VII.

Standard of Review Under the APPA for the Proposed Final Judgment

The APPA requires that proposed consent judgments in antitrust cases brought by the government be subject to a sixty-day comment period, after which the Court determines whether entry of the proposed Final Judgment ''is in the public interest.'' In making this determination, the Court may consider:

(1) the competitive impact of the 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 the judgment;
(2) the impact of entry of the judgment upon the public generally and upon 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).

The Court of Appeals for the D.C. Circuit has held that 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,* 56 F.3d 1448, 1461–62 (D.C. Cir. 1995). In conducting this inquiry, ''[t]he Court is no where 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. 24598 (1973); *See United States* v. *Gillette Co.,* 406 F. Sup. 713, 715 (D. Mass. 1975.) A ''public interest'' determination can be made properly on the basis of the competitive impact statement and the government's response to the comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. *See* H.R. Rep. 93–1463, 93rd Cong. 2d Sess. 8–9 (1974), *reprinted in* U.S.C.C.A.N. 6535, 6538.

The Court of Appeals for this Circuit has held that a district court judge, in making the public interest determination, should not engage ''in an unrestricted evaluation of what relief would best serve the public.'' Rather [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. *See United States* v. *National Broadcasting Co.,* 449 F. Supp. 1127 (C.D. Cal. 1978). 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.'' *Id.* At 1143 (quoting *United States* v. *Gillette Co.,* 406 F.Supp. 713, 716 (D. Mass. 1975)). More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

United States v. *Bechtel Corporation,* 648 F.2d 660, 666 (9th Cir. 1981).

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitve effect of a particular practice. 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 its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' '' *United States* v. *American Tel. and Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd. sub. nom. Maryland* v. *United States,* 460 U.S. 1001 (1983), (quoting *Gillette Co.,* 406 F. Supp. at 716 (citations omitted)); *United States* v. *Alcan Aluminum, Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985).

VIII.

Determinative Materials and Documents

The APPA requires that the government file with the Court any documents that the government considers to have been determinative in formulating the proposed Final Judgment. 15 U.S.C. 16(b); *see Massachusetts School of Law* v. *United States,* 118 F.3d 776, 784–85 (D.C. Cir. 1997). The government considered no materials or documents determinative in formulating the proposed Final Judgment. It therefore files no such documents.

Date: July 13, 1998.

Antitrust Division, Department of Justice.
Fred E. Haynes
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[FR Doc. 98–20394 Filed 7–29–98; 8:45 am]
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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Consortium for Integrated Intelligent Manufacturing, Planning and Execution

Notice is hereby given that, on February 3, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Consortium for Integrated Intelligent Manufacturing, Planning and Execution (CIIMPLEX) 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, The Haley Enterprise, Inc., Sewickley, PA; IndX Software Inc., Laguana Nigual, CA; Scandura, Narbeth, PA; and Vitria Technology, Inc., Palo Alto, CA have been added 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 Consortium for Integrated Intelligent Manufacturing, Planning and Execution (CIIMPLEX) intends to file additional written notification disclosing all changes in membership.

On April 24, 1996, Consortium for Integrated Intelligent Manufacturing, Planning and Execution (CIIMPLEX) 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 May 15, 1996 (61 FR 24514).

The last notification was filed with the Department on May 13, 1997. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32370).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–20397 Filed 7–29–98; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to The National Cooperative Research and Production Act of 1993; OBI Consortium, Inc.

Notice is hereby given that, on March 3, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), OBI Consortium, 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, 3M, St. Paul, MN; AllData Corporation, Elk Grove, CA; Amvet Inc., Lexington, KY; Commerce One, Walnut Creek, CA; Commonwealth of Massachusetts, Boston, MA; Connect Inc., Mountain View, CA; Dell Computer Corporation, Round Rock, TX; Dun & Bradstreet, Parsippany, NJ; EPIC Systems Inc., Phoenix, AZ; Harbinger Corporation, Atlanta, GA; InterWorld Corporation, New York, NY; Mastercard International, Purchase, NY; PartNet, Salt Lake City, UT; Software Spectrum, Garland, TX; Vallen Corporation, Houston, TX; and W.H. Brady, Milwaukee, WI have been added 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 OBI Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On September 10, 1997, OBI Consortium, 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 November 10, 1997 (62 FR 60531).

The last notification was filed with the Department on December 9, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 14, 1998 (63 FR 18335).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 98–20399 Filed 7–29–98; 8:45 am]

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DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; VSI Alliance

Notice is hereby given that, on February 27, 1998, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), VSI Alliance 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, Advanced Bytes & Rights, Ltd., London, UNITED KINGDOM; ASIC Alliance Corporation, Burlington, MA; BOPS, Inc., Chapel Hill, NC; Canadian Microelectronics Corporation, Kingston, Ontario, CANADA; Chip & Chip, Inc., Santa Clara, CA; ChipLogic, Inc., Sunnyvale, CA; Cimaron Communications, Lawrence, MA; Credence Systems Corporation, Fremont, CA; Denso Corporation, Nukata-gun, Aichi Prefecture, JAPAN; Design & Reuse, Grenoble, FRANCE; Eigen Tek, Inc., Cherry Hill, NJ; Electronic Tools Company, Sonoma, CA; Fraunhofer Institute IMS, Dresden, GERMANY; Macronix International Co., Ltd. Hsinchu, Taiwan, R.O.C.; Microelectronics Research Institute PROGRESS, Moscow, RUSSIA; Pivotal Technologies, Pasadena, CA; Power X Limited, Sale, Cheshire, UNITED KINGDOM; Real 3D, Orlando, FL; SpaSE BV, Nijmegen, THE NETHERLANDS; Syntest Technologies, Inc., Sunnyvale, CA; Tundra Semiconductor Corporation, Kanata, Ontario, CANADA; and Virage Logic Corporation, Milpitas, CA have been added as parties to this venture. Also, Compass Design Automation, San Jose, CA; GEC Plessey, Plymouth, Devon, UNITED KINGDOM; and Tower Semiconductor Ltd., San Jose, 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 VSI Alliance intends to file additional written notification disclosing all changes in membership.

On November 27, 1996, VSI Alliance 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 4, 1997 (62 FR 9812).

The last notification was filed with the Department on November 19, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 14, 1998 (63 FR 18226).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 98–20398 Filed 7–29–98; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

Submitted for Public Comment; Employment Services Report System

AGENCY: Employment and Training Administration.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(C)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Employment and Training Administration (ETA) is soliciting comments concerning the proposed ten month extension of the Employment Service Program Reporting System from the current end date of August 31, 1999 to a new end date of June 30, 2000.

A copy of the previously approved information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the