and $9.50 per acre or fraction thereof for blocks in water depths of 200 or greater in subsequent GOM sales. These increased rental rates mostly reflect inflationary adjustments from the last time rentals were revised.

Potential Structure for Rental Rates

For future lease sales for the GOM, MMS is considering using a sliding scale structure for blocks in water depths of 400 meters or greater, where royalty relief is typically offered. MMS would not use this escalating system in shallow water blocks of less than 200 meters or for deepwater blocks between 200 meters and less than 400 meters. However, as noted above, the base level of the rental rate for leases in water depths less than 400 meters may be raised. For leases in water depths of 400 meters or deeper, the table below lists the possible annual rental rates being considered, both base levels and escalated levels.

Year	Rental rate (per acre per year or fraction thereof)
1	$9.50
2	9.50
3	9.50
4	9.50
5	9.50
6	10.50
7	12.00
8	13.75
9	15.50
10	17.50

Rentals must be paid on or before the first day of each lease year until a discovery in paying quantities of oil or gas, and then at the expiration of each lease year until the start of royalty-bearing production. In water depths of 400 meters or deeper, if a discovery in paying quantities is made (see 30 CFR 250.115 or 250.116 and NTL No. 2000–G04 for requirements to demonstrate well producibility), regardless of the rental rate in effect before or at the time of the discovery, the rental rate will revert to $9.50 per acre per year or fraction thereof in years subsequent to such a discovery. Thus, if a discovery in paying quantities is made in year 8, at the beginning of which the lessee paid a rental of $13.75 per acre per year or fraction thereof, then at the expiration of each lease year thereafter until the start of royalty-bearing production, the rental rate would be fixed at $9.50 per acre per year or fraction thereof.

MMS would like to receive comments about both the increase to a new base level of rentals for all water depths, and the structure of the escalating rental rates that MMS is considering for water depths 400 meters or greater and their possible effects on acquisition and exploration decisions. Would fewer tracts receive bids? Would the amount of the individual bids change? Would escalating rentals at the rate specified above have any effect on the timing of exploration? Depending on upcoming sale results, changing market conditions, responses to this notice, and revisions in future projections, a sliding scale rental structure also might have to be adjusted. MMS will advise you of its final decision regarding base rental rates and any sliding scale rental stipulations in a future Notice of Lease Sale.

Public Comments Procedures

All submissions received must include the agency name and refer to ''Increasing Base Rentals and Sliding Scale Rentals.' MMS' practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that MMS withhold their address from the record, which will be honored to the extent allowable by law. There may be circumstances in which MMS would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, MMS will not consider anonymous comments. Except for proprietary information, MMS will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: January 25, 2005.

Thomas Readinger,

Associate Director for Offshore Minerals Management.

[FR Doc. 05–4032 Filed 3–1–05; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–503]

In the Matter of Certain Automated Mechanical Transmission Systems for Medium-Duty and Heavy-Duty Trucks and Components Thereof; Notice of Commission Decision Not To Review a Final Initial Determination Finding a Violation of Section 337 of the Tariff Act of 1930; Request for Written Submissions on Remedy, the Public Interest, and Bonding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (ALJ) initial determination (''ID'') in the above-captioned investigation finding a violation of section 337 of the Tariff Act of 1930. Notice is also hereby given that the Commission is requesting briefing on the issues of remedy, the public interest, and bonding.

FOR FURTHER INFORMATION CONTACT: Rodney Maze, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: This patent-based section 337 investigation was instituted by the Commission on January 7, 2004, based on a complaint filed by Eaton Corporation (''Eaton'') of Cleveland, Ohio. 69 FR 937 (January 7, 2004). The complainant, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after

importation of certain automated mechanical transmission systems for medium-duty and heavy-duty trucks, and components thereof, by reason of infringement of claim 15 of U.S. Patent No. 4,899,279 (''the '279 patent''); claims 1–20 of U.S. Patent No. 5,335,566 (''the '566 patent''); claims 2–4 and 6–16 of U.S. Patent No. 5,272,939 (''the '939 patent''); claims 1–13 of U.S. Patent No. 5,624,350 (''the '350 patent''); claims 1, 3, 4, 6–9, 11, 13, 14, 16 and 17 of U.S. Patent No. 6,149,545 (''the '545 patent''); and claims 1–16 of U.S. Patent No. 6,066,071 (''the '071 patent'').

