(1) 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, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e) (emphasis added). As the Court of Appeals for the District of Columbia has held, the APPA permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the Government's Complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See United States* v. *Microsoft Corp.*, 56 F.3d 1448, 1458–62 (D.C. Cir. 1995).

In conducting this inquiry, ''the 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.'' [5] Rather,

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.[6]

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.*, 858 F.2d 456, 462–63 (9th Cir. 1988), *quoting United States* v. *Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981); *see also Microsoft*, 56 F.3d at 1458. Precedent requires that

[t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[7]

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. A ''proposed decree must be approved even if it falls short of the remedy the court would impose on it own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' [8]

Moreover, the Court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States alleges in its Complaint, and 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. Since 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 might have but did not pursue. *Id.*

III. 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 23, 2002.

Respectfully submitted,

Renata B. Hesse, N. Scott Sacks, James J. Tierney (D.C. Bar#434610), Jessica N. Butler-Arkow, David E. Blake-Thomas, Larissa Ng Tan,

Attorneys, U.S. Department of Justice, Antitrust Division, Networks and Technology Section, 600 E Street, NW., Suite 9500, Washington, DC 20530, 202/307–0797.

Certificate of Service

I hereby certify that a copy of the foregoing Competitive Impact Statement was hand delivered this 23rd day of April 2002, to: Counsel for Computer Associates International, Inc. and Platinum *technology* International, *inc.*

Richard L. Rosen, Esquire, Arnold & Porter, 555 Twelfth Street, NW., Washington, DC 20004–1206, Fax: 202/547–5999.

James L. Tierney.

[FR Doc. 02–15328 Filed 6–17–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Termination of Judgment

Notice is hereby given that Defendant General Electric Co. has filed a motion to terminate the Final Judgment in *United States* v. *General Electric Company, et al.,* Civil Action No. 26012, with the United States District Court for the Northern District of Ohio, and that the Department of Justice, in a stipulation also filed with the Court, has tentatively consented to termination of the Final Judgment, but has reserved the right to withdraw its consent pending receipt of public comments. Acuity Brands, Inc. (successor to Defendant Holophane Co., Inc.), Cooper Industries, Inc. (successor to Defendants Westinghouse Electric Corp. and Line Material Company), and Union Metal Corp. (apparent successor to both Defendant Union Metal Manufacturing Co. and its subsidiary Defendant Pacific Union Metal Co.) all have executed the stipulation, indicating their support for termination of the Final Judgment as to all defendants and successors thereof.

On November 12, 1948, the United States filed its Complaint in this case alleging that defendants conspired to restrain and monopolize the market for street lighting equipment by, among other things, fixing prices, allocating

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[5] 119 Cong. Rec. 24,598 (1973). *See United States* v. *Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A ''public interest'' determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, those procedures are discretionary (15 U.S.C. 16(f)). A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceeding would aid the court in resolving those issues. *See* H.R. Rep. No. 93–1463, 93rd Cong. 2d Sess. 8–9 (1974), *reprinted in* 1974 U.S.C.C.A.N. 6535, 6538.

[6] *United States* v. *Mid-America Dairymen, Inc.*, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980 (W.D. Mo. 1977); *see also United States* v. *Loew's Inc.,* 783 F. Supp. 211, 214 (S.D.N.Y. 1992); *United States* v. *Columbia Artists Mgmt., Inc.*, 662 F. Supp. 865, 870 (S.D.N.Y. 1987).

[7] *United States* v. *Bechtel Corp.*, 648 F.2d at 666 (citations omitted) (emphasis added); *see United States* v. *BNS, Inc.*, 858 F. 2d at 463; *United States* v. *National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *United States* v. *Gillette Co.*, 406 F. Supp. at 716. *See also United States* v. *American Cyanamid Co.*, 719 F.2d 558, 565 (2d Cir. 1983), *cert. denied*, 465 U.S. 1101 (1984).

[8] *United States* v. *American Tel. & Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982) (*quoting Gillette*, 406 F. Supp. at 716), *aff'd sub nom. Maryland* v. *United States*, 460 U.S. 1001 (1983); *United States* v. *Alcan Aluminum, Ltd*, 605 F. Supp. 619, 622 (W.D. Ky. 1985); *United States* v. *Carrols Dev. Corp.*, 454 F. Supp. 1215, 1222 (N.D.N.Y. 1978).

markets, collectively refusing to deal with certain suppliers and customers of street lighting equipment, and entering into exclusive supply or distribution agreements. On May 27, 1952, a Final Judgment was entered with the consent of the parties. The Final Judgment applies to Defendant GE and to corporate successors of all other named defendants. The Final Judgment provisions that remain in effect enjoin and restrain defendants from, among other things, renewing, performing, or enforcing any of the terminated agreements or entering into, performing, or enforcing any other agreements having the same purpose or effect; fixing prices, allocating territories, customers, or markets; exchanging with or disclosing to other street lighting equipment manufacturers competitively sensitive information; collectively refusing to deal with certain suppliers or customers; dealing only exclusively with certain other suppliers or customers; and acquiring any other defendant or street lighting equipment manufacturer. Due to the passage of time and changes in the industry, the United States believes the Final Judgment is no longer necessary to preserve competition in the street lighting equipment business.

The Department has filed with the Court a memorandum setting forth in detail the reasons why the United States believes that termination of the Final Judgment would serve the public interest. Copies of Defendant GE's motion papers, the stipulation containing the Government's tentative consent, the Government's memorandum, and all further papers filed with the Court in connection with this motion will be available for inspection at the Antitrust Documents Group of the Antitrust Division, Room 215, 325 7th Street NW., Liberty Place Building, Washington, DC 20530, and at the Office of the Clerk of the Court, United States District Court for the Northern District of Ohio, 201 Superior Avenue, Cleveland, OH 44114 (216/522–4355). Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the Final Judgment to the Government. Such comments must be received by the Division within sixty (60) days and will be filed with the Court by the Government. Comments should be addressed to James R. Wade, Chief, Litigation III Section, Antitrust Division, Department of Justice, Liberty Place Building, Suite 300, 325 7th Street NW., Washington, DC 20530 (202/616–5935).

Dorothy B. Fountain,

Deputy Director of Operations.

[FR Doc. 02–15327 Filed 6–17–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Ethernet in the First Mile Alliance

Notice is hereby given that, on April 17, 2002, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Ethernet in the First Mile Alliance (''EFMA'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. 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, BATM Advanced Communications, Yokneam Ilit, ISRAEL; Calix, Petaluma, CA; Fiberintheloop, Marlow, UNITED KINGDOM; Hatteras Networks, Research Triangle Park, NC; Infineon Technologies AG, Munich, GERMANY; Passave, Inc., Tel Aviv, ISRAEL; Spirent Communications, Calabasas, CA; and Texas Instruments, Dallas, TX, have been added as parties to this venture. Also, Elastic Networks, Alpharetta, GA, has been acquired by Paradyne, Alpharetta, GA.

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

On January 16, 2002, EFMA 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 March 8, 2002 (67 FR 10760).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–15326 Filed 6–17–02; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on May 13, 2002, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. 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, Lockheed Martin Information Systems, Orlando, FL has been added as a party to this venture. Also, Ericsson, Gevle, SWEDEN; L3 Communications Analytics Corporation (formerly Emergent Information Technologies), Vienna, VA; and Software AG, San Ramon, CA have been dropped as parties 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 Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notification disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. 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 July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on August 20, 2001. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 4, 2001 (66 FR 50682).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 02–15236 Filed 6–17–02; 8:45 am]

BILLING CODE 4410–15–M