

and its dealers' conduct can become clearly legal. Playmobil has agreed not even to accept such communications from its dealers for five years.

Section IV E of the Final Judgment prohibits Playmobil from establishing a cooperative advertising program that conditions rebates in any way upon a dealer's adherence to certain advertising price levels. Playmobil did not have a cooperative advertising program, but its illegal price agreements with dealers were often triggered by advertising. In order to avoid any discussions at all with dealers on the sensitive issue of retail pricing, Playmobil has also agreed not to undertake a cooperative advertising program during the first five years of the decree. This will provide a period of time during which market conditions can become more competitive, and Playmobil and its dealers can become more accustomed to remaining within legal parameters.

Section V of the proposed Final Judgment is designed to ensure that Playmobil's dealers are aware of the limitations the Final Judgment imposes on Playmobil. Section V requires Playmobil to send notices and copies of the Judgment to each dealer who purchased Playmobil products from the defendant in 1993 or 1994. In addition, Playmobil must send notices and copies of the Judgment to every other dealer to which it sells Playmobil products within ten years of the date of the Judgment's entry.

Sections VI and VII require Playmobil to set up an antitrust compliance program and designate an antitrust compliance officer. Under the program, Playmobil is required to furnish a copy of the Judgment and a less formal written explanation of it to each of its officers and directors and each of its non-clerical employees, representatives, or agents responsible for the sale or advertising of Playmobil products in the United States.

In addition, the proposed Final Judgment provides methods for determining and securing Playmobil's compliance with its terms. Section VIII provides that, upon request of the Department of Justice, Playmobil shall submit written reports, under oath, with respect to any of the matters contained in the Judgment. Additionally, the Department of Justice is permitted to inspect and copy all books and records, and to interview officers, directors, employees and agents, of Playmobil.

Section IX makes the Judgment effective for ten years from the date of its entry.

Section XI of the proposed Final Judgment states that entry of the Judgment is in the public interest. The

APPA conditions entry of the proposed Final Judgment upon a determination by the Court that the proposed Final Judgment is in the public interest.

The Government believes that the proposed Final Judgment is fully adequate to prevent the continuation or recurrence of the violation of section 1 of the Sherman Act alleged in the Complaint, and that disposition of this proceeding without further litigation is appropriate and in the public interest.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against the defendant.

V

Procedures Available for Modification of the Proposed Final Judgment

The United States and the defendant have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent.

The APPA provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wants to comment should do so within 60 days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and the response of the United States will be filed with the Court and published in the **Federal Register**.

Written comments should be submitted to: Rebecca P. Dick, Chief, Civil Task Force I, U.S. Department of Justice, Antitrust Division, 1401 H Street NW., Room 3700, Washington, DC 20530.

Under Section X of the proposed Judgment, the Court will retain

jurisdiction over this matter for the purpose of enabling either of the parties to apply to the Court for such further orders or directions as may be necessary or appropriate for the construction, implementation, modification, or enforcement of the Judgment, or for the punishment of any violations of the Judgment.

VI

Alternatives to the Proposed Final Judgment

The only alternative to the proposed Final Judgment considered by the Government was a full trial on the merits and on relief. Such litigation would involve substantial cost to the United States and is not warranted, because the proposed Final Judgment provides appropriate relief against the violations alleged in the Complaint.

VII

Determinative Materials and Documents

No particular materials or documents were determinative in formulating the proposed Final Judgment. Consequently, the Government has not attached any such materials or documents to the proposed Final Judgment.

Dated:

Respectfully submitted,
Bruce K. Yamanaga,
Andrew S. Cowan,
*Attorneys, U.S. Department of Justice,
Antitrust Division, 1401 H Street NW., Room
3700, Washington, DC 20530, (202) 514-8368.*
[FR Doc. 95-4283 Filed 2-21-95; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration; Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Serendipity Mining, Inc.

