

same as previous service lists. The attorney noticed the mistake when she reviewed the service lists of the other parties. She immediately telephoned the firm that mistakenly received the final comments to ask that they return or destroy the brief, then followed up to confirm that the firm had destroyed the brief before any unauthorized person reviewed it.

The Commission determined that both the lead attorney and her legal secretary violated the terms of the APO because disclosure of BPI to unauthorized persons, regardless of whether those persons viewed the BPI, constitutes an APO breach. However, the Commission determined not to initiate the second phase of the APO breach investigation because of a variety of mitigating circumstances that made issuing a warning letter the most appropriate response to the breach. These mitigating circumstances included the attorney's prompt remedial action, her curing of the breach before unauthorized persons viewed the BPI, and her prompt report of the incident to the Commission. Furthermore, the attorney's breach was unintentional and was her first breach within the past two years. Finally, the firm adopted a new procedure where the lead attorney personally checks the service list against the most current service list on the Commission's Web site to ensure that a similar breach does not occur in the future.

There were three investigations in which no breach was found:

*Case 1:* The Commission determined that two attorneys and an economic consultant did not breach the APO when, in their final comments, they failed to bracket certain information that had been identified by the Office of the Secretary as BPI. The Commission also found that the same individuals did not breach the APO when they failed to redact certain information contained in brackets in the public version of the final comments filed with the Commission.

The Commission found that the two sets of information in question were publicly available and the failure to bracket and to redact did not constitute breaches. The information that was contained in brackets but was not redacted in the public version of the final comments was information that was derived from a subscription service report that was maintained as confidential in the Commission's staff report. In this case, however, prior to the issuance of the staff report, the law firm in question and another party had filed the same subscription service report with the Commission. Thus, the

information was publicly available and independently available to the law firm in question, and the information that was not bracketed in the confidential version of the final comments was made publicly available in the Commission's final staff report.

*Case 2:* The Commission determined that three attorneys did not breach the APO because unbracketed information in a prehearing brief, identified by Commission staff as confidential, was not BPI.

The information in the prehearing brief that initially appeared to be BPI were two unbracketed unit values. The unbracketed information provided percentage changes in average unit values as opposed to actual unit values, which were not disclosed. The Commission determined that disclosure of the unbracketed numbers did not reveal the BPI of any specific company. The bracketed average unit values were calculated using the BPI for more than three companies, and the identity of specific respondents was not disclosed publicly. Furthermore, it was unclear precisely what data were used to calculate the unit values. Therefore, it was impossible to back out the actual numbers or information of any individual company.

*Case 3:* The Commission determined that attorneys did not breach the APO by inadvertently serving a confidential version of a motion on counsel for a law firm not included in the APO.

Although the motion was designated "Confidential," the motion did not contain CBI. The purportedly confidential material in the motion consisted of a series of quotes from the confidential version of the Commission opinion. At the time of the motion's filing, no public version of the opinion was available, which led attorneys at the firm in question to designate the motion as "Confidential" out of an abundance of caution. However, a review of the confidential and public versions of the Commission opinion revealed that although the confidential version of the opinion did contain CBI, the material quoted in the motion did not include confidential information. The law firm in question also took prompt remedial measures to request the destruction of all copies of the motion and modified their policies for service in the investigation to ensure APO compliance.

As no CBI was disclosed, the Commission found no breach of the APO, but did caution the attorneys involved to be more careful in handling material designated as confidential.

By order of the Commission.

Issued: August 29, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Notice is hereby given that on August 21, 2008, a Complaint was filed and a proposed Consent Decree was lodged with the United States District Court for the District of New Jersey in *United States of America v. Air Products and Chemicals, Inc.*, Civil Action No. 2:08-cv-04216.

In this action the United States seeks reimbursement of response costs incurred by EPA for response actions at the Chemsol, Inc. Superfund Site ("Site") in Piscataway Township, Middlesex County, New Jersey, and performance of studies and response work at the Site consistent with the National Contingency Plan, 40 CFR Part 300, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606 and 9607 ("CERCLA"). The Consent Decree provides that the new settlers will financially contribute to and perform work at the Site together with a group of potentially responsible parties that resolved their liability to the United States in 2000 in a Consent Decree. The value of this settlement is estimated at approximately \$3.1 million, of which \$380,170.83 will be paid to EPA for unreimbursed response costs, and \$95,747.14 will be paid to the State of New Jersey for the State's Natural Resource Damages caused by the release of hazardous substances 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 Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed 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. Air Products and Chemicals, et al.*, D.J. Ref. 90-11-3-06104/3.

