

withhold the names and/or addresses of those who comment will be made on a case-by-case basis. Such requests will be honored to the extent allowed by law. The BLM will make available for public review, in their entirety, all comments submitted by businesses or organizations, including comments by individuals in their capacity as an official or representative of a business or organization.

(Authority: 43 CFR 2711.1–2)

**Lori A. Armstrong,**  
*Shoshone Field Manager.*

[FR Doc. E9–4489 Filed 3–2–09; 8:45 am]

BILLING CODE 4310–SS–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Temporary Concession Contract for Lake Chelan National Recreation Area, WA

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice of proposed award of temporary concession contract for the Lake Chelan National Recreation Area, WA.

**SUMMARY:** Pursuant to 36 CFR 51.24, public notice is hereby given that the National Park Service proposes to award a temporary concession contract for the conduct of certain visitor services within Lake Chelan National Recreation Area, Washington for a term not-to-exceed 3 years. The visitor services include overnight accommodations, food and beverage, retail, fuel, and transportation services. This action is necessary to avoid interruption of visitor services.

**DATES:** The term of the temporary concession contract will commence (if awarded) no earlier than March 1, 2009.

**SUPPLEMENTARY INFORMATION:** The temporary concession contract is proposed to be awarded to Stehekin Adventure, LLC, a qualified person. Stehekin Adventure, LLC, also is the incumbent concessioner, who operated all visitor services, after a sale and transfer was completed in 2006, under Concession Contract CC–LACH003–94. The 1998 Concessions Management Improvement Act provides by its terms that, to avoid interruption of services to visitors, the National Park Service may award non-competitively a temporary contract to perform such services for a term not-to-exceed 3 years in aggregate. 16 U.S.C. 5952(11). Because this temporary contract will not exceed 3

years, this action complies with the provisions of this statutory provision.

The National Park Service issued a prospectus on March 21, 2008, closing on June 4, 2008, for solicitation of a new 10-year concession contract; however, no proposals were received. The National Park Service has determined that a temporary contract is necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid an interruption of visitor services.

This action is issued pursuant to 36 CFR 51.24(b). This is not a request for proposals.

Dated: February 3, 2009.

**Ernest Quintana,**

*Acting Deputy Director, Operations.*

[FR Doc. E9–4540 Filed 3–2–09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0071]

#### Agency Information Collection Activities: Proposed Collection; Comments Requested:

**ACTION:** 60-Day Notice of Information Collection Under Review: Notification to Fire Safety Authority of Storage of Explosive Materials.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for “sixty days” until May 4, 2009. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Debra Satkowiak, Chief, Explosives Industry Programs Branch, Room 6E405, 99 New York Avenue, NE., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your

comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies’ estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Overview of this information collection:*

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Notification to Fire Safety Authority of Storage of Explosive Materials.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: None. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Farms, State, Local, or Tribal Government, Individuals or households. The information is necessary for the safety of emergency response personnel responding to fires at sites where explosives are stored. The information is provided both orally and in writing to the authority having jurisdiction for fire safety in the locality in which explosives are stored.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 5,000 respondents will take 30 minutes to complete the notifications..

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 2,500 annual total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Patrick Henry

Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 25, 2009.

**Lynn Bryant,**

*Department Clearance Officer, PRA, United States Department of Justice.*

[FR Doc. E9-4413 Filed 3-2-09; 8:45 am]

**BILLING CODE 4410-FY-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Public Comment and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States hereby publishes below the comment received on the proposed Final Judgment in *United States et al. v. Verizon Communications Inc. and Alltel Corporation*, No. 1:08-CV-01878-EGS, which were filed in the United States District Court for the District of Columbia, on February 17, 2009, together with the response of the United States to the comment.

Copies of the comment and the response are available for inspection at the Department of Justice Antitrust Division, 325 Seventh Street, NW., Room 200, Washington, DC 20530, (telephone (202) 514-2481), and at the Office of the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, NW., Washington, DC 20001. Copies of any of these materials may be obtained upon request and payment of a copying fee.