[Docket No. M-95-01-C]

Serendipity Mining, Inc., P.O. Box 1588, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.342 (methane monitors) to its No. 4 Mine (I.D. No. 15-17568) located in Whitley County, Kentucky. The petitioner proposes to monitor continuously with a hand-held methane and oxygen detector instead of using a methane monitoring system on permissible three-wheel tractors with

drag bottom buckets. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

2. Windsor Coal Company.

[Docket No. M-95-02-C]

Windsor Coal Company, P.O. Box 39, West Liberty, West Virginia 26074 has filed a petition to modify the application of 30 CFR 75.364(b)(1) and (2) (weekly examination) to its Windsor Mine (I.D. No. 46-01286) located in Brooke County, West Virginia. Due to deteriorating roof and rib conditions in the left side return air course of the East Mains from the 0+00 to 66+00 for a distance of approximately 6,600 feet, traveling or restoration of the affected area would be unsafe. The petitioner proposes to examine the area on a weekly basis by establishing check points G—No. 1 entry at approximately 0+50, and H—No. 1 entry at approximately 66+00; to examine the 1 North bleeder seal, 1 North seals, East Main seals, and 2 North seals (22 seals total); to have a certified person test for methane and the quantity of air at all check points on a weekly basis and record the results in a book kept on the surface and made available for inspection by interested persons; to install stoppings at the equalizing overcasts at approximately 23+00 and 65+00 to prevent the mixing of right side and left side returns; and to install a stopping at approximately 0+50 in the No. 2 entry to direct all air to check point "G". The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

3. Rosebud Mining Company.

[Docket No. M-95-03-C]

Rosebud Mining Company, Box 324 B, R.D. 2, Parker, Pennsylvania 16049 has filed a petition to modify the application of 30 CFR 75.333 (ventilation controls) to its Rosebud No. 3 Mine (I.D. No. 36-07843) located in Armstrong County, Pennsylvania. The petitioner proposes to use temporary ventilation controls on the intake side in the room necking procedure for rooms to be developed less than 600 feet. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. R. & R. Anthracite Coal Company.

[Docket No. M-95-04-C]

R. & R. Anthracite Coal Company, R. R. 2, Box 21 B, Hegins, Pennsylvania

17938 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Buck Mt. Slope (I.D. No. 36-08498) located in Schuylkill County, Pennsylvania. Because of steep, frequently changing pitch and numerous curves and knuckles in the main haulage slope, the petitioner proposes to use the gunboat without safety catches in transporting persons. As an alternative, when using the gunboat to transport persons, the petitioner proposes to use hoisting rope with a safety factor at least 3 times greater than required and secondary safety connections which are securely fastened around the gunboat and to the hoisting rope above the main connection device. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

5. Consolidation Coal Company.

[Docket No. M-94-05-C]

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires and trolley feeder wires, high-voltage cables and transformers) to its Buchanan Mine (I.D. No. 44-04856) located in Buchanan County, Virginia. The petitioner proposes to use high-voltage cables (4,160 volts) in by the last open crosscut. The petitioner states that application of the mandatory standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

6. C. S. & S. Coal Corporation.

[Docket No. M-95-06-C]

C. S. & S. Coal Corporation, P.O. Box 1234, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 75.1710 (canopies or cabs; electric face equipment) to its No. 7 Mine (I.D. No. 44-06762) located in Russell County, Virginia. The petitioner proposes to operate electric mobile equipment without canopies in seam heights up to 48 inches. The petitioner asserts that the proposed alternative method would not result in a diminution of safety to the miners.

7. Texasgulf, Inc.

[Docket No. M-95-01-M]

Texasgulf, Inc., P.O. Box 171, Weeping Water, Nebraska 68463 has filed a petition to modify the application of 30 CFR 57.11041

(landings for inclined ladderways) to its Limestone Mine (I.D. No. 25-00554) located in Cass County, Nebraska. The petitioner proposes to have two portals at the mine to serve as the primary and secondary escapeways. The petitioner proposes to have a vertical vent shaft 36 inches in diameter and 125 feet tall as an auxiliary escapeway for an extra safety measure in case the primary and secondary portals become blocked; and as an additional escapeway, the petitioner proposes to install a ladder with rungs 8 inches from the wall to the center of the rung and with a 15 inch x 10 inch step off point every 20 feet. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

8. Aluminum Company of America

[Docket No. M-95-02-M]

