check payable to the "U.S. Treasury," in the amount of amount of five dollars (\$5.00) to the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. The check should refer to *United States v. Franc Motors, et al.*, D.J. Ref. 90-11-3-07333/3.

Ronald G. Gluck,

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

[FR Doc. 02-4432 Filed 2-22-02; 8:45 am]

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DEPARTMENT OF JUSTICE

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

Notice is hereby given that a proposed Consent Decree in *United States of America and the State of Alabama v. The Board of Water and Sewer Commissioners of the City of Mobile, Alabama*, Civ. No. 02-0058-CB-S, and *Mobile Bay Watch, Inc. v. The Board of Water and Sewer Commissioners of the City of Mobile, Alabama*, Civ. No. CV-99-0595-CB-S, was lodged on January 24, 2002, with the United States District Court for the Southern District of Alabama.

The proposed Consent Decree would resolve certain claims under sections

301 and 402 of the Clean Water Act, 33 U.S.C. 1251, *et seq.*, against the Board of Water and Sewer Commissioners of the City of Mobile, Alabama ("Board"), through the performance of injunctive measures, the payment of a civil penalty, and the performance of Supplemental Environmental Projects ("SEPs"). The United States, the State of Alabama and Mobile Bay Watch, Inc., allege that the Board is liable as a person who has discharged a pollutant from a point source to navigable waters of the United States without a permit and, in some cases, in excess of permit limitations.

The proposed Consent Decree would resolve the liability of the Board for the violations alleged in the complaints filed in these matters. The proposed Consent Decree would release claims against the Board for performance of injunctive measures to remedy the alleged violations, and for penalties for the violations alleged in the complaints. To resolve these claims, the Board would perform the injunctive measures described in the proposed Consent Decree, including the implementation of a capacity assurance program, a grease control program, and a water quality monitoring program; would pay a civil penalty of \$114,000 (\$99,000 to the United States Treasury and \$15,000 to the State of Alabama); and would perform four SEPs valued at \$2.5 million collectively, including the installation of new private sewer laterals in low-income households within the Board's service area, the acquisition of environmentally beneficial parcels of land, and the creation of a water quality monitoring database.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this application. As a result of the discovery of anthrax contamination at the District of Columbia mail processing center in mid-October, 2001, the delivery of regular first-class mail sent through the U.S. Postal Service has been disrupted. Consequently, public comments which are addressed to the Department of Justice in Washington, DC and sent by regular, first-class mail through the U.S. Postal Service are not expected to be received in timely manner. Therefore, comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, and sent: (1) c/o Melissa Heath, Assistant Regional Counsel, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303; and/or (2) by facsimile to (202) 353-0296; and/or (3) by overnight

delivery, other than through the U.S. Postal Service, to Chief, Environmental Enforcement Section, 1425 New York Avenue, NW, 13th Floor, Washington, DC 20005. Each communication should refer on its face to *United States v. The Board of Water and Sewer Commissioners of the City of Mobile, Alabama*, DJ No. 90-5-1-1-06985.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Southern District of Alabama, 63 South Royal Street, Mobile, AL 36602, and at the Region 4 Office of the Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta GA 30303. A copy of the proposed Consent Decree may also be obtained by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 616-6584; phone confirmation no. (202) 514-1547. There is a charge for the copy (25 cents per page reproduction cost). Upon requesting a copy, please mail a check payable to the "U.S. Treasury", in the amount of \$25.75, to: Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. The check should refer to *United States v. The Board of Water and Sewer Commissioners of the City of Mobile, Alabama*, DJ No. 90-5-1-1-06985.

Walker Smith,

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

[FR Doc. 02-4431 Filed 2-22-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Amendment To Consent Decree in Accordance With the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")

In accordance with Department of Justice Policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that on January 17, 2002, a proposed Order to Amend Consent Decree was lodged with the United States District Court for the Eastern District of Pennsylvania in *United states and the Commonwealth of Pennsylvania v. Settling Defendants*, Civil Action No. 99-4402.

In 1999, the United States and Settling Defendants entered into a Consent Decree in this case concerning the Malvern TCE Superfund Site ("Site") in Chester County, Pennsylvania, for conduct of certain response actions at the Site and the payment of certain response costs

therefore. This Consent Decree was entered by the Court on December 13, 1999.

The Consent Decree contains a reservation of rights by the Settling Defendants as to, among other things, claims against the United States "based on the discovery of information or documentation that * * * the volume of hazardous substances attributable to the United States exceeds the amount agreed to by the Settling Parties * * *." Decree paragraph 109(c). Appendix F to the Decree provides a procedure and payment schedule that specifies the response costs on a per-drum basis for such additional waste attributable to the United States.

