

to be officially filed in the Bureau of Land Management Oregon/Washington State Office, Portland, Oregon, 30 days from the date of this publication.

**Willamette Meridian**

*Oregon*

T. 15 S., R. 2 W., accepted April 20, 2012.  
T. 24 S., R. 6 W., accepted April 20, 2012.

*Washington*

T. 14 N., R. 11 W., accepted April 25, 2012.

**ADDRESSES:** A copy of the plats may be obtained from the Land Office at the Bureau of Land Management, Oregon/Washington State Office, 333 SW. 1st Avenue, Portland, Oregon 97204, upon required payment. A person or party who wishes to protest against a survey must file a notice that they wish to protest (at the above address) with the Oregon/Washington State Director, Bureau of Land Management, Portland, Oregon.

**FOR FURTHER INFORMATION CONTACT:** Kyle Hensley, (503) 808-6124, Branch of Geographic Sciences, Bureau of Land Management, 333 SW. 1st Avenue, Portland, Oregon 97204. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Mary J.M. Hartel,**

*Chief, Cadastral Surveyor of Oregon/  
Washington.*

[FR Doc. 2012-11194 Filed 5-9-12; 8:45 am]

**BILLING CODE 4310-33-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

[LLCAC069 L1711.0000 AL.0000 025B]

**Notice of Public Meeting of the Carrizo Plain National Monument Advisory Council**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Carrizo Plain National Monument Advisory Council (MAC) will meet as indicated below.

**DATES:** The meeting will be held on Saturday, June 30, 2012, at the Carrisa Plains Elementary School, located approximately 2 miles northwest of Soda Lake Road on Highway 58. The meeting will begin at 10:00 a.m. and finish at 2:00 p.m. The meeting will focus on the Travel Management Plan, accomplishments completed and continued implementation of the Resource Management Plan. There will be a public comment period from 1:00 p.m. to 2:00 p.m. Lunch will be available for \$8.

**FOR FURTHER INFORMATION CONTACT:** The BLM, Johna Hurl, Monument Manager, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, CA 93308, (661) 391-6093, [jhurl@blm.gov](mailto:jhurl@blm.gov).

**SUPPLEMENTARY INFORMATION:** The ten-member MAC advises the Secretary of the Interior, through the BLM, on a variety of public land issues associated with public land management in the Carrizo Plain National Monument in Central California. At this meeting, Monument staff will outline the process for developing the Travel Management Plan for the monument, provide updated information on continued implementation of the Resource Management Plan and accomplishments. This meeting is open to the public. Depending on the number of persons wishing to comment and the time available, the time allotted for individual oral comments may be limited. Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations should contact the BLM as indicated above.

Dated: May 1, 2012.

**Timothy Z. Smith,**

*Field Manager, Bakersfield Field Office.*

[FR Doc. 2012-11265 Filed 5-9-12; 8:45 am]

**BILLING CODE 4310-40-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Ocean Energy Management**

**Outer Continental Shelf Scientific Committee; Announcement of Plenary Session**

**AGENCY:** Bureau of Ocean Energy Management (BOEM), Interior.

**ACTION:** Notice of Meeting.

**SUMMARY:** The Outer Continental Shelf (OCS) Scientific Committee (SC) will meet at the Fess Parker's Doubletree Resort.

**DATES:** Tuesday, May 22, 2012, from 8:30 a.m. to 5:00 p.m.; Wednesday, May 23, 2012, from 8:30 a.m. to 5:00 p.m.; and on Thursday, May 24, 2012, from 9:00 a.m. to 3:30 p.m.

**ADDRESSES:** 633 East Cabrillo Boulevard, Santa Barbara, California 93103, telephone (805) 564-4333.

**FOR FURTHER INFORMATION CONTACT:** A copy of the agenda may be requested from BOEM by emailing Ms. Phyllis Clark at [Phyllis.Clark@boem.gov](mailto:Phyllis.Clark@boem.gov). Other inquiries concerning the OCS SC meeting should be addressed to Dr. Rodney Cluck, Executive Secretary to the OCS SC, Bureau of Ocean Energy Management, 381 Elden Street, Mail Stop HM-3115, Herndon, Virginia 20170-4817, or by calling (703) 787-1087 or via email at [Rodney.Cluck@boem.gov](mailto:Rodney.Cluck@boem.gov).

**SUPPLEMENTARY INFORMATION:** The OCS SC will provide advice on the feasibility, appropriateness, and scientific value of the OCS Environmental Studies Program to the Secretary of the Interior through the Director of BOEM. The SC will review the relevance of the research and data being produced to meet BOEM's scientific information needs for decision making and may recommend changes in scope, direction, and emphasis.

The Committee will meet in plenary session on Tuesday, May 22. The Chief Environmental Officer will address the Committee on the general status of BOEM and its activities. There will be an update from each region's Environmental Studies Chief on OCS activities and current issues.

On Wednesday, May 23, the Committee will meet in discipline breakout groups (i.e., biology/ecology, physical sciences, and social sciences) to review the specific research plans of BOEM's regional offices for Fiscal Years 2013 and 2014.