The complaint and notice of investigation named three respondents ZF Meritor, LLC (''ZF Meritor) of Maxton, North Carolina, ZF Friedrichshafen AG (''ZFAG'') of Freidrichshafen, Germany, and ArvinMeritor, Inc. of Troy, Michigan.

On July 21, 2004, the Commission issued a notice indicating that it had determined not to review the ALJ's initial determination (''ID'') (Order No. 20) terminating the investigation as to the '071 patent and as to claims 2, 3, and 5–20 of the '566 patent, claims 4, 7, and 12 of the '350 patent, and claims 4, 8–9, and 14 of the '545 patent.

On August 11, 2004, the Commission issued a notice (indicating that it had determined not to review the ALJ's ID (Order No. 31) terminating the investigation as to the '939 patent and as to claims 10, 11, and 13 of the '350 patent.

On August 16, 2004, the Commission issued a notice indicating that it had determined not to review the ALJ's ID (Order No. 28) that Eaton has satisfied the economic prong of the domestic industry requirement as to certain articles it alleges practice the patents at issue in this investigation.

On August 23, 2004, the Commission issued a notice indicating that it had determined not to review the ALJ's ID (Order No. 30) that Eaton did not meet the technical prong of the domestic industry requirement as to the remaining claims, claims 1–3, 5, 6, 8, and 9, of the '350 patent, thus terminating the investigation as to that patent.

On September 17, 2004, the Commission issued a notice indicating that it had determined not to review the ALJ's ID (Order No. 38) granting Eaton's partial summary determination that the importation requirement has been met.

On September 23, 2004, the Commission issued a notice indicating that it had determined not to review the ALJ's ID (Order No. 45) granting Eaton's motion for summary determination that it satisfies the economic prong of the domestic industry requirement of section 337 as to its medium-duty automated transmissions. The Commission also issued a notice on September 23, 2004, indicating that it had determined not to review ALJ's ID (Order No. 55) granting Eaton's motion for partial termination of the investigation as to claim 1 of the '566 patent.

On January 7, 2005, the ALJ issued his final ID on violation and his recommended determination on remedy. The ALJ found a violation of section 337 by reason of infringement of claim 15 of the '279 patent by respondents. He found no violation of section 337 regarding the '566 and the '545 patents. Petitions for review were filed by Eaton, the respondents, and the Commission investigative attorney on January 21, 2005. All parties filed responses to the petitions on January 28, 2005.

Having examined the record in this investigation, including the ALJ's final ID, the petitions for review, and the responses thereto, the Commission has determined not to review the ID, thereby finding a violation of section 337.

In connection with the final disposition of this investigation, the Commission may issue an order that could result in the exclusion of respondents' FreedomLine transmissions from entry into the United States, and/or issue one or more cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of FreedomLine transmissions. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For background, see In the Matter of Certain Devices for Connecting Computers via Telephone Lines, Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

When the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. 19 U.S.C. § 1337(j). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. *Id.* The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed.

Written Submissions: The parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the January 7, 2005, recommended determinations by the ALJ on the issuance of remedy and bonding. Complainant and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration and to state the date on which the '279 patent will expire. The written submissions and proposed remedial orders must be filed no later than close of business on March 7, 2005. Reply submissions must be filed no later than the close of business on March 14, 2005. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* section 201.6 of the Commission's Rules of Practice and Procedure, 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All non-confidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section

337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42, 210.43, and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42, 210.43, and 210.50).

By order of the Commission.

Issued: February 24, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3970 Filed 3–1–05; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment

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. *Cingular Wireless Corp. et al.,* Civil Action No. 1:04CV01850 (RBW), filed in the United States District Court for the District of Columbia, together with the United States' response to the comments on February 17, 2005.

Copies of the comments and the 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.

