UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	Case No. 1:03CV02486
Plaintiff,)	
V.)))	JUDGE: Gladys Kessler
DNH INTERNATIONAL SARL, DYNO NOBEL, INC.,))	DECK TYPE: ANTITRUST
EL PASO CORPORATION, and)	DATE STAMP: 12/02/2003
COASTAL CHEM, INC.,)	
Defendants.)	

UNITED STATES' EXPLANATION OF CONSENT DECREE PROCEDURES

The United States submits this short memorandum summarizing the procedures regarding the Court's entry of the proposed Final Judgment. The Final Judgment would settle this case pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16(b)-(h) (the "APPA"), which applies to civil antitrust cases brought and settled by the United States.

- 1. Today, the United States has filed a Complaint, a proposed Final Judgment, and a Hold Separate Stipulation and Order between the parties by which they have agreed that the Court may enter the proposed Final Judgment following the United States' compliance with the APPA.
- 2. The APPA requires that the United States publish the proposed Final Judgment and the Competitive Impact Statement in the *Federal Register* and in certain newspapers at least sixty (60) days prior to entry of the proposed Final Judgment. The notice will inform members of the public that they may submit comments about the proposed Final Judgment to the United States Department of Justice, Antitrust Division. *See* 15 U.S.C. §§ 16(b)-(c).

3. During the sixty (60) day period, the United States will consider, and at the close

of that period respond to, any comments that it has received, and it will publish the comments

and the United States' responses in the Federal Register.

4. After the expiration of the sixty-day period, the United States will file with the

Court the comments and the United States' responses, see 15 U.S.C. § 16(d), and it may ask the

Court to enter the proposed Final Judgment (unless the United States has decided to withdraw its

consent to entry of the Judgment, as permitted by Section IV.A. of the Hold Separate Stipulation

and Order).

5. If the United States requests that the Court enter the proposed Final Judgment after

compliance with the APPA, 15 U.S.C. §§ 16(e)-(f), then the Court may enter the Final Judgment

without a hearing, provided that it concludes that the Final Judgment is in the public interest.

Dated: December 2, 2003

Respectfully submitted,

Michael K. Hammaker

DC Bar No. 233684

Antitrust Division

U.S. Department of Justice

1401 H Street, NW, Suite 3000

Washington, DC 20530

(202) 307-0938

2