The Consent Decree may be examined at the Office of the United States Attorney, Federal Building, 7th Floor, 970 Broad Street, Newark, New Jersey,

and at U.S. EPA Region 2, 290 Broadway, New York, NY 100078. During the public comment period, the Consent Decree, may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). 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, D.C. 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 \$ 66.50 (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.

**Ronald G. Gluck,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E8-20536 Filed 9-4-08; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Mobile Alliance

Notice is hereby given that, on July 25, 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"), the Open Mobile Alliance ("OMA") 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 under specified circumstances. Specifically, Beijing InfoThunder Technology Ltd., XiCheng District, Beijing, PEOPLE'S REPUBLIC OF CHINA; InfoComm Development Authority of Singapore, SINGAPORE; Nil Holdings, Inc., Reston, VA; Semiconductores Investigacion Y Diseno S.A., Madrid, SPAIN; Simartis Telecom SRL, Bucharest, ROMANIA; Ubipart Ltd., Helsinki, FINLAND; and WINIT Inc., Daejeon, REPUBLIC OF KOREA, have been added as parties to this venture. Also, Reigncom Ltd., Gangnamgu, Seoul, REPUBLIC OF KOREA has withdrawn 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 OMA intends to file additional written notifications disclosing all changes in membership.

On March 18, 1998, OMA 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 December 31, 1998 (63 FR 72333).

The last notification was filed with the Department on April 25, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 27, 2008 (73 FR 36569).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Availability of Funds and Solicitation for Grant Applications (SGA) for Prisoner Re-entry Initiative Grants

*Announcement Type:* Notice for Solicitation for Grant Applications.

*Funding Opportunity Number:* SGA/DFA PY-08-03.

*Catalog of Federal Domestic Assistance (CFDA) Number:* 17.261.

*Key Dates:* The closing date for receipt of applications under this announcement is (OGCM will insert; approximately 60 days). Applications must be received no later than 4 p.m. (Eastern Time). Application and Submission information is explained in detail in Section IV of this SGA.

**SUMMARY:** The President's Prisoner Re-entry Initiative (PRI) seeks to strengthen urban communities characterized by large numbers of returning prisoners through an employment-centered program that incorporates mentoring, job training, and other comprehensive transitional services. This program is a joint effort of the Department of Justice (DOJ) and the Department of Labor (DOL) designed to reduce recidivism by helping inmates find work when they return to their communities, as part of an effort to build a life in the community for everyone. This spring, DOJ awarded PRI grants to 19 State correctional agencies to provide pre-release services to prisoners returning to one targeted county within the State.

Under this solicitation, DOL will be awarding grants to faith-based and community organizations (FBCOs) to provide post-release services primarily to the prisoners provided pre-release services under the DOJ grant in urban communities within the target counties. This competition is limited to FBCOs operating within the target county(ies) identified in each DOJ grant. The following is the list of target counties that received a DOJ PRI grant this spring:

1. Jefferson County, AL
2. Maricopa County, AZ
3. Los Angeles County, CA
4. Denver County, CO
5. Fairfield County, CT
6. New Castle County, DE
7. Cook County, IL
8. Allen County, IN
9. Caddo and Bossier Parishes, LA \*
10. Baltimore County, MD
11. Genesee County, MI
12. Greene County, MO
13. Clarke County, NV
14. Mercer County, NJ
15. Erie County, NY
16. Tulsa County, OK
17. Philadelphia County, PA
18. Davidson County, TN
19. Milwaukee, WI

DOL expects that each of the 19 awardees will serve at least 100 returning prisoners during the first year of this initiative. FBCOs applying for these grants will identify as part of their application the need in the community that they plan to serve; their plan for serving released prisoners; and their partnerships with the criminal justice system, local Workforce Investment Board, housing authority, and mental health and substance abuse treatment providers.

**ADDRESSES:** Mailed applications must be addressed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: Jeannette Flowers, Reference SGA/DFA PY 08-03, 200 Constitution Avenue, NW., Room N-4716, Washington, DC 20210. Telefacsimile (FAX) applications will not be accepted. Information about applying online can be found in Section IV (C) of this document. Applicants are advised that mail delivery in the Washington area may be delayed due to mail decontamination procedures. Hand delivered proposals will be received at the above address.

#### SUPPLEMENTARY INFORMATION:

\* In this instance, the urban area stretches further than one county so applicants operating in one or both counties are permissible.