In the United States District Court for the District of Columbia

United States of America, State of Connecticut and State of Texas, Plaintiffs, v. Cingular Wireless Corporation, SBC Communications Inc., BellSouth Corporation and AT&T Wireless Services, Inc., Defendants; Plaintiff United States's Response to Public Comments

Civil No. 1:04CV01850 (RBW)

Filed: February 17, 2005

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.SC. 16(b)–(h) (''APPA'' or ''Tunney Act''), the United States hereby responds to the public comments received regarding the proposal Final Judgment in this case. 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 for entry of the proposed Final Judgment after the public comments and this Response has been published in the **Federal Register**, pursuant to 15 U.S.C. 16(d).

On October 25, 2004, plaintiffs filed the Complaint in this matter alleging that the proposed acquisition of AT&T Wireless Services, Inc. (''AT&T Wireless'') by Cingular Wireless Corp. (''Cingular'') and its parents, SBC Communications Inc. (''SBC'') and BellSouth Corp. (''BellSouth''), would violate Section 7 of the Clayton Act, 15 U.S.C. 18. Simultaneously with the filing of the Complaint, the plaintiffs filed a proposed Final Judgment [1] and a Preservation of Assets Stipulation and Order signed by plaintiffs and defendants consenting to the entry of the proposed Final Judgment after compliance with the requirements of the Tunney Act. Pursuant to those requirements, the United States filed a Competitive Impact Statement (''CIS'') in this Court on October 29, 2004; published in the proposed Final Judgment and CIS in the **Federal Register** on November 15, 2004, *see* 69 FR 65633 (2004); and published a summary of the terms of the proposed Final Judgment and CIS, together with directions for the submission of written comments relating to the proposed Final Judgment, in the Washington Post for seven days beginning on November 10, 2004 and ending on November 16, 2004. The 60-day period for public comments ended on January 15, 2005, and two comments were received as described below and attached hereto.

I. Background

As explained more fully in the Complaint and CIS, this transaction substantially lessened competition in mobile wireless telecommunications services and mobile wireless broadband services in 13 geographic markets, located in 11 states. To restore competition in these markets, the proposed Final Judgment, if entered, would require Cingular to divest (1) AT&T Wireless's wireless business in 5 geographic markets (Connecticut RSA–1 (CMA 357), Kentucky RSA–1 (CMA 443), Oklahoma City (CMA 045), Oklahoma RSA–3 (CMA 598), and Texas RSA–11 (CMA 662)); (2) minority interests in other wireless service providers in 5 geographic markets (Shreveport, LA (including CMAs 100, 219, 454, 455, and 456), Pittsfield, MA (CMA 213), Athens, GA (CMA 234), St. Joseph, MO (CMA 275), and Topeka, KS (CMA 179)); and (3) 10 MHz of contiguous PCS spectrum in 3 geographic markets (Detroit, MI (BTA 112), Dallas, TX (CMA 009), and Knoxville, TN (BTA 232)). 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 punish violations thereof.

II. Legal Standard Governing the Court's Public Interest Determination

Upon the publication of the public comments and this Response, the United States will have fully complied with the Tunney Act and will move the Court for entry of the proposed Final Judgment as being ''in the public interest.'' 15 U.S.C. 16(e). The Court, in making its public interest determination, shall consider:

> (A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and
>
> (B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including considerations of the public benefit, it any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1). As the U.S. Court of Appeals for the District of Columbia Circuit has held, the Tunney Act permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's compliant, whether the proposed Final Judgment is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the proposed Final Judgment may positively harm third parties. See *United States* v. *Microsoft*

[1] A corrected version of the proposed Final Judgment was filed on November 3, 2004. The only change was the addition of the *underlined* language to the last sentence of Section II.F: ''Plaintiff United States in its sole discretion may approve this request if it is demonstrated that the retained minority interest will become irrevocably and entirely passive*, so long as defendants own the minority interests,* and will not significantly diminish competition.''

The corrected version is what was published in the **Federal Register**. None of the public comments addressed this aspect of the proposed Final Judgment.