

**DEPARTMENT OF JUSTICE****Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response Compensation and Liability Act**

Under 28 CFR 50.7, notice is hereby given that on August 4, 2004, a proposed Settlement Agreement in *In re BII Liquidation, Inc.*, (f/k/a Burlington Industries, Inc.) No. 01-11282 (RJN) (jointly administered) was lodged with the United States Bankruptcy Court for the District of Delaware.

In this action, the United States sought the recovery of responses costs associated with four sites; the Carolina Steel Drum Site, York County, South Carolina; the Industrial Pollution Control Superfund Site ("IPC" site) Hinds County Mississippi; the J Street Site, Harnett County, North Carolina, and the FCX Statesville Site, Iredell County, North Carolina (Operable Unit 1). The Settlement Agreement provides that the claims of the United States Environmental Protection Agency for response costs at those sites will be treated as general unsecured claims in the following amounts: At the IPC site—\$5,000; at the J Street Site—\$160,038.50 and the FCX Statesville Site, Operable Unit 1—\$665,381.32. The claims of the United States at the Carolina Drum Site are withdrawn. With respect to the IPC, J Street Site, and FCX Statesville Site claims, the United States waives and releases any other environmental claims it might have at these sites except for, among others, natural resource damage claims.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re BII Liquidation, Inc.*, (f/k/a Burlington Industries, Inc.), D.J. Ref. 90-11-3-0787.

The Settlement Agreement may be examined at the Office of the United States Attorney, for the Northern District of Georgia, 600 U.S. Courthouse, 75 Spring Street, SW., Atlanta 30303-3309, and at U.S. EPA Region IV, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303. During the public comment period, the Settlement Agreement may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Settlement Agreement 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 number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$3.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Benjamin Fisherow,**

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

[FR Doc. 04-18944 Filed 8-17-04; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Filing Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**

Notice is hereby given that on or about July 21, 2004, a proposed Settlement Agreement in *In re: Franklin Environmental Services, Inc.*, Case No. 02-17897-CJK, was filed pursuant to Fed. R. Bank. Proc. 9019 with the United States Bankruptcy Court for the District of Massachusetts, Eastern Division.

The proposed Settlement Agreement resolves a claim asserted in this Chapter 11 bankruptcy proceeding by the United States on behalf of the United States Environmental Protection Agency ("EPA") for reimbursement of response costs incurred or to be incurred by EPA at the Beede Waste Oil Superfund Site ("Beede Site"), located in Plaistow, New Hampshire, from Franklin Environmental Services, Inc. ("Franklin"). The United States alleged Franklin was liable as a transporter under section 107(a)(4) of CERCLA, 42 U.S.C. 9606(a)(4).

The United States and Franklin have agreed under the Settlement Agreement that the United States' claim shall be allowed as an Unsecured Claim in the amount of \$346,737.17, and paid as a Class 3 Unsecured Claim without discrimination in accordance with the terms of the Bankruptcy Plan.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re:*

*Franklin Environmental Services, Inc.*, Case No. 02-17897-CJK, D.J. Ref. # 90-11-3-07039/6.

The Settlement Agreement may be examined at the Office of the United States Attorney, United States Courthouse, One Courthouse Way, Boston, MA 02210, and at U.S. EPA New England—Region One, One Congress Street, Suite 1100, Boston, MA 02114-2023. During the public comment period, the Settlement Agreement, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Settlement Agreement 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 number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$2.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 04-18945 Filed 8-17-04; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Antitrust Division****Proposed Modification of Final Judgment**

Notice is hereby given that Defendants, SBC Communications Inc. ("SBC") and BellSouth Corporation ("BellSouth"), and Plaintiff, United States, have filed a joint motion to modify the Final Judgment in *United States v. SBC Communications Inc. and BellSouth Corporation*, Civil No. 1:00CV02073, with the United States District Court for the District of Columbia, and that the Department of Justice, in a stipulation also filed with the Court, has tentatively consented to modification of the Final Judgment if certain conditions are met, and has reserved the right to withdraw its consent pending receipt of public comments.

