

**SUPPLEMENTARY INFORMATION:** The Commission has approved the initiation of a voluntary pilot mediation program for investigations under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"). The purposes of the pilot mediation program are to facilitate the settlement of disputes and to evaluate the possible implementation of a permanent mediation program.

As discussed in a Users' Manual for the Commission Pilot Mediation Program (Users' Manual), available at <http://www.usitc.gov>, the Commission will facilitate the holding of a settlement conference with a professional mediator for investigations participating in the pilot mediation program. The administrative management of the pilot mediation program is coordinated by the Supervisory Attorney for Docket Services. The pilot mediation program is supervised by the Office of the Chairman.

All section 337 investigations are eligible for participation in the pilot mediation program. A presiding Administrative Law Judge may nominate an investigation for inclusion in the pilot mediation program by so indicating to the Supervisory Attorney for Docket Services. Private parties may also request, individually or jointly, that an investigation be included in the pilot mediation program by filing a Confidential Request to Enter Mediation, a form which will be available from the Office of Dockets and at <http://www.usitc.gov>. Such a request should be submitted to: James R. Holbein, Supervisory Attorney, Docket Services, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436.

While it is expected that all or nearly all of the selections for inclusion in the pilot mediation program will be made at the initiative of the presiding Administrative Law Judge or counsel for the parties, the Supervisory Attorney for Docket Services may select additional investigations for inclusion in the pilot mediation program at the direction of the Office of the Chairman. Although the Administrative Law Judge and the Commission have the power under the Administrative Procedure Act to require attendance at a settlement conference, including the use of alternative dispute resolution, the Commission has determined that parties' participation in the pilot mediation program will be on a voluntary basis. At the same time, the mediator will conduct the mediation only if he or she believes that the case would benefit from mediation and has settlement potential. The Commission

gives notice that parties should not seek to delay or postpone proceedings before the presiding administrative law judge based on their participation in the pilot mediation program.

As described in the Users' Manual, mediation is a confidential process. The Commission investigative attorney will not conduct, participate in, or have knowledge of the proceedings, but may, consistent with current practice, review any settlement agreement that arises out of a successful mediation in making a recommendation to the Administrative Law Judge regarding whether a settlement is in the public interest.

The authority for the Commission's determination is contained in the Administrative Procedure Act, as amended, *see* 5 U.S.C. 556(c)(6)-(8), 572-74, 583, and in sections 335 and 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1335, 1337.

By order of the Commission.

Issued: October 29, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Stipulation In *In Re Dura Automotive Systems, Inc.* Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Notice is hereby given that on October 28, 2008, a proposed Stipulation was lodged with the United States Bankruptcy Court for the District of Delaware in *In re Dura Automotive Systems, Inc.*, Case No. 06-11202. The Stipulation between the United States on behalf of the U.S. Environmental Protection Agency ("U.S. EPA"), and Dura Automotive Systems, Inc. and its Debtor subsidiaries, relates to certain liabilities under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.*, in connection with the Main Street Well Field Superfund Site in Elkhart, Indiana (the "Site"). Pursuant to the proposed Stipulation, the United States will receive allowed claims totaling \$621,692 in connection with the Site.

The Department of Justice will receive comments relating to the Stipulation for a period of thirty (30) days from the date of this publication. 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 *In re Dura Automotive Systems, Inc.*, DJ Ref. No. 90-11-3-799/2.

The Stipulation may be examined at the Office of the United States Attorney for the District of Delaware, Nemours Building, 1007 North Orange Street, Wilmington, DE 19899, by request to Assistant U.S. Attorney Ellen W. Slights, and at the U.S. EPA Region V, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period, the Stipulation 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 Stipulation 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 \$2.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**William D. Brighton,**

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### United States v. National Association of Realtors; Response to Public Comments on the Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States hereby publishes the public comments received on the proposed Final Judgment in *United States v. National Association of Realtors*, No. 05-C-5140, and the response to the comments. On October 4, 2005, the United States filed an Amended Complaint alleging that the National Association of Realtors ("NAR") violated Section 1 of the Sherman Act, 15 U.S.C. 1, by adopting policies that suppress competition for real estate brokers who use password-protected "virtual office Web sites" or "VOWs" to deliver high-quality brokerage services to their customers. The proposed Final Judgment, filed on