

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 APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged 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; 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 (concluding that “the ‘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. As this Court confirmed in *SBC Communications*, courts “cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.” 489 F. Supp. 2d at 15.

In its 2004 amendments to the APPA, Congress made clear its intent to preserve the practical benefits of using judgments proposed by the United States 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 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 enacted the Tunney Act in 1974. As Senator Tunney explained: “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.” 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 APPA that were considered by the United States in formulating the proposed Final Judgment.

Date: January 7, 2025
Respectfully Submitted,

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The National Advanced Mobility Consortium, Inc.

Notice is hereby given that, on October 10, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), The National Advanced Mobility Consortium, Inc. (“NAMC”) has filed written notifications simultaneously

with the Attorney General and the Federal Trade Commission disclosing changes in its membership. On February 3, 2015, the RTC officially changed its name to NAMC. 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, Abaco Systems Inc., Huntsville, AL; ACP Technologies, LLC, St. Clair Shores, MI; Acutronic USA, Inc, Pittsburgh, PA; AEF-Performance, LLC, Picayune, MS; AIVOT Robotics, Inc., Seattle, WA; All Foam Products Co, Middlefield, OH; Amazon Web Services, Seattle, WA; American Lithium Energy Corporation, Carlsbad, CA; American Tooling Center, Inc., Lansing, MI; Amphenol Borisch Technologies, Grand Rapids, MI; Ascent AeroSystems, Wilmington, MA; ATA Engineering, Inc, San Diego, CA; ATI, Arlington, VA; AVL Mobility Technologies, Inc., Plymouth, MI; Banks Technologies, Azusa, CA; Beast Code, LLC., Fort Walton Beach, FL; Belding Tool and Machine, Belding, MI; Bevilacqua Research Corporation, Huntsville, AL; BlueSky Mast, Inc., Largo, FL; Bosch Rexroth Corporation, Bethlehem, PA; Buffalo Armory Group, LLC, Buffalo, NY; Cambium Biomaterials, Mojave, CA; Canis Automotive Labs Inc, Highlands Ranch, CO; Canoo Technologies Inc., Torrance, CA; Clear Align, Eagleville, PA; Compound Eye Inc., Redwood City, CA; Computer Access Technologies, LLC, Colorado Springs, CO; CoVar, McLean, VA; Cryptic Vector, Liberty Township, OH; CTC Enterprise Ventures Corporation, Johnstown, PA; Cubic Defense Applications Inc., San Diego, Ca; Cummings Aerospace, Inc., Huntsville, AL; Curtiss Wright 901D, Monsey, NY; Curtiss-Wright (Teletronics Technology Corp), Newtown, PA; CVX Instruments, LLC, Charlevoix, MI; D–2 Incorporated, Bourne, MA; D’Angelo Technologies, LLC, Dayton, OH; Detroit Manufacturing Systems, LLC., Detroit, MI; Diversified Technologies, Inc., Bedford, MA; Doodle Labs, LLC, Marina Del Rey, CA; DTCUBED, LLC, Sewell, NJ; Duality Robotics, Inc., San Mateo, CA; Dynetics, Inc., Huntsville, AL; Easy Aerial, Brooklyn, NY; ELC Industries, d.b.a. Aurora Defense Group, Aurora, IL; Emelody Worldwide Inc., Peachtree Corners, GA; esc Aerospace US, Inc., Orlando, FL; Florida Institute for Human & Machine Cognition, Pensacola, FL; FN America, LLC, MCLEAN, VA; Galley Power Inc, Hudson, MA; GE Aviation Systems, LLC, Grand Rapids, MI; General Technical Services, LLC, Wall

Township, NJ; HDT Expeditionary Systems, Inc., Operating through its BLADE division, Fredericksburg, VA; Highland Engineering, Inc, Howell, MI; HII Unmanned Systems, Inc., Pocasset, MA; Hoverfly Technologies Inc., Sanford, FL; HPTechAi, LLC, College Station, TX; IDV USA Inc., York, PA; Infrared (IR) Telemetrics, Inc., Hancock, MI; Kodiak Robotics, Inc., Mountain View, CA; Kord Technologies, LLC, Huntsville, AL; Latent AI, Skillman, NJ; Lawrence Technological University, Southfield, MI; Leonardo DRS AISR, Beavercreek, OH; Massie MFG., Inc., Baraga, MI; MAXISIQ, Lorton, VA; Menet Aero, Oak Creek, WI; Miltope Corporation, Hope Hull, AL; MOORE INTEGRITY ENGINEERING, LLC, SAN ANTONIO, TX; NOBLES WORLDWIDE, INC., St. Croix Falls, WI; Numerica Corporation, Fort Collins, CO; Oasis Advanced Engineering, Inc., Lake Orion, MI; Oceanit Laboratories, Inc., Honolulu, HI; Overland AI Inc, Seattle, WA; Palomar Display Products, Inc, Carlsbad, CA; Pilot Systems International, LLC, Farmington Hills, MI; Polymath Robotics, San Francisco, CA; Primordial Labs Inc., New Haven, CT; Raglan, Wilmington, NC; Raytheon BBN Technologies Corp, Cambridge, MA; Raytheon Technologies Corporation (RTRC), EAST HARTFORD, CT; Sabel Systems Technology Solutions, LLC, Beavercreek, OH; Safire Technology Group, Tysons, VA; SAPA Transmission, Shelby Township, MI; SECO USA, Inc., Rockville, MD; SecureCo, Inc., New York, NY; SeeByte Inc., San Diego, CA; Sentry View Systems, Inc, Melbourne, FL; Shift5, Inc., Rosslyn, VA; Skydex Technologies Inc, Centennial, CO; Smart Shooter Inc, Herndon, VA; Sparton Aydin, LLC, dba Aydin Displays, Birdsboro, PA; Swan Technology Corporation, Pittsburgh, PA; Swarmbotics AI, Scottsdale, AZ; Systems Innovation Engineering, LLC, Mullica Hill, NJ; T2S, LLC, Belcamp, MD; TeleSwivel, LLC, Durham, NC; TeraDAR, Inc., Cambridge, MA; ThayerMahan, Groton, CT; The MathWorks, Inc., Novi, MI; TrellisWare Technologies, Inc., San Diego, CA; TTEch North America, Inc., Andover, MA; Tucson Embedded Systems, Inc. (TES-i), Tucson, AZ; Ultra Electronics Advanced Tactical Systems, Inc., Austin, TX; Unmanned Systems Inc, dba Albers Aerospace, McKinney, TX; Vertex Modernization and Sustainment, a V2X Company, Indianapolis, IN; Vision Products, LLC, Campbell, CA; Wegmann USA, Inc., Lynchburg, VA; Wichita State University, Wichita, KS; Wright Electric Inc., Malta, NY, have been added as parties to this venture.

