

the Environmental Protection Agency ("EPA") during the performance of a response action to address releases and threatened releases of hazardous substances at the Mallory Capacitor Co. Superfund Site ("Site") in Waynesboro, Wayne County, Tennessee. The Decree resolves the liability of Defendant Battery Properties, Inc. for the United States' past response costs, interim response costs, and future oversight costs. The Defendant will pay \$39,149 to the Hazardous Substances Superfund in reimbursement of EPA's response costs at or in connection with the Site through September 30, 1999. The Defendant will pay all response costs incurred between October 1, 1999 and the date of entry of the consent decree. In addition, Defendant will pay EPA's future oversight costs incurred during Defendant's performance under EPA's March 4, 1992 Unilateral Administrative Order for Remedial Design and Remedial Action.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. 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 *United States v. Battery Properties, Inc.*, DOJ Ref. 90-11-2-733/1.

The Consent Decree may be examined at the Office of the United States Attorney, Middle District of Tennessee, 110 Ninth Avenue, S., Suite A-961, Nashville, Tennessee 37203, and at EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington DC 20044-7611. In requesting a copy, please refer to *United States v. Battery Properties, Inc.*, Civ. No. 1-01-0009 (M.D. Tenn.), DOJ Ref. 90-11-2-733/1, and enclose a check in the amount of \$5.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ellen M. Mahan,

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

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DEPARTMENT OF JUSTICE

Environment and Natural Resources Division; Notice of Lodging of Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Hartz Construction Co., Inc.*, Civ. No. 98-C-4785 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois on June 15, 2001. This proposed Consent Decree concerns a complaint filed by the United States of America against Hartz Construction Co., Inc., pursuant to section 309(b) and (d), and section 404(s), of the Clean Water Act, 33 U.S.C. 1319(b), (d), 1344(s), to obtain injunctive relief and impose civil penalties against the Defendant for unlawfully discharging dredged or fill materials into waters of the United States at two sites located in Cook County, Illinois, and for failing to comply with requests for information in accordance with Clean Water Act section 308(a), 33 U.S.C. 1318(a).

The proposed Consent Decree requires the Defendant to pay a civil penalty in the amount of \$80,000, for its unauthorized discharges and for its noncompliance with requests for information. In addition, the Defendant has established an area within or adjacent to both of the sites for the purpose of creating waters of the United States to mitigate the loss of waters of the United States as alleged in the Complaint. The proposed Consent Decree further reflects the fact that the Defendant has represented that it has now fully and completely responded to the requests for information.

The Department of Justice will receive written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, Attention: Joshua M. Levin, P.O. Box 23986, Washington, D.C. 20026-3986. Please refer to the matter of *United States v. Hartz Construction Co., Inc.*, DJ Reference No. 90-5-1-1-05007.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, IL 60604. In addition, the proposed Consent Decree may be

viewed on the World Wide Web at <http://www.usdoj.gov/enrd/enrd-home.html>.

Scott A. Schachter,

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

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993: AAF Association, Inc.

Notice is hereby given that, on June 19, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), AAF Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership 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, Grass Valley Group, Beaverton, OR; NL Technology, North Andover, MA; Pandora International, Ltd., Northfleet, Kent, United Kingdom; and Warner Bros., Burbank, CA have been added as parties to this venture. Also, Sonic Foundry, Madison, WI has been dropped as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AAF Association, Inc. intends to file additional written notification disclosing all changes in membership.

On March 28, 2000, AAF Association, Inc. 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 June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on March 20, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 11, 2001 (66 FR 18799).

Constance K. Robinson,

Director of Operations, Antitrust Division.

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