**Patricia Brink,**

*Deputy Director of Operations, Antitrust Division.*

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

**United States of America, State of Alabama, State of California, State of Iowa, State of Kansas, State of Minnesota, State of North Dakota, and State of South Dakota, Case No. 1:08-Cv-01878 (Egs), Plaintiffs, v. Verizon Communications Inc. and Alltel Corporation, Defendants**

#### Plaintiff United States's Response to Public Comments

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h) ("APPA" or "Tunney Act"), plaintiff United States hereby responds to the public comment received regarding the proposed Final Judgment in this case. After careful consideration of the comment, plaintiff United States continues to believe that

the proposed Final Judgment will provide an effective and appropriate remedy for the antitrust violation alleged in the Complaint. Plaintiff United States will move the Court for entry of the proposed Final Judgment after the public comment and this Response have been published in the **Federal Register**, pursuant to 15 U.S.C. § 16(b), (d).

On October 30, 2008, plaintiff United States and the States of Alabama, California, Iowa, Kansas, Minnesota, North Dakota, and South Dakota filed the Complaint in this matter alleging that the proposed merger of two mobile wireless telecommunications service providers, Verizon Communications Inc. ("Verizon") and Alltel Corporation ("Alltel"), would violate Section 7 of the Clayton Act, 15 U.S.C. 18 in certain geographic areas of the United States. Simultaneously with the filing of the Complaint, plaintiff United States filed a proposed Final Judgment and a Preservation of Assets Stipulation and Order signed by plaintiff United States, the plaintiff States and the defendants consenting to the entry of the proposed Final Judgment after compliance with the requirements of the Tunney Act. Pursuant to those requirements, plaintiff United States filed a Competitive Impact Statement ("CIS") in this Court on October 30, 2008; published the proposed Final Judgment and CIS in the **Federal Register** on November 12, 2008, see 73 FR 66,922 (2008); and published a summary of the terms of the proposed Final Judgment and CIS, together with directions for the submission of written comments relating to the proposed Final Judgment, in the *Washington Post* for seven days beginning on November 19, 2008 and ending on November 25, 2008. The defendants filed the statements required by 15 U.S.C. § 16(g) on November 7, 2008. The 60-day period for public comments ended on January 24, 2009, and one comment was received as described below and attached hereto.

#### I. Background

As explained more fully in the Complaint and the CIS, the likely effect of this transaction would be to lessen competition substantially for mobile wireless telecommunications services in 94 geographic areas in the states of Alabama, Arizona, California, Colorado, Georgia, Idaho, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Utah, Virginia, and Wyoming. To restore competition in these markets, the proposed Final Judgment, if entered, would require defendants to divest (a)

Alltel's mobile wireless telecommunications businesses and related assets in 85 Cellular Market Areas ("CMAs"); (b) Verizon's mobile wireless telecommunications businesses and related assets acquired from Rural Cellular Corporation in August 2008 in seven CMAs; and (c) Verizon's mobile wireless telecommunications businesses and related assets (excluding those acquired from Rural Cellular Corporation in August 2008) in two CMAs. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and punish violations thereof.

#### II. Legal Standard Governing the Court's Public Interest Determination

Upon publication of the public comments and this Response, plaintiff United States will have fully complied with the Tunney Act. It will then ask the court to determine that entry of the proposed Final Judgment would be "in the public interest," and to enter it. 15 U.S.C. 16(e)(1). In making that determination, the court, in accordance with the statute as amended in 2004,<sup>1</sup> is required to consider:

(A) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) The impact of entry of such judgment upon competition in the relevant market or markets, 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)(1)(A)-(B). In considering these statutory factors, the court's inquiry is necessarily a limited one as the government is entitled to "broad discretion to settle with the defendant within the reaches of the public interest." *United States v. Microsoft Corp.*, 56 F.3d 1448, 1461 (DC Cir.

<sup>1</sup> The 2004 amendments substituted "shall" for "may" in directing relevant factors for the court to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. Compare 15 U.S.C. § 16(e) (2004), with 15 U.S.C. 16(e)(1) (2006); see also *United States v. SBC Commc'ns, Inc.*, 489 F. Supp. 2d 1, 11 (D.D.C. 2007) (concluding that the 2004 amendments "effected minimal changes" to Tunney Act review).