

the defendants' records and personnel in order to determine defendants' compliance with the judgment.

#### *D. Scope of the Proposed Judgment*

##### (1) Persons Bound by the Decree

The proposed judgment expressly provides in Section III that its provisions apply to each of the defendants and each of their officers, directors, agents and employees, subsidiaries, successors and assigns and to all other persons who receive actual notice of the terms of judgment.

In addition, Section III of the judgment prohibits each of the defendants from selling or transferring all or substantially all of its stock or assets used in its tampico fiber business unless the acquiring party files with the Court its consent to be bound by the provisions of the judgment.

##### (2) Duration of the Judgment

Section IX provides that the judgment will expire on the tenth anniversary of its entry.

#### *Effect of the Proposed Judgment on Competition*

The prohibition terms of Section IV of the judgment are designed to ensure that each defendant will act independently in determining the prices, and terms and conditions at which it will sell or offer to sell tampico fiber, and that there will be no conspiratorial restraints (horizontal or vertical) in the tampico fiber market. The affirmative obligations of Sections VI and VII are designed to insure that each corporate defendant's employees are aware of their obligations under the decree in order to avoid a repetition of behavior that occurred in the tampico fiber industry during the conspiracy period. Compliance with the proposed judgment will prevent price collusion, allocation of sales, markets and customers, concerted activities in restricting new entrants and customers, and resale price restraints by each of the defendants with each other and with other tampico fiber processors and/or distributors.

#### IV

#### *Remedies Available to Potential Private Plaintiffs*

After entry of the proposed final judgment, any potential private plaintiff who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal and equitable remedies which he/she may have had if the proposed judgment had not been entered. The proposed judgment may not be used, however, as *prima facie*

evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a).

#### V

#### *Procedures Available for Modification of the Proposed Consent Judgment*

The proposed final judgment is subject to a stipulation between the government and the defendants which provides that the government may withdraw its consent to the proposed judgment any time before the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed judgment provides for the Court's retention of jurisdiction of this action in order to permit any of the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the final judgment.

As provided by the APPA (15 U.S.C. § 16), any person wishing to comment upon the proposed judgment may, for a sixty-day (60) period subsequent to the publishing of this document in the Federal Register, submit written comments to the United States Department of Justice, Antitrust Division, Attention: Robert E. Connolly, Chief, Middle Atlantic Office, Suite 650 West, 7th and Walnut Streets, Philadelphia, Pennsylvania 19106. Such comments and the government's response to them will be filed with the Court and published in the Federal Register. The government will evaluate all such comments to determine whether there is any reason for withdrawal of its consent to the proposed judgment.

#### VI

#### *Alternative to the Proposed Final Judgment*

The alternative to the proposed final judgment considered by the Antitrust Division was a full trial of the issues on the merits and relief. The Division considers the substantive language of the proposed judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the judgment provides appropriate relief against the violations alleged in the complaint.

#### VII

#### *Determinative Materials and Documents*

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none are being filed pursuant to the APPA, 15 U.S.C. § 16(b).

Dated: May 31, 1996.

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Respectfully submitted,

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#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993, Center for Emissions Control, Inc.**

Notice is hereby given that, on May 8, 1996, 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 Center for Emissions Control, Inc. ("CEC") filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, CEC advised that Diversey Corporation, Cincinnati, OH; Edjetech Services, Inc., Wellington, OH; