

**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 The claims of the United States at the Carolina Drum Site are withdrawn.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.*

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**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.*

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**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