

complaint” to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60. As this Court recently confirmed in *SBC Communications*, courts “cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.” *SBC Commc’ns*, 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that “[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.” 15 U.S.C. 16(e)(2); *see also U.S. Airways*, 38 F. Supp. 3d at 76 (indicating that a court is not required to hold an evidentiary hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: “[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.” 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court’s “scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.” *SBC Commc’ns*, 489 F. Supp. 2d at 11.<sup>5</sup> A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways*, 38 F. Supp. 3d at 76.

#### VIII. DETERMINATIVE DOCUMENTS

There are no determinative materials or documents within the meaning of the APPA that were considered by the

<sup>5</sup> *See United States v. Enova Corp.*, 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the “Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone”); *United States v. Mid-Am. Dairymen, Inc.*, No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, \*22 (W.D. Mo. 1977) (“Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.”); S. Rep. No. 93–298, at 6 (1973) (“Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.”).

United States in formulating the proposed Final Judgment.

Date: April 20, 2016

Respectfully Submitted,

Kenneth A. Libby  
Special Attorney

#### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA c/o Department of Justice Washington, D.C. 20530, Plaintiff, v. LEN BLAVATNIK c/o Access Industries, 28 Kensington Church Street, 4th Floor, London, United Kingdom W8 4EP, Defendant.

CASE NO.: 1:15–cv–01631

JUDGE: Randolph D. Moss

FILED: 10/06/2015

#### FINAL JUDGMENT

Plaintiff, the United States of America, having commenced this action by filing its Complaint herein for violation of Section 7A of the Clayton Act, 15 U.S.C. 18a, commonly known as the Hart-Scott-Rodino Antitrust Improvements Act of 1976, and Plaintiff and Defendant Len Blavatnik, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by the Defendant with respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby Ordered, Adjudged, and Decreed as follows:

I.

The Court has jurisdiction of the subject matter of this action and of the Plaintiff and the Defendant. The Complaint states a claim upon which relief can be granted against the Defendant under Section 7A of the Clayton Act, 15 U.S.C. 18a.

II.

Judgment is hereby entered in this matter in favor of Plaintiff United States of America and against Defendant, and, pursuant to Section 7A(g)(1) of the Clayton Act, 15 U.S.C. 18a(g)(1), the Debt Collection Improvement Act of 1996, Pub. L. 104–134 § 31001(s) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461), Federal Trade Commission Rule 1.98, 16 CFR 1.98, 61 FR 54549 (Oct. 21, 1996), and 74 FR 857 (Jan. 9, 2009), Defendant Len Blavatnik is hereby ordered to pay a civil penalty in

the amount of six hundred fifty six thousand dollars (\$656,000). Payment of the civil penalty ordered hereby shall be made by wire transfer of funds or cashier’s check. If the payment is made by wire transfer, Defendant shall contact Janie Ingalls of the Antitrust Division’s Antitrust Documents Group at (202) 514–2481 for instructions before making the transfer. If the payment is made by cashier’s check, the check shall be made payable to the United States Department of Justice and delivered to:

Janie Ingalls  
United States Department of Justice  
Antitrust Division, Antitrust Documents Group  
450 5th Street NW., Suite 1024  
Washington, DC 20530

Defendant shall pay the full amount of the civil penalty within thirty (30) days of entry of this Final Judgment. In the event of a default or delay in payment, interest at the rate of eighteen (18) percent per annum shall accrue thereon from the date of the default or delay to the date of payment.

III.

Each party shall bear its own costs of this action.

IV.

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_\_

United States District Judge

[FR Doc. 2016–09782 Filed 4–26–16; 8:45 am]

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#### DEPARTMENT OF JUSTICE

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

On April 20, 2016, the Department of Justice and the State of California on behalf of the California Department of Toxic Substances Control and Toxic Substances Control Account (“DTSC”) filed a complaint and lodged a proposed Consent Decree with the United States District Court for the Central District of California pertaining to environmental contamination at Operable Unit 2 (“OU2”) of the Omega Chemical Corporation Superfund Site (“Site”) in Los Angeles County, California. The complaint and proposed Consent Decree were filed contemporaneously in the matter of *United States of America and State of California on behalf of the Department of Toxic Substances Control*

and Toxic Substances Control Account v. Abex Aerospace et al., Civil Action No. 2:16-cv-02696 (C.D. Cal.).

