

formulate and combine polyurethane and hydrophilic rubber compounds to produce a practical, economical, and reliable means of sealing water leaks, primarily in concrete dams and other concrete water storage structures. More specifically the product would include a porous hydrophilic rubber impregnated with a water reactive polyurethane resin. When the material comes into contact with water, the rubber and polyurethane swell, resulting in increased adhesion with the substrate and improved leak sealing. Significant additional R&D is required to develop the compounding approach.

Properly filed competing applications completed and received by Reclamation in response to this notice will be considered as objections to the grant of the contemplated license. Application forms are available from the Office of the Research Director, Bureau of Reclamation at the address above.

There may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety. For those individuals without a business address, Reclamation's practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law.

Dated: May 4, 2004.

Charles Hennig,

*Acting Director, Research and Development,
Bureau of Reclamation.*

[FR Doc. 04-10950 Filed 5-13-04; 8:45 am]

BILLING CODE 4310-MN-P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-438 (Preliminary) and 731-TA-1076 (Preliminary)]

Live Swine From Canada

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of live swine, provided for in subheadings 0103.91.00 and 0103.92.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by federal and provincial governments in Canada and sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the *Federal Register* as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Background

On March 5, 2004, a petition was filed with the Commission and Commerce by the National Pork Producers Council, 8 state associations, and 119 individual pork producers, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized and LTFV imports of live swine from Canada. Accordingly, effective March 5, 2004, the Commission instituted antidumping and countervailing duty investigations Nos. 701-TA-438 (Preliminary) and 731-TA-1076 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the *Federal Register* of March 16, 2004 (69 FR 12347, March 16, 2004). The conference was held in Washington, DC, on March 26, 2004, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 10, 2004. The views of the Commission are contained in USITC Publication 3693 (May 2004), entitled *Live Swine From Canada: Investigations Nos. 701-TA-438 (Preliminary) and 731-TA-1076 (Preliminary)*.

By order of the Commission.

Issued: May 11, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-10939 Filed 5-13-04; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[USITC SE-04-012]

Government in the Sunshine Act Meeting Notice

AGENCY: United States International Trade Commission.

TIME AND DATE: May 27, 2004 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. No. AA1921-167 (Second Review) (Pressure Sensitive Plastic Tape

from Italy)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before June 7, 2004.)

5. Inv. No. AA1921-188 (Second Review) (Prestressed Concrete Steel Wire Strand from Japan)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before June 7, 2004.)

6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: May 11, 2004.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 04-11060 Filed 5-12-04; 9:27 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Public Comments and Response on Proposed Final Judgment in United States v. First Data Corporation and Concord EFS, Inc.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States hereby publishes below the comments received on the proposed Final Judgment in *United States v. First Data Corporation and Concord EFS, Inc.*, Civil Action No. 1:03CV02169, filed in the United States District Court for the District of Columbia, together with the United States' response to the comments.

Copies of the comments and response are available for inspection at Room 200 of the Department of Justice, Antitrust Division, 325 Seventh Street, NW., Washington, DC 20530, telephone (202) 514-2481, and at the Office of the Clerk of the United States District Court for the District of Columbia, E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, NW., Washington, DC 20001. Copies of any of

these materials may be obtained upon request and payment of a copying fee.

J. Robert Kramer, II,
Director of Operations, Antitrust Division.

In the United States District Court for the District of Columbia

United States of America, et al., Plaintiffs, v. First Data Corporation and Concord EFS, Inc., Defendants

Case Number: 1:03CV02169.
Judge: Hon. Rosemary M. Collyer.
Filed: May 7, 2004.

Response to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (“Tunney Act”), the United States files the comments of the public concerning the proposed Final Judgment in this case and the United States’ responses to those comments. After careful consideration of the comments, the United States continues to believe that the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint. The United States will move the Court to enter the proposed Final Judgment after the public comments and this Response have been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d).

I. Background

On October 23, 2003, plaintiffs the United States and the states of Connecticut, Illinois, Louisiana, Massachusetts, New York, Ohio, Pennsylvania, and Texas, and the District of Columbia (collectively “Plaintiff States”) filed a Complaint alleging that the proposed acquisition of Concord EFS, Inc. (“Concord”) by First Data Corporation (“First Data”) would violate section 7 of the Clayton Act, as amended, 15 U.S.C. 18. The Complaint alleged that First Data’s acquisition of Concord would substantially reduce competition in the market for PIN debit network services by combining the STAR and NYCE point-of-sale PIN debit networks.¹ Concord’s STAR network is the largest PIN debit network in the United States, currently switching approximately half of all U.S. PIN debit transactions. NYCE is the third-largest PIN debit network. First Data owns a 64 percent controlling interest in NYCE.

¹ PIN debit networks are the telecommunications and payment infrastructure that connects merchants to consumers’ demand deposit accounts at banks. These networks enable consumers to purchase goods and services from merchants through PIN debit transactions by swiping their bank card at a merchant’s terminal and entering a Personal Identification Number, or PIN. Within seconds, the purchase amount is debited from the customer’s bank account and transferred to the retailer’s bank.

The transaction would have eliminated the competition between STAR and NYCE, leading to higher prices for PIN debit network services to merchant customers. Merchants would have passed on at least some of the higher costs of PIN debit transactions by raising the prices of their goods and services, to the detriment of tens of millions of consumers throughout the United States.

On December 15, 2003, the United States, the Plaintiff States and the Defendants filed a proposed Final Judgment and Hold Separate Stipulation and Order. On January 9, 2004, the parties, by consent, filed an Amended Hold Separate Stipulation and Order. The proposed Final Judgment requires First Data, within 150 calendar days after the Court’s signing of the original Hold Separate Stipulation and Order, or five days after notice of the entry of the Final Judgment by the Court, whichever is later, to divest all of its governance rights in NYCE and its entire 64 percent ownership interest in NYCE (collectively “NYCE Holdings”). In addition, the Amended Hold Separate Stipulation and Order requires First Data to take certain steps to ensure that NYCE is operated as a competitively independent, economically viable and ongoing business concern that will remain independent and uninfluenced by the consummation of the acquisition, and that competition is maintained during the pendency of the ordered divestiture.

The United States, the Plaintiff States and the Defendants have stipulated that the proposed Final Judgment may be entered after compliance with the Tunney Act. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

Pursuant to the requirements of the Tunney Act, the United States filed a Competitive Impact Statement (“CIS”) on January 23, 2004, and published the proposed Final Judgment and the CIS in the **Federal Register** on February 10, 2004. A summary of the terms of the proposed Final Judgment and CIS, with directions for the submission of written comments relating to the proposed Final Judgment, were published in the Washington Post for seven days on February 6, through February 12, 2004. The sixty-day period for public comments, during which the two comments described below were received, expired on April 12, 2004.