Aluminum Company of America, State Highway 35, Point Comfort, Texas 77978 has filed a petition to modify the application of 30 CFR 56.9300 (berms or guardrails) to its Bayer Alumina Plant (I.D. No. 41-00320) located in Calhoun County, Texas. The petitioner requests a modification of the mandatory standard to allow continued use of its already established methods of compliance of having signs posted at the entrances to the impoundment area stating that the roadways are not bermed; delineators at 25 feet intervals along the perimeter of the elevated roadways; the maximum speed limit posted at 15 mph on the elevated roadways; road surfaces well maintained with necessary repairs following periods of inclement weather. The petitioner has a locked, remotely operated electric gate at the main entrance to the impoundment area with 24 hour security, 7 days a week via closed circuit camera and TV monitor. Access to the gate is by permission only via telephones which are located outside the gate, or by two-way radios for maintenance personnel. The petitioner states that application of the mandatory standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or

received in that office on or before March 24, 1995. Copies of these petitions are available for inspection at that address.

Dated: February 10, 1995.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 95-4228 Filed 2-21-95; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL SCIENCE FOUNDATION

Use of Alternative Means of Dispute Resolution; Policy Statement

AGENCY: National Science Foundation.

ACTION: Notice of policy statement.

SUMMARY: The National Science Foundation (the "Foundation") has developed a policy to address the use of alternative means of dispute resolution (ADR) within its administrative programs, as required by the Administrative Dispute Resolution Act, Public Law No. 101-552.

EFFECTIVE DATE: This policy statement is effective on February 22, 1995. Because it is a general statement of policy and addresses internal agency procedures and practices, no prior notice or opportunity for public comment is required.

FOR FURTHER INFORMATION CONTACT:

Lawrence Rudolph, Acting General Counsel and National Science Foundation Dispute Resolution Specialist, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia 22230, (703) 306-1060.

SUPPLEMENTARY INFORMATION: On November 15, 1990, Congress enacted the Administrative Dispute Resolution Act (Public Law No. 101-552). The Act requires agencies to designate a senior official as its dispute resolution specialist and to adopt a policy addressing use of ADR in connection with an agency's administrative programs. Although the Act authorizes and encourages agencies to use ADR techniques as an alternative to traditional dispute resolution mechanisms, use of ADR is subject to agency discretion.

Paperwork Reduction Act Statement

This policy statement contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.)

Foundation Policy on ADR

The Foundation encourages the use of alternative methods of dispute

resolution within its administrative programs. These methods, which include settlement negotiations, conciliation, facilitation, mediation, fact-finding, mini-trials and arbitration, provide alternatives to traditional adversarial proceedings. ADR techniques should be implemented in a way that will reduce costs and delays associated with adjudication, improve employee and constituent relations, and improve the efficiency and effectiveness of programs.

An ADR Task Force reviewed the types of disputes arising at NSF and the Foundation's procedures for resolving them. The Task Force concluded that existing informal mechanisms for resolving disputes between NSF and grantees are effective and consistent with ADR processes. However, the Task Force did identify one type of dispute which could benefit from the use of ADR techniques—employee discrimination complaints related to equal employment opportunity. As a result, NSF will implement a voluntary mediation program for resolution of employment discrimination complaints filed by NSF employees, and will either train Foundation employees to mediate such disputes or rely on an inter-governmental pool of mediators. The Foundation will make every effort to ensure the confidentiality of information provided to all participants in an ADR proceeding, consistent with applicable laws and regulations.

As circumstances change or new types of disputes arise, the Foundation will consider further use of ADR techniques. The Foundation encourages senior management officials to discuss other situations where ADR may be appropriate with NSF's Deputy General Counsel, who serves as the Foundation's Dispute Resolution Specialist.

Dated: February 14, 1995.

Lawrence Rudolph,

Acting General Counsel and Agency Dispute Resolution Specialist.

[FR Doc. 95-4221 Filed 2-21-95; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Planning and Procedures; Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 8, 1995, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of

a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and matters the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows: Wednesday, March 8, 1995—9:00 a.m.—12 noon.

The Subcommittee will discuss proposed ACRS activities and related matters. Also, it will discuss status of the appointment of members to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415-7360) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual on the working day prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: February 13, 1995.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 95-4262 Filed 2-21-95; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Extension of Comment Period

The Nuclear Regulatory Commission has extended the public comment period on Draft Regulatory Guide DG-0005, "Applications for Licenses of Broad Scope," until March 31, 1995, to