

F.2d at 1577 (quotation marks omitted). “The court should also bear in mind the flexibility of the public interest inquiry: the court’s function is not to determine whether the resulting array of rights and liabilities is the one that will best serve society, but only to confirm that the resulting settlement is within the reaches of the public interest.” *Microsoft*, 56 F.3d at 1460 (quotation marks omitted); see also *United States v. Deutsche Telekom AG*, No. 19–2232 (TJK), 2020 WL 1873555, at \*7 (D.D.C. Apr. 14, 2020). More demanding requirements would “have enormous practical consequences for the government’s ability to negotiate future settlements,” contrary to congressional intent. *Microsoft*, 56 F.3d at 1456. “The Tunney Act was not intended to create a disincentive to the use of the consent decree.” *Id.*

The United States’ predictions about the efficacy of the remedy are to be afforded deference by the Court. See, e.g., *Microsoft*, 56 F.3d at 1461 (recognizing courts should give “due respect to the Justice Department’s . . . view of the nature of its case”); *United States v. Iron Mountain, Inc.*, 217 F. Supp. 3d 146, 152–53 (D.D.C. 2016) (“In evaluating objections to settlement agreements under the Tunney Act, a court must be mindful that [t]he government need not prove that the settlements will perfectly remedy the alleged antitrust harms[;] it need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.” (internal citations omitted)); *United States v. Republic Servs., Inc.*, 723 F. Supp. 2d 157, 160 (D.D.C. 2010) (noting “the deferential review to which the government’s proposed remedy is accorded”); *United States v. Archer-Daniels-Midland Co.*, 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (“A district court must accord due respect to the government’s prediction as to the effect of proposed remedies, its perception of the market structure, and its view of the nature of the case.”). The ultimate question is whether “the remedies [obtained by the Final Judgment are] so inconsonant with the allegations charged as to fall outside of the ‘reaches of the public interest.’” *Microsoft*, 56 F.3d at 1461 (quoting *W. Elec. Co.*, 900 F.2d at 309).

Moreover, the Court’s role under the Tunney Act is limited to reviewing the remedy in relationship to the antitrust violations that the United States has alleged in its Complaint, and the Tunney Act does not authorize the Court to “construct [its] own hypothetical case and then evaluate the decree against that case.” *Microsoft*, 56 F.3d at 1459; see also *U.S. Airways*, 38

F. Supp. 3d at 75 (noting that the court must simply determine whether there is a factual foundation for the government’s decisions such that its conclusions regarding the proposed settlements are reasonable); *InBev*, 2009 U.S. Dist. LEXIS 84787, at \*20 (“[T]he ‘public interest’ is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged.”). Because the “court’s authority to review the decree depends entirely on the government’s exercising its prosecutorial discretion by bringing a case in the first place,” it follows that “the court is only authorized to review the decree itself,” and not to “effectively redraft the complaint” to inquire into other matters that the United States did not pursue. *Microsoft*, 56 F.3d at 1459–60.

In its 2004 amendments to the Tunney Act, Congress made clear its intent to preserve the practical benefits of using judgments proposed by the United States in antitrust enforcement, Public Law 108–237 § 221, and added 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). This language explicitly wrote into the statute what Congress intended when it first 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). “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 (citing *Enova Corp.*, 107 F. Supp. 2d at 17).

#### VIII. Determinative Documents

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

Dated: November 17, 2023.

Respectfully submitted,  
For Plaintiff, United States of America  
Jack G. Lerner,

U.S. Department of Justice Antitrust Division,  
Civil Conduct Task Force, 450 Fifth Street  
NW, Suite 8600, Washington, DC 20530, Tel:  
202–227–9295, Fax: 202–616–2441, Email:  
jack.lerner@usdoj.gov.

[FR Doc. 2023–26794 Filed 12–6–23; 8:45 am]

BILLING CODE 4410–11–P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Modification To Consent Decree Under the Clean Water Act

On December 3, 2023, the Department of Justice lodged with the United States District Court for the Eastern District of Tennessee in the lawsuit entitled *United States and the State of Tennessee v. The City of Chattanooga*, Civil Action No. 1:12–cv–00245, a proposed modification to the existing Consent Decree.

The United States, on behalf of the U.S. Environmental Protection Agency (“EPA”), and the State of Tennessee filed this lawsuit on July 17, 2012, under the Clean Water Act and Tennessee State law alleging violations with respect to the City of Chattanooga’s publicly owned treatment works. A Consent Decree resolving these claims was entered by the Court on April 24, 2014. The proposed modification to the Consent Decree extends certain deadlines to achieve compliance with the Consent Decree while adding significant remedial projects that the city must complete in the next five years. The cost of the additional required projects is estimated to be \$185 million.