On Thursday, May 24, the Committee will meet in plenary session for reports of the individual discipline breakout sessions of the previous day and to continue with Committee business.

The meetings are open to the public. Approximately 30 visitors can be accommodated on a first-come-first-served basis at the plenary session.

**Authority:** Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C., Appendix I, and the Office of Management and Budget's Circular A-63, Revised.

Dated: May 3, 2012.

**Alan Thornhill,**

*Chief Environmental Officer, Bureau of Ocean Energy Management.*

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**BILLING CODE 4310-VH-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### ***United States v. Exelon Corporation, et al.*; 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 v. Exelon Corporation, et al.*, Civil Action No. 1:11-CV-02276-EGS, which was filed in the United States District Court for the District of Columbia on April 26, 2012, 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, 450 Fifth Street NW., Suite 1010, Washington, DC 20530 (telephone: 202-514-2481), on the Department of Justice's Web site at <http://www.justice.gov/atr>, 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 A. Brink,**

*Director of Civil Enforcement.*

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

UNITED STATES OF AMERICA  
*Plaintiff*, v. EXELON CORPORATION,  
and CONSTELLATION ENERGY  
GROUP, INC. *Defendants*. Case: 1:11-cv-02276.

#### **RESPONSE OF PLAINTIFF UNITED STATES TO PUBLIC COMMENT ON THE PROPOSED FINAL JUDGMENT**

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h) ("APPA" or

"Tunney Act"), plaintiff, the United States of America ("United States") hereby files the public comment concerning the proposed Final Judgment in this case and the United States' response to that comment. After careful consideration of the comment submitted, the 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. The 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(d).

### **I. BACKGROUND**

#### *A. Procedural History*

On April 28, 2011, Defendant Exelon Corporation ("Exelon") agreed to merge with Defendant Constellation Energy Group, Inc. ("Constellation"). Exelon and Constellation are two of the largest sellers of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia. Wholesale electricity is resold to customers by utilities and other organizations, generally for resale to end-use consumers.

On December 21, 2011, the United States filed a civil antitrust Complaint alleging that the proposed merger of Exelon and Constellation would substantially lessen competition in the provision of wholesale electricity in parts of the Mid-Atlantic states in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18, and result in higher wholesale electricity prices, raising retail electricity prices for residential, commercial, and industrial customers in these markets. Simultaneously with the filing of the Complaint, the United States filed the proposed Final Judgment and a Hold Separate Stipulation and Order ("Hold Separate Order") signed by the United States and Defendants consenting to the entry of the proposed Final Judgment after compliance with the requirements of the APPA, 15 U.S.C. § 16. The Court signed and entered the Hold Separate Order on December 30, 2011.

Pursuant to the requirements of the APPA, the United States filed a Competitive Impact Statement ("CIS") in this Court on December 21, 2011; published the proposed Final Judgment and CIS in the **Federal Register** on December 28, 2011 (see 76 Fed. Reg. 81528); and arranged for the publication

of a summary of the terms of the proposed Final Judgment, together with directions for the submission of written comments relating to the proposed Final Judgment, in *The Washington Post* for seven days beginning on December 26, 2011 and ending on January 2, 2012. The Defendants filed the statement required by 15 U.S.C. § 16(g) on January 3, 2012. The 60-day period for public comments ended on March 2, 2012; one comment was received as described in Section III below and is attached hereto.

#### *B. The Complaint and Proposed Final Judgment*

The Complaint alleges that the combination of Exelon's and Constellation's generating units would enhance post-merger Exelon's ability and incentive to reduce output and raise wholesale electricity prices, likely resulting in increased retail electricity prices for customers in two regions, PJM Mid-Atlantic North and PJM Mid-Atlantic South, as defined in the Complaint and as discussed in detail in the CIS (at pp. 8-12). Absent the merger, Exelon and Constellation would compete against each other to sell electricity at wholesale. As explained in the CIS, the proposed merger would substantially lessen competition by combining the ownership or control of (a) low-cost baseload units that provide the incentive to raise prices with (b) higher-cost units that provide the ability to raise prices, and thus substantially increasing the likelihood that post-merger Exelon would find it profitable to withhold output and raise prices.

The proposed Final Judgment would preserve the competition that would have been lost had the merger gone forward without divestitures. The remedy in the proposed Final Judgment resolves the alleged competitive effects by requiring defendants to divest three electric generating plants to a viable purchaser approved by the United States in its sole discretion. In addition, the proposed Final Judgment prohibits the merged company from reacquiring or controlling any of the divested assets. See CIS at pp. 12-15.

#### *C. Review of Proposed Merger by Other Government Agencies*

In addition to a review under the antitrust laws by the United States Department of Justice, which led to the Complaint and proposed Final Judgment, the proposed merger required approvals from the Federal Energy Regulatory Commission, the Public Service Commissions of Maryland and New York, the Public Utility Commission of Texas, the Federal Communications Commission, and the