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 75 (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.[3] 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 75.

VIII. *DETERMINATIVE DOCUMENTS*

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: April 25, 2018

Respectfully submitted,

[3] *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.'').

FOR PLAINTIFF UNITED STATES OF AMERICA

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODPi, Inc.

Notice is hereby given that, on April 6, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODPi, Inc. (''ODPi'') has 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, Attunity, Burlington, MA; ING, Amsterdam, NETHERLANDS; and SAP SE, Walldorf, GERMANY, have been added as parties to this venture.

Also, Pivotal Software, Inc., Palo Alto, CA; Altiscale, Inc., Palo Alto, CA; Squid Solutions, Inc., San Francisco, CA; TOSHIBA Corporation/Industrial ICT Solutions Company, Kanagawa, JAPAN; Z Data Inc., Newark, DE; Zettaset, Inc., Mountain View, CA; SAS Institute Inc., Cary, NC; Capgemini Service SAS, Paris, FRANCE; NEC Corporation, Tokyo, JAPAN; Philippine Long Distance Telephone Company, Makati City, PHILIPPINES; Cask Data, Inc., Palo Alto, CA; Splunk Inc., San Francisco, CA; Xavient Information System, Herndon, VA; DriveScale, Inc., Sunnyvale, CA; Redoop, Beijing, PEOPLE'S REPUBLIC OF CHINA; China Mobile Communication Company Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; High Octane SPRL, Bierges, BELGIUM; and Innovyt LLC, Edison, NJ, have withdrawn as parties to this venture.

In addition, Beijing AsiaInfo Smart Big Data Co, Ltd. has changed its name to AsiaInfo Technologies (H.K.) Limited, Beijing, PEOPLE'S REPUBLIC OF CHINA.

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 ODPi intends to file additional written notifications disclosing all changes in membership.

On November 23, 2015, ODPi 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 23, 2015 (80 FR 79930).

The last notification was filed with the Department on March 7, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 27, 2017 (82 FR 15239).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–09459 Filed 5–3–18; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Node.js Foundation

Notice is hereby given that, on April 6, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Node.js Foundation (''Node.js Foundation'') has 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, Cars.com, Chicago, IL, 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 Node.js Foundation intends to file additional written notifications disclosing all changes in membership.

On August 17, 2015, Node.js Foundation 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 September 28, 2015 (80 FR 58297).

The last notification was filed with the Department on January 25, 2018. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10753).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–09460 Filed 5–3–18; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Department of Justice's Initiative to Seek Termination of Legacy Antitrust Judgments

AGENCY: Antitrust Division, Department of Justice.

ACTION: Notice of initiative.

SUMMARY: This notice describes the Department of Justice's new initiative for seeking unilaterally to terminate ''legacy'' antitrust judgments. Legacy antitrust judgments are those judgments that do not include an express termination date and that a court has not terminated by an order. The vast majority of these judgments were entered before 1979, when the Division adopted the general practice of using sunset provisions to terminate a judgment automatically, usually 10 years after entry of the judgment. Nearly 1300 legacy judgments remain open on the books of the Antitrust Division, and nearly all of them likely remain open on the dockets of courts around the country. Many of these legacy judgments do not serve their original purpose of protecting competition. To eliminate the burden on defendants, courts, and the Division of complying with, overseeing, and enforcing outdated judgments, the Division has announced an initiative whereby it unilaterally will seek to terminate legacy judgments, as appropriate. The initiative provides for public notice and comment before the Division seeks to terminate a judgment. The Division has established a website to keep the public apprised of this initiative and its efforts to terminate outdated judgments: *www.justice.gov/atr/JudgmentTermination.*

FOR FURTHER INFORMATION CONTACT: Dorothy B. Fountain, Office of the Chief Legal Advisor, Antitrust Division, U.S. Department of Justice, at (202) 514–3543, *ChiefLegalAdvisor@usdoj.gov.*

SUPPLEMENTARY INFORMATION: From the early days of the Sherman Act until the late 1970s, the Antitrust Division of the Department of Justice often entered into judgments to settle violations of the antitrust laws that included no express termination date. In 1979, the Division adopted the general practice of including sunset provisions that automatically terminate judgments, usually 10 years from entry. However, nearly 1300 judgments entered before the Division put the practice into full effect remain on the books of the Division, and nearly all of them likely remain open on the dockets of courts around the country. The vast majority of these outstanding legacy judgments no longer protect competition because of changes in industry conditions, changes in economics, changes in law, or for other reasons. The Division has announced a new initiative that will seek to identify and expedite the termination of such legacy judgments.

Division review of legacy judgments. Under the new initiative, announced April 25, 2018, the Division will review its legacy judgments to identify those that no longer protect competition. The Division has assigned each legacy judgment to a Division attorney. Using court papers, information available in Division files, and public information, attorneys will review each judgment to determine whether changes in industry conditions, changes in economics, changes in the law, or other factors have rendered the judgment outdated and appropriate for termination. Examples of legacy judgments for which termination may be appropriate include judgments whose terms have been completely satisfied, judgments governing defendants who are deceased or no longer in existence, and judgments governing products that no longer are produced.

New termination process for legacy judgments. Once the Division identifies judgments appropriate for termination, it will list those judgments on a website established for purposes of informing the public of the progress of the initiative: *www.justice.gov/atr/JudgmentTermination.* The Division will invite the public to submit comments within 30 days of listing on the website regarding the Division's assessment that termination is appropriate. This website will identify the name of the case, the court that entered the judgment, the date the court entered the judgment, and the date by which comments are due to the Division; the website also will link to the text of the judgment. The Division will consult with the relevant court to determine the most appropriate means of termination.

The Division has established an email address through which the public may submit comments: *JudgmentTerminationComments@usdoj.gov.* Members of the public are encouraged to supply any additional information they may have regarding the efficacy of judgments the Division proposes to terminate. Absent public comments or other factors that lead the Division to revise its determination that termination of a judgment is appropriate, it will proceed as directed by the court. In many cases, this will entail filing a motion to terminate. When feasible and when allowed by local rules, the Division will seek to terminate judgments in ''batches.'' That is, rather than file a motion for each judgment it seeks to terminate, the Division would make a single filing seeking to terminate a group of judgments in the same court. In this way, the Division hopes to expedite termination and ease the burden on the courts of reviewing multiple motions.

Existing process for modification of judgments unaffected. The new initiative does not replace the Antitrust Division's existing process for consenting to a defendant's request to modify or terminate an existing antitrust judgment. Defendants still may seek the Division's consent to terminate or modify any judgment as described in the Antitrust Division Manual (see Section III.H.5, *https://www.justice.gov/atr/file/761141/download*).

Mailing list for updates. Members of the public interested in receiving notice of updates to the public website, including posting of judgments that the Division believes should be terminated, may subscribe to email updates at *https://public.govdelivery.com/accounts/USDOJ/subscriber/new.*

Dated: April 30, 2018.

Dorothy B. Fountain,

Chief Legal Advisor.

[FR Doc. 2018–09461 Filed 5–3–18; 8:45 am]

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DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Employee Retirement Income Security Act Regulation

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Employee Retirement Income Security Act Section 408(b)(2) Regulation,'' to the Office of Management and Budget (OMB) for review and approval for