Additional drums of waste attributable to the United States Department of the Army ("Army") and to the National Institutes of Health ("NIH") have been identified. Accordingly, the United States and Settling Defendants have agreed to amendments to the Consent Decree to: (1) Add the Army and NIH as parties to the Consent Decree, thereby resolving potential claims against these Agencies for cleanup costs relating to drums of hazardous waste discovered at the Site; and to (2) reflect that 203 drums have been attributed to the Army, and that 165.60 drums have been attributed to NIH, with a total proposed payment by the United States to the Settling Performing Defendants of \$464,506.90, on behalf of these Agencies as their respective shares of the performance and payment obligations to be incurred by Settling Defendants in carrying out response actions required by the Consent Decree. Consistent with the applicable requirement of the Consent Decree, the Commonwealth of Pennsylvania has been consulted and has concurred in the amendments.

The Department of Justice will receive written comments by facsimile transmission ("FAX") relating to the proposed Order to Amend Consent Decree for thirty (30) days from the date of publication of this Notice. Comments should be sent by FAX to (202) 514-8865, and should be addressed to D. Judith Keith, Environment and Natural Resources Division, Environmental Defense Section, U.S. Department of Justice, Washington, DC, and should refer to *United States and the Commonwealth of Pennsylvania v. Settling Defendants*, DOJ. Ref. No. 90-11-6-80.

A copy of the proposed Order to Amend Consent Decree may be obtained by request. Requests should be sent by FAX to (202) 514-8865, and should be addressed to Allison Booker, U.S. Department of Justice, Environment and

Natural Resources Division, Environmental Defense Section, and should refer to the proposed Order to Amend Consent Decree in *United States and the Commonwealth of Pennsylvania v. Settling Defendants*, DOJ. Ref. No. 90-11-6-80.

Letitia J. Grishaw,

Chief, Environment & Natural Resources Division, Environmental Defense Section.

[FR Doc. 02-4434 Filed 2-22-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Sprint Corp. and Joint Venture Co., Civil No. 95-1304 (D.D.C.); United States' Notice of Proposed Medication of the Final Judgment

Notice is hereby given that the United States and both Sprint Corporation ("Sprint") and Equant N.V. ("Equant"), defendants in the above-captioned matter, have entered into a Stipulation to modify the Final Judgment entered by the United States District Court for the District of Columbia on February 16, 1996. In this Stipulation filed with the Court, the United States has provisionally consented to modification of the Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On July 13, 1995, the United States filed the complaint in this case. The complaint alleged that the sale of 20% of the voting shares of Sprint to France Telecom ("FT") and Deutsche Telekom A.G. ("DT") and the formation of a joint venture among Sprint, FT and DT to provide certain international telecommunications services, would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18, in the markets for international telecommunications services between the United States and France and the United States and Germany, and in the markets for seamless international telecommunications services. At the same time as it filed the Complaint, the United States filed a proposed Final Judgment to resolve the competitive concerns alleged in the Complaint, and a stipulation by defendants and the United States consenting thereto.

At the time of the entry of the Final Judgment, Joint Venture Co. was the proposed joint venture of Sprint, FT and DT. Subsequently, the joint venture was formed and given the name Global One. In January 2000, Sprint, FT and DT agreed to terminate their joint venture, with FT acquiring sole ownership of the former joint venture, but Global One

continued to be bound by the Final Judgment as the successor to the joint venture. In July 2001 Global One was acquired by Equant N.V., and FT acquired majority ownership and control of Equant. Therefore, Equant, as the successor to Global One, is now identified as the defendant that was referred to as Joint Venture Co. in the Final Judgment, and is substituted for Joint Venture Co. in the proposed Modified Final Judgment.

The Final Judgment, which was entered by consent of the parties on February 16, 1996, includes various restrictions affecting Sprint and Equant's relationship to FT and DT. These restrictions operated in two distinct phases, lessening over time as competition developed in France and in Germany. The Phase I restrictions, contained in Section III of the Final Judgment, were terminated by the Court on November 2, 1998, pursuant to a stipulation between the United States and the defendants, in recognition of competitive developments in France and Germany. Defendants continue to be subject to the substantive obligations of Section II of the Final Judgment until January 1, 2003. The Section II obligations, which are intended to prevent Equant and Sprint from receiving competitive advantages from their association with FT and DT: (1) Require Equant and Sprint to disclose certain information related to prices, terms and conditions of certain FT and DT telecommunications products and services that are provided in France or in Germany or between France and Germany and the United States and are used by Equant or Sprint; (2) preclude Equant and Sprint from receiving competitively sensitive information from FT and DT that FT and DT obtain from the competitors of Equant and Sprint; and (3) prohibit Equant and Sprint from offering certain services between the United States and France and Germany unless other United States providers also have or can readily obtain licenses from the French and German governments to offer the same service.

The United States and defendants Sprint and Equant have provisionally agreed to modify the Final Judgment because of changed circumstances in the relationship between Equant and Sprint, and FT and DT. In June 2001, FT and DT sold their ownership interests in Sprint's FON stock, which formed the basis of the United States' concern about FT's and DT's acquisition of 10% interests in Sprint, and Sprint sold its Global One ownership interest to FT on February 22, 2000. These events form the basis for the proposed termination of