The proposed Consent Decree resolves certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, 9607 and Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, as well as related state law claims, in connection with environmental contamination at OU2. The Consent Decree requires the settling defendants, which include as Settling Work Defendants the members of the Omega PRP Organized Group ("OPOG") and McKesson Corporation, and also include various Settling Cash Defendants, to perform work at OU2 and to make a payment of \$8 million toward the United States' unreimbursed OU2 past costs, and a payment of \$70,000 towards DTSC's unreimbursed OU2 past costs. The proposed Consent Decree also requires the settling defendants to pay the United States' and DTSC's future response costs for overseeing the work the settling defendants will be performing at OU2.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and State of California on behalf of the Department of Toxic Substances Control and Toxic Substances Control Account v. Abex Aerospace et al.*, D.J. Ref. No. 90-11-3-06529/10. A hearing will be held on the proposed settlement if requested in writing within the public comment period. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: <https://www.usdoj.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—

ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$86.50 (25 cents per page reproduction cost) for the Consent Decree, payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is \$22.75.

**Henry S. Friedman,**

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

[FR Doc. 2016-09864 Filed 4-26-16; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OJP (OJJDP) Docket No. 1710]

#### Webinar Meeting of the Federal Advisory Committee on Juvenile Justice

**AGENCY:** Office of Juvenile Justice and Delinquency Prevention, Justice.

**ACTION:** Notice of webinar meeting.

**SUMMARY:** The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has scheduled a webinar meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

**DATES:** The webinar meeting will take place online on Wednesday May 18, 2016 at 2:00 p.m. EDT.

**FOR FURTHER INFORMATION CONTACT:** Jeff Slowikowski, Designated Federal Official, OJJDP, *Jeff.Slowikowski@usdoj.gov*, or (202) 616-3646. [This is not a toll-free number.]

**SUPPLEMENTARY INFORMATION:** FACJJ, established pursuant to Section 3(2)(A) of the Federal Advisory Committee Act (5 U.S.C. App.2), will meet to carry out its advisory functions under Section 223(f)(2)(C-E) of the Juvenile Justice and Delinquency Prevention Act of 2002.

The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: Reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at [www.facjj.org](http://www.facjj.org).

**Meeting Agenda:** The proposed agenda includes: (a) Opening Introductions, and Webinar Logistics;

(b) Remarks of Robert L. Listenbee, Administrator, OJJDP; (c) FACJJ Subcommittee Reports (Legislation; Expungement/Sealing of Juvenile Court Records; Research/Publications); (d) FACJJ Administrative Business; and (e) Summary, Next Steps, and Meeting Adjournment.

To participate in or view the webinar meeting, FACJJ members and the public must pre-register online. Members and interested persons must link to the webinar registration portal through [www.facjj.org](http://www.facjj.org), no later than Monday, May 16, 2016. Upon registration, information will be sent to you at the email address you provide to enable you to connect to the webinar. Should problems arise with webinar registration, please call Callie Long Murray at 571-308-6617. [This is not a toll-free telephone number.] Note: Members of the public will be able to listen to and view the webinar as observers, but will not be able to participate actively in the webinar.

An on-site room is available for members of the public interested in viewing the webinar in person. If members of the public wish to view the webinar in person, they must notify Melissa Kanaya by email message at [mkanaya@aeioonline.com](mailto:mkanaya@aeioonline.com) no later than Friday, May 13, 2016.

FACJJ members will not be physically present in Washington, DC for the webinar. They will participate in the webinar from their respective home jurisdictions.

**Written Comments:** Interested parties may submit written comments by email message in advance of the webinar to Jeff Slowikowski, Designated Federal Official, at *Jeff.Slowikowski@usdoj.gov*, no later than Monday, May 16, 2016. In the alternative, interested parties may fax comments to 202-307-2819 and contact Yasmeen Hines at 202-598-9785 to ensure that they are received. [These are not toll-free numbers.]

**Robert L. Listenbee,**

*Administrator, Office of Juvenile Justice and Delinquency Prevention.*

[FR Doc. 2016-09756 Filed 4-26-16; 8:45 am]

**BILLING CODE 4410-18-P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

[OJP (OJJDP) Docket No. 1707]

#### Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

**AGENCY:** Coordinating Council on Juvenile Justice and Delinquency Prevention, Justice.