

on June 3, 1999, a proposed Consent Decree in *United States v. Robert Bosch Corporation*, Civil Action No. 1:99-CV-414, was lodged with the United States District Court for the Western District of Michigan for a period of thirty day to facilitate public comment.

The settlement embodied in the proposed Consent Decree requires Bosch, the only settling party, to reimburse the Environmental Protection Agency ("EPA") all unreimbursed costs associated with, and to perform the remedy selected by EPA for, the Bosch/Bendix Braking Superfund Site located in St. Joseph, Michigan. The remedial action to be performed by Bosch will include soil vapor extraction, natural attenuation of contaminated groundwater together with monitoring of groundwater and a contingent groundwater remediation plan if contamination exceeds defined triggers, and deed restrictions and other institutional controls to assure that contaminated groundwater will not be used as drinking water.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Robert Bosch Corporation* D.J. Ref. No. 90-11-2-06028.

The Consent Decree may be examined at the Office of the United States Attorney, Western District of Michigan, 3300 Ionia Avenue, Grand Rapids, Michigan 49503, at the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604-3590, and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please refer to the above-referenced case and enclose a check in the amount of \$23.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*
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DEPARTMENT OF JUSTICE

[AAG/Order No. 168-99]

Privacy Act of 1974; Notice of the Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice is removing a published Privacy Act system of records entitled: "Position Accounting/Control System (PACS), JUSTICE/INS-003" (JUSTICE/INS-003 was most recently published on March 10, 1992 (57 FR 8483).)

JUSTICE/INS-003 is being removed because PACS duplicates JUSTICE/JMD-003, "Department of Justice Payroll System." (JUSTICE/JMB-003 was most recently published on April 13, 1999 (64 FR 18054).)

Therefore, the "PACS," is removed from the Department's compilation of Privacy Act systems.

Dated: June 10, 1999.

Stephen R. Colgate,

*Assistant Attorney General for
Administration.*

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DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Motorola, Inc. and Nextel Communications, Inc.

Notice is hereby given that Nextel Communications, Inc. ("Nextel") has moved to modify the Final Judgment entered by this Court on July 25, 1995. In a stipulation filed with the Court, the Department of Justice ("Department") has tentatively consented to modification of the Judgment, but has reserved the right to withdraw its consent pending receipt of public comments. On October 27, 1994, the United States filed a civil antitrust complaint, *United States v. Motorola, Inc. & Nextel Communications, Inc.*, Civil No. 1:94CV02331 (TFH) (D.D.C.), seeking to enjoin a proposed transaction between Nextel and Motorola which, it alleged, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18. Nextel, then the nation's largest provider of specialized mobile radio ("SMR"), or dispatch services, had agreed to acquire most of Motorola's dispatch business. The complaint alleged that the Nextel/Motorola transaction was likely to reduce competition substantially in fifteen (15) major cities in the United States in the market for trunked SMR services.

The Final Judgment, filed contemporaneously with the complaint and entered by the Court on July 25, 1995, after review pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), contained three provisions designed to remedy the anticompetitive effects of the transaction: (1) Nextel and Motorola were required to divest themselves of substantially all of their SMR channels in the 900 MHz radio band and to release, upon request of the license holders, substantially all the 900 MHz SMR channels they managed in a number of large cities; (2) Nextel and Motorola, jointly, were prohibited from holding or acquiring more than thirty (30) 900 MHz channels in Boston, Chicago, Dallas, Houston, Los Angeles, San Francisco, Miami, Orlando, New York, Philadelphia, Denver, and Washington, DC (the "Category A Cities"), and ten (10) 900 MHz channels in Detroit and Seattle (the "Category B Cities"); and (3) Nextel and Motorola were required to sell 42 800 MHz channels to an independent service provider in Atlanta, Georgia. These provisions were specifically designed to preserve competition for trunked SMR customers by limiting for ten years the 900 MHz spectrum Nextel and Motorola would own and control and by ensuring that there would be sufficient 900 MHz capacity to permit the entry of new trunked SMR service providers.

Many of the 900 MHz channels divested pursuant to the Final Judgment were acquired by Geotek Communications, Inc. ("Geotek"), which acquired additional 900 MHz channels and used the spectrum to offer dispatch services in competition with Nextel. However, Geotek's efforts to enter the dispatch market ultimately failed, and its sizable blocks of the 900 MHz licenses in metropolitan areas nationwide will be available for use by some other firm.

On February 16, 1999, Nextel filed a Motion to Vacate Consent Decree, a motion which, if granted, would have allowed Nextel to acquire the Geotek licenses, as well as additional 900 MHz spectrum. The United States opposed Nextel's request for immediate termination of the decree. The Court scheduled an evidentiary hearing on Nextel's motion to vacate the decree to begin on June 14, 1999. Thereafter, on the eve of that hearing, the United States and Nextel reached agreement on the terms of a proposed modification of the Final Judgment, and signed a Stipulation reflecting that agreement, as well as their agreement that proceedings in connection with Nextel's motion to vacate the decree should be stayed