On August 30, 2000, the United States filed a complaint in this case alleging that the proposed joint venture between SBC and BellSouth, to form Cingular Wireless LLC ("Cingular"), would substantially lessen competition in wireless mobile telephone service in

certain areas in California, Indiana, and Louisiana. On December 29, 2000, a Final Judgment was entered with the consent of the Defendants which required them to make certain divestitures of licenses and assets in relevant markets for mobile wireless telecommunications services in California, Indiana, and Louisiana. The Final Judgment bars the defendants from reacquiring any of the divested spectrum licenses for the term of the decree, which expires December 29, 2010. On February 17, 2004, Cingular announced an agreement to acquire AT&T Wireless Services Inc. ("AT&T Wireless", which purchased the divested licenses in California and Indiana. Due to changes in competitive conditions in the affected geographic areas, the United States believes that the Final Judgment's prohibition on reacquiring these spectrum licenses is no longer necessary to preserve competition in these affected areas. The modification would allow the defendants to reacquire the divested spectrum licenses in the Los Angeles MSA and in the Indianapolis MTA. Reacquisition of the divested spectrum licenses in 5 BTAs within the Indianapolis MTA is conditioned upon Cingular not acquiring control of or an interest in certain other spectrum licenses in those BTAs as part of its acquisition of AT&T Wireless.

The Department has filed with the Court a memorandum setting forth the reasons why the United States believes that modification of the Final Judgment would serve the public interest. Copies of the joint motion papers, the stipulation containing the United States's tentative consent, the United States's memorandum, and all further papers filed with the Court in connection with this motion will be available for inspection at the Antitrust Documents Group, Antitrust Division, Liberty Place Building, Room 215, 325 7th Street, NW., Washington, DC 20530 (202-514-2481), 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 set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed modification of the Final Judgment to the United States. Such comments must be received by the Antitrust Division within thirty (30) days and will be filed with the Court by the United States. Comments should be addressed to Nancy Goodman, Chief, Telecommunications & Media Enforcement Section, Antitrust

Division, U.S. Department of Justice, City Center Building, 1401 H Street, NW., Suite 8000, Washington, DC 20530 (202-514-5621).

**J. Robert Kramer II,**  
*Director of Operations, Antitrust Division.*  
[FR Doc. 04-18855 Filed 8-17-04; 8:45 am]  
**BILLING CODE 4410-11-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Dialkyl Project

Notice is hereby given that, on July 16, 2004, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Dialkyl Project has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and project status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the objectives of the Third Revised and Restated Agreement Among Members of the Dialkyl Project are to revise the membership and administration of the Project and to set new conditions for termination of the Project. Huntington Laboratories, Huntington, IN is no longer a member. The conditions for termination having been met, the Dialkyl Project is terminated and only certain provisions remain including, *inter alia*, those relating to data compensation, liability, confidentiality and administrative matters.

No other changes have been made in either the membership or planned activity of the group research project.

On August 3, 1988, the Dialkyl Project filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 25, 1988 (53 FR 32480).

The last notification was filed with the Department on May 15, 1996. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 5, 1996 (61 FR 28596).

**Dorothy B. Fountain,**  
*Deputy Director of Operations, Antitrust Division.*  
[FR Doc. 04-18857 Filed 8-17-04; 8:45 am]  
**BILLING CODE 4410-11-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research And Production Act of 1993—Joint Venture Under ATP Award No. 70NANB4H3027

Notice is hereby given that, on July 19, 2004, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Joint Venture Under ATP Award No. 70NANB4H3027 has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are The POM Group, Inc., Auburn Hills, MI; Nuvonyx Inc., Bridgeton, MO; and Stellite Coatings, Goshen, IN. The nature and objectives of the venture are to develop and demonstrate high speed, ultra-precision Direct Metal Deposition (DMD) technology for tool and die manufacturing, which creates metal alloys with unique and controlled mechanical properties. This technology will be incorporated with a high power fiber-coupled diode laser power source and a Dry EDM final finishing process. The activities of this Joint Venture project will be partially funded by an award from the Advanced Technology Program, National Institute of Standards and Technology, U.S. Department of Commerce.

**Dorothy B. Fountain,**  
*Deputy Director of Operations, Antitrust Division.*  
[FR Doc. 04-18858 Filed 8-17-04; 8:45 am]  
**BILLING CODE 4410-11-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant To The National Cooperative Research and Production Act of 1993—NuStart Energy Development, LLC

Notice is hereby given that, on July 19, 2004, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), NuStart Energy Development, LLC has filed written notifications simultaneously with the