The publication of this notice opens a period for public comment on the proposed modification to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and the State of Tennessee v. The City of Chattanooga*, D.J. Ref. No. 90–5–1–1–10145. 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:

To submit comments:	Send them to:
By email .....	pubcomment-ees.enrd@usdoj.gov.
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 website: <https://>

[www.justice.gov/enrd/consent-decrees](http://www.justice.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 \$40.25 (25 cents per page reproduction cost), payable to the United States Treasury.

**Lori Jonas,**

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

[FR Doc. 2023–26889 Filed 12–6–23; 8:45 am]

**BILLING CODE 4410–15–P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2024–006]

### Advisory Committee on the Records of Congress; Meeting

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** We are announcing an upcoming meeting of the Advisory Committee on the Records of Congress in accordance with the Federal Advisory Committee Act. The committee advises NARA on the full range of programs, policies, and plans for the Center for Legislative Archives in the Office of Legislative Archives, Presidential Libraries, and Museum Services (LPM).

**DATES:** The meeting will be on December 11, 2023, from 10:15 a.m. to 12 p.m. EST.

**FOR FURTHER INFORMATION CONTACT:** James Wyatt, National Archives, Center for Legislative Archives, by email at [James.Wyatt@nara.gov](mailto:James.Wyatt@nara.gov) or by phone at 202–357–5016.

**SUPPLEMENTARY INFORMATION:** This virtual meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. app 2) and implementing regulations.

### Meeting Information

*Meeting link:* <https://senate.webex.com/senate/j.php?MTID=m38e2fe7a06180f990a755cfa41ede3c3>.

*Meeting number:* 2762 958 2435.

*Meeting password:* SrM6Gavpw87.

*Join from a video or application:* Dial 27629582435@senate.webex.com.

You can also dial 207.182.190.20 and enter your meeting number.

*Join by phone:* +1 202–228–0808 US Senate Webex, +1 855–428–0808 US Senate Webex (Toll Free).

*Access code:* 27629582435.

*Global call-in numbers:* <https://senate.webex.com/senate/globalcallin.php?MTID=mcf8e47615656e2926077acf6cd6ff1d5>.

### Agenda

1. Opening Remarks—Ann Berry, Secretary of the Senate
2. Recognition of Co-Chair—Kevin McCumber, Acting Clerk of the House
3. Recognition of the Archivist of the United States—Colleen Shogan
4. Approval of the Minutes of the Last Meeting
5. Senate Archivist's Report—Karen Paul
6. House Archivist's Report—Heather Bourk
7. Center for Legislative Archives Report—Richard Hunt
8. Advisory Committee on the Records of Congress Seventh Report—Karen Paul
9. New Business
10. Adjournment

**Tasha Ford,**

*Committee Management Officer.*

[FR Doc. 2023–26849 Filed 12–6–23; 8:45 am]

**BILLING CODE 7515–01–P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Revisions of Agency Information Collection of a Previously Approved Collection; Request for Comments

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Notice of submission to the Office of Management and Budget.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, the National Credit Union Administration (NCUA) is submitting the following extensions and revisions of currently approved collections to the Office of Management and Budget (OMB) for renewal.

**DATES:** Written comments should be received on or before January 8, 2024 to be assured consideration.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

### FOR FURTHER INFORMATION CONTACT:

Copies of the submission may be obtained by contacting Mahala Vixamar at (703) 718–1155, emailing [PRAComments@ncua.gov](mailto:PRAComments@ncua.gov), or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

### SUPPLEMENTARY INFORMATION:

*OMB Number:* 3133–0004.

*Title:* NCUA Call Report.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions (FICUs) to make financial reports to the NCUA. Section 741.6 of the NCUA Rules and Regulations requires all FICUs to submit a Call Report quarterly. Financial information collected through the Call Report is essential to NCUA supervision of Federal credit unions. This information also facilitates NCUA monitoring of other credit unions with share accounts insured by the National Credit Union Share Insurance Fund (NCUSIF).

*Affected Public:* Private Sector: Not-for-profit institutions.

*Estimated Number of Respondents:* 4,686.

*Estimated Number of Responses per Respondent:* 4.

*Estimated Total Annual Responses:* 18,744.

*Estimated Hours per Response:* 4.

*Estimated Total Annual Burden*

*Hours:* 74,976.

*Reason for Change:* Burden decreased due to the number of respondents decreasing.

*OMB Number:* 3133–0040.

*Title:* Federal Credit Union Occupancy, Planning, and Disposal of Acquired and Abandoned Premises—12 CFR 701.36.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Section 107(4) of the Federal Credit Union Act authorizes a Federal credit union (FCU) to purchase, hold, and dispose of property necessary or incidental to its operations. Section 701.36 of NCUA Rules and Regulations interprets and implements this provision of the FCU Act by establishing occupancy, planning, and disposal requirements for acquired and abandoned premises. It also prohibits certain transactions. In addition, this section includes provisions in which an FCU may seek a waiver from certain requirements of the rule. NCUA reviews written waiver requests and makes a determination on the request based on safety and soundness considerations.

*Affected Public:* Private Sector: Not-for-profit institutions.