

U.S.C. 9606 and 9607, for implementation of response actions to remediate contamination and for past response costs incurred at the Fike/Artel Chemical Company Superfund Site ("Site"), located near Nitro, West Virginia. The original consent decree was amended on July 10, 1997 to include the final two parties in this matter.

Pursuant to the original consent decree, and as amended July 10, 1997, Settling Work Defendants agreed to undertake future response actions at the Site. On September 28, 2001, EPA issued a ROD for the groundwater and soil remediation component of the Site clean-up. After further investigation and data collection, EPA amended this ROD in December 2006 by selecting *in situ* biosparging rather than extraction and treatment as the preferred remedy to address groundwater contamination at the Site. The proposed Second Consent Decree Amendment incorporates the Work required by the amended ROD for groundwater remediation at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Second Consent Decree Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. American Cyanamid, et al.*, D.J. Ref. 90-11-3-706.

The Second Consent Decree Amendment may be examined at the Office of the United States Attorney, 300 Virginia Street, East, Charleston, WV, 25301, and at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the Second Consent Decree Amendment may also be examined on the following Department of Justice Web site, to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Second Consent Decree Amendment 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 \$5.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that

amount to the Consent Decree Library at the stated address.

**Robert Brook,**

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## DEPARTMENT OF JUSTICE

### U.S. Antitrust Division

#### **Federal Register Notice; United States v. Cemex, S.A.B. de C.V. and Rinker Group Limited; Proposed Modification of the Modified Final Judgment**

Take notice that a Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment, a Memorandum of Plaintiff United States in Support of Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment have been filed, and a proposed Order to Establish Notice and Comment Procedures for the Modification of the Modified Final Judgment has been entered, in the United States District Court for the District of Columbia in *United States v. Cemex, S.A.B. de C.V. and Rinker Group Limited*, Civil No. 1:07-cv-00640. On April 4, 2007, the United States filed a Complaint (and an Amended Complaint on May 2, 2007) alleging that Cemex, S.A.B. de C.V.'s ("Cemex") proposed acquisition of Rinker Group Limited ("Rinker") would violate Section 7 of the Clayton Act, 15 U.S.C. 18, by substantially lessening competition in the production and distribution of ready mix concrete in the metropolitan areas of Fort Walton Beach/Panama City/Pensacola, Jacksonville, Orlando, Tampa/St. Petersburg, Fort Myers/Naples, Florida, and the metropolitan areas of Flagstaff and Tucson, Arizona. In addition, the acquisition would have substantially lessened competition in the production and distribution of concrete block in metropolitan Tampa/St. Petersburg and Fort Myers/Naples, Florida. Finally, the acquisition would have substantially lessened competition in the production and distribution of aggregate in metropolitan Tucson, Arizona.

The Modified Final Judgment, entered on November 28, 2007, required Cemex to divest 39 ready mix concrete, concrete block, and aggregate plants that served metropolitan areas in Florida and Arizona, including the Orlando, Florida area. On November 30, 2007, Cemex divested these assets to CRH plc ("CRH"). The current proposed

modification would allow Cemex to reacquire Rinker's Kennedy ready mix concrete plant, located at 1406 Atlanta Avenue, Orlando, Florida 32806, which was one of the plants divested to CRH. Cemex's reacquisition of the Kennedy plant is conditioned on CRH's acquisition of Cemex's own plant in Orlando, which is located only one-half mile away from the Kennedy plant.

Copies of the Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment, the Memorandum of Plaintiff United States in Support of Joint Motion to Establish Notice and Comment Procedures and to Modify the Modified Final Judgment, and the proposed Order to Establish Notice and Comment Procedures for the Modification of the Modified Final Judgment, and all other papers filed with the Court in connection with the motion are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street, NW., Suite 1010, Washington, DC 20530 (202-514-2481), on the Department of Justice Web site (<http://www.usdoj.gov/atr>), and at the Office of the Clerk of the United States District Court for the District of Columbia.

Interested persons may address comments to Maribeth Petrizzi, Chief, Litigation II, Antitrust Division, U.S. Department of Justice, City Center Building, 1401 H Street, NW., Suite 3000, Washington, DC 20530 (202-307-0924), within 30 days of the date of this notice.

**Patricia Brink,**

*Deputy Director of Operations.*

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association**

Notice is hereby given that, on December 5, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), DVD CCA ("DVD CCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages