

inconsistencies in the rules that required correction. The Advisory Committee proposed a small number of minor "style/substance" amendments that make very modest, noncontroversial changes to the rules. For convenience, the "style/substance" amendments are published together with the proposed style rules, but are separate from the style project. The style/substance amendments to the Civil Rules are: 4, 8, 9, 11, 14, 16, 26, 30, 31, 36, 40, 71A, and 78.

The text of the proposed rules amendments and the accompanying Committee Notes can be found at the United States Federal Courts' Home Page at <http://www.uscourts.gov/rules>.

The Judicial Conference Committee on Rules of Practice and Procedure submits these proposed rules amendments for public comment. All comments and suggestions with respect to them must be placed in the hands of the Secretary as soon as convenient and, in any event, not later than December 15, 2005. All written comments on the proposed rule amendments can be sent by one of the following three ways: by overnight mail to Peter G. McCabe, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, Washington, DC 20544; by electronic mail at <http://www.uscourts.gov/rules>; or by facsimile to Peter G. McCabe at (202) 502-1766. In accordance with established procedures all comments submitted on the proposed amendments are available to public inspection.

Public hearings are scheduled to be held on the proposed style and "style/substantive" amendments on the following dates:

- October 26, 2005, in San Francisco, California;
- November 18, 2005, in Chicago, Illinois; and
- December 2, 2005, in Washington, DC.

Those wishing to testify should contact the Secretary at the address above in writing at least 30 days before the hearing.

**FOR FURTHER INFORMATION CONTACT:** John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: July 11, 2005.

**John K. Rabiej,**

Chief, Rules Committee Support Office.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

Pursuant to section 122(d) of CERCLA, 24 U.S.C. 9622(d), and 28 CFR 50.7 notice is hereby given that on June 24, 2005, a proposed partial Consent Decree (the Decree) in *United States v. Beckman Coulter, Inc., et al.*, Civ. No. 98-CV-4812 (WHW) (consolidated), was lodged with the United States District Court for the District of New Jersey (Newark Vicinage).

In this consolidated action the United States, on behalf of the United States Environmental Protection Agency (EPA), and the New Jersey Department of Environmental Protection (NJDEP) seek cost recovery with respect to the Combe Fill South Landfill Superfund Site (the Site), located in Chester and Washington Townships, New Jersey, pursuant to CERCLA and other authorities against former operators of the Site, as well as generators and transporters of hazardous substances to the Site. The proposed Decree settles claims brought against four parties, Carbco, Inc., f/k/a J. Filiberto Sanitation, Inc., Chester Hills, Inc., John Filiberto, and Joseph Filiberto (the Settling Parties), by the United States and New Jersey. Under the terms of the proposed settlement, within thirty days of entry, the Settling Parties will pay \$12.5 million, plus interest, to reimburse the United States and State of New Jersey for a portion of their costs incurred at the Site. After the time period for an appeal of the entry of the Consent Decree has passed, or any potential appeal has been resolved, the Settling Parties will also pay any monies remaining in their litigation escrow account to the United States and State of New Jersey. This settlement is based upon the Settling Parties' limited ability to pay, and the amounts being paid under the Consent Decree are entirely funded from settlements the Settling Parties have entered into with their insurance carriers, with no part of the Settling Parties' settlement with their insurance carriers inuring to their personal benefit.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, United States Department of Justice,

Washington, DC 20044-7611, and should refer to *United States v. Beckman Coulter, Inc., et al.*, DOJ Ref. No. 90-11-12-1134/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of New Jersey, Office of the United States Attorney, Peter Rodini Federal Building, 970 Broad Street, Suite 700, Newark, NJ 07102, and at the United States Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866. 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/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, Post Office Box 7611, Washington, D.C. 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood at [tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov) or fax No. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Decree from the Consent Decree Library, please enclose a check in the amount of \$8.75 (25 cents per page reproduction costs) payable to the United States Treasury.

**Ronald G. Gluck,**

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

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## DEPARTMENT OF JUSTICE

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

Pursuant to 28 CFR 50.7, notice is hereby given that on June 30, 2005, a proposed Consent Decree in *United States v. Estate of Samuel M. Jones, Branch Banking & Trust Co. of Virginia in its Representative Capacity as Executor of the Estate of Samuel M. Jones, and Sam's Junk, Recycle, Scrap & Materials Services, Inc.*, Case No. 1:05cv770 (LMB), was lodged with the United States District Court for the Eastern District of Virginia.

In this civil action under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), the United States seeks recovery of response costs from the Estate of Samuel M. Jones, Branch Banking & Trust Co. Of Virginia in its Representative Capacity as Executor of the Estate of Samuel M. Jones, and Sam's Junk, Recycle, Scrap & Materials Services ("Sam's Junk"), in connection