Also, ADI Technologies Inc., Chantilly, VA; All Foam Products Co, Middlefield, OH; Allied Defense, Sarasota, FL; Amerex Corporation, Trussville, AL; American Engineering Group, LLC, Akron, OH; Andromeda Systems Inc DUPLICATE, Jacksonville, FL; Applied Systems Engineering Inc. dba ASEI, Niceville, FL; Atlas Business Consulting, Inc., Southlake, TX; Bell Helicopter Textron Inc., Hurst, TX; Citadel Defense Co, National City, CA; CITE Armored, Holly Springs, MS; CLogic Defense, Augusta, NJ; Compass Instruments, Inc., Sugar Grove, IL; Cornerstone Research Group, Miamisburg, OH; Cummins Corporate Research and Technology, Shoreview, MN; Czero Inc, Fort Collins, CO; DiSTI Corporation, Orlando, FL; Doodle Labs, LLC, Marina Del Rey, CA; Dynatrac Products Co., Inc., Huntington Beach, CA; Dynetics, Inc., Huntsville, AL; ELC Industries, d.b.a. Aurora Defense Group, Aurora, IL; Emelody Worldwide Inc., Peachtree Corners, GA; EngeniusMicro, Huntsville, AL; Egnuity Power Systems, Alexandria, VA; EnQuanta, Minneapolis, MN; Epirus Inc, Hawthorne, CA; esc Aerospace US, Inc., Orlando, FL; Essex Industries Inc, St. Louis, MO; Exyn Technologies, Philadelphia, PA; FSI Defense, Fort Worth, TX; GC Associates USA, LLC, Arlington, VA; General Kinetics, LLC, Bedford, NH; GK Mechanical Systems, LLC, Brookfield, CT; GRIMM, Stafford, VA; GuardKnox Cyber Technologies USA, Inc., Livonia, MI; Hawk Technologies, LLC, Hancock, MI; HIPPO POWER, LLC, dbaHIPPO MULTIPOWER, Kansas City, KS; HPTechAi, LLC, College Station, TX; Hupp and Associates Inc., dba Hupp Aerospace Defense, New Haven, IN; Indiana Mills & Manufacturing, Inc. (IMMI), Westfield, IN; IR Technologies (Impact Resources, Inc.), Bristow, VA; J.F. Taylor, Inc., Great Mills, MD; Leadtank Incorporated, dba RobosoftAI, Thousand Oaks, CA; Leonardo DRS AISR, Beavercreek, OH; Loch Harbour Group, Alexandria, VA; Logistic Services International, Inc., Jacksonville, FL; Mainstream Engineering Corporation, Rockledge, FL; Martin Technologies, New Hudson, MI; Menet Aero, Oak Creek, WI; Metawave Corporation, Carlsbad, CA; MIT Lincoln Laboratory, Lexington, MA; NOBLES WORLDWIDE, INC., St. Croix Falls, WI; Northrop Grumman Systems Corporation (Defense Systems), Huntsville, AL; NTL Industries Inc., Sterling Heights, MI; NVIDIA Corporation, Durham, NC; PacStar (Pacific Star Communications Inc), Portland, OR; Parts Life Inc,

Moorestown, NJ; Pendar Technologies, LLC, Cambridge, MA; PPG Industries, Inc., Allison Park, PA; RE2, LLC, a wholly owned subsidiary of Sarcos, Pittsburgh, PA; ReLogic Research Inc., Huntsville, AL; Rocky Mountain Scientific Laboratory, Littleton, CO; Safe, Inc., Tempe, AZ; Smart Shooter Inc, Herndon, VA; Spark Insights, LLC, Tampa, FL; Squarehead Technology, LLC, Herndon, VA; Swift Engineering Inc., San Clemente, CA; Systel Inc., Sugar Land, TX; Telefactor Robotics, West Conshohocken, PA; The Armored Group, LLC, Phoenix, AZ; Ultra Advanced Tactical Systems, Austin, TX; Unmanned Systems Inc. dba Albers Aerospace, McKinney, TX; UVision-USA Corporation, Purcellville, VA; VISIMO, Coraopolis, PA; VTN Manufacturing Inc., Fremont, CA; Wulco, Inc dba Jet Machine, Cincinnati, OH, have withdrawn 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 NAMC intends to file additional written notifications disclosing all changes in membership.

On October 15, 2009, NAMC 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 November 30, 2009 (74 FR 62599).

The last notification was filed with the Department on October 11, 2023. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 21, 2023 (88 FR 88411).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA-1476]

Bulk Manufacturer of Controlled Substances Application: Groff Health, Inc.

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of application.

SUMMARY: Groff Health, Inc. has applied to be registered as a bulk manufacturer of basic class(es) of controlled