

2 of the Sherman Act. Among other things, the Complaint alleged that IBM had restrained the development and growth of: other manufacturers of tabulating machines, attachments for tabulating machines and tabulating cards; businesses involved in the purchase and sale of used tabulating machinery; independent service bureaus; maintenance and repair businesses and parts businesses. The Complaint alleged that IBM only leased, and refused to sell, tabulating machines. Through its lease agreements, IBM allegedly: charged lessees a single price for machine rental, instruction and repair and maintenance; limited machine uses; restricted attachments to, alterations in, or experimentation with such machines; and required grant backs of any inventions resulting from a breach of the prohibition on experimentation. The Complaint alleged that IBM operated its service bureaus to preempt demand for the products of other manufacturers and restrained the growth of independent service bureaus by discriminating in favor of its own service bureau.

The Final Judgment applies to IBM's conduct with respect to tabulating machines and cards, both of which IBM has not manufactured for many years, and "electronic data processing machines." Certain provisions of the Final Judgment have expired or no longer apply to IBM's business. However, other provisions of the Final Judgment continue to apply to IBM's electronic data processing machine business.

The United States has tentatively agreed to terminate certain sections of the Final Judgment in their entirety: (a) Sections V(b) and (c), which require IBM to offer to sell at no more than specified prices and for a specified period used IBM machines that IBM acquires pursuant to trade-ins or as a credit against sums then or thereafter payable to IBM; and (b) Section VIII, which specifies conditions under which IBM may engage in "service bureau business," as defined by Section II(k) of the Final Judgment. Section VIII requires IBM to conduct its service bureau business through a subsidiary that is required to charge prices for services it renders based upon rates that fairly reflect all expenses properly chargeable to the subsidiary, except that the service bureau subsidiary may reduce any price to meet a competitor's price. Section VIII also prohibits IBM from providing machines to its service bureau subsidiary except on the same terms and conditions that are available to other service bureaus.

The United States also has tentatively agreed to terminate all other provisions of the Final Judgment except as they apply to the System/360 . . . 390 and AS/400 families of products and services (insofar as such services are affected by Sections VI, VII, IX and XV of the Final Judgment). These other provisions of the Final Judgment, among other things: (a) to fulfill the purposes of the Final Judgment in assuring to users and prospective users of IBM machines an opportunity to purchase those machines on terms and conditions that are not substantially more advantageous to IBM than the terms and conditions for leases of the same machines, require IBM to sell its machines at prices that have a commercially reasonable relationship to the lease charges for the same machines; (b) restrict IBM's ability to reacquire previously sold IBM machines; (c) require IBM to offer to machine owners at reasonable and nondiscriminatory prices repair and maintenance service for as long as IBM provides such service, provided that the machine has not been altered or connected to another machine in such a manner that its maintenance and repair is impractical for IBM; (d) require IBM to offer to machine owners and to persons engaged in the business of providing repair and maintenance services, at reasonable and nondiscriminatory prices, repair and replacement parts for as long as IBM has such parts available for use in its leased machines; (e) restrain IBM from requiring that lessees or purchasers of IBM machines disclose to IBM the uses of such machines, from requiring that purchasers of IBM machines have those machines maintained by IBM and generally from prohibiting experimentation with, alterations in or attachments to IBM machines; (f) require IBM to furnish to owners of IBM machines certain manuals, books of instructions and other documents relating to IBM machines that IBM furnishes to its own repair and maintenance employees; and (g) require IBM to furnish to purchasers and lessees of IBM certain manuals, books of instruction and other documents that pertain to the operation and application of such machines.

IBM and the United States have each filed with the Court memoranda setting forth their respective positions. Copies of the Complaint, the Final Judgment, the Stipulation containing the Government's tentative consent, the memoranda and all over papers filed in connection with this motion are available for inspection at the Office of the Clerk of the United States District

Court, Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007 and at Suite 215, Antitrust Division, Department of Justice, 325 7th Street NW., Washington, DC 20530 (Telephone 202-514-2481). Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by the Department of Justice.

Interested persons may submit comments regarding this matter within the sixty (60) day period established by Court order. Such comments must be filed with the Office of the Clerk of the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007 with copies mailed at the time of filing to: (a) counsel for IBM, Peter T. Barbur, Esq., Cravath, Swaine & Moore, Worldwide Plaza, 825 Eighth Avenue, New York, N.Y. 10019; and (b) counsel for the United States, Kent Brown, Attorney, Computers & Finance Section, Antitrust Division, United States Department of Justice, Judiciary Center Building, Suite 9901, 555 4th Street NW., Washington, DC 20001 (Telephone 202-307-6200).

Rebecca P. Dick,

*Deputy Director of Operations.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Proposed Information Collection Request Submitted for Public Comment and Recommendations; Data Collection for the Youth Fair Chance Program Evaluation

**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). This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed new

(additional) collection of the Data for the Youth Fair Chance Program Evaluation. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

**DATES:** Written comments must be submitted on or before November 24, 1995. If you anticipate that you will be submitting written comments, but find it difficult to do so within the period of time allowed by this notice, you should request an extension from the contact listed below as soon as possible. Effort will be made to accommodate each request, unless otherwise justified.

**FOR FURTHER INFORMATION CONTACT:** Mamoru Ishikawa, U.S. Department of Labor, Employment and Training Administration, Office of Policy and Research, Room 5637, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219-5472 (ext. 160), Internet Address: ishikawam@doleta.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Public Law 102-367, the 1992 Amendments to the Job Training Partnership Act, authorized USDOL to award grants to local Youth Fair Chance (YFC) programs to establish community-based programs to provide education, training, and complementary services for youths living in high poverty areas. The two major elements of YFC are: (1) school-to-work programs for youths in middle and high schools and (2) community learning centers for out-of-school youths. The legislation also directed programs to integrate a variety of services into the programs and to involve community residents in planning and guiding programs. In 1994 USDOL awarded grants to 16 sites.

The legislation authorizing the program specified that the Secretary of Labor provide for an "evaluation of the YFC program to assess the outcomes of youth participating in the program." The survey of participants, which is the subject of this Federal Register notice, is intended to meet this legislated objective of the evaluation.

**II. Current Actions**

The proposed survey of participants will collect information on a sample of YFC participants. It will collect information on the background characteristics of youth participating in YFC; the YFC activities they participated in; their assessment of the services provided by YFC; and their educational, training, employment and other outcomes.

The sample for the survey will be obtained from each YFC site's management information system as will some data on background characteristics and service receipt. However, these data will also be collected on the survey to ensure that consistent data are collected among sites and so that data on outcomes can be collected. The survey will be conducted through a computer assisted telephone interviewing system with automatic call scheduling. This system is designed to minimize the burden on respondents by minimizing time on the telephone and by providing a mechanism for respondents to schedule calls. Participation in the survey is voluntary and confidential.

Public comments should address the accuracy of the burden estimates and ways to minimize burden including the use of other techniques for data collection.

*Affected Public:* Individuals participating in Youth Fair Chance programs.

*Number of Respondents:* 4,800.

*Estimated Time per Respondent:* 20 minutes.

*Total Burden Hours:* 1,600 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 18, 1995.

Gerard Fiala,

*Administrator, Office of Policy and Research.*

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**BILLING CODE 4510-30-M**

**Pension and Welfare Benefits Administration**

[Application No. D-10009, et al.]

**Proposed Exemptions; Charleston Area Medical Center Deferred Profit Sharing Plan, et al.**

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Notice of proposed exemptions.

**SUMMARY:** This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for

a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this Federal Register Notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

**ADDRESSES:** All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

**Notice to Interested Persons**

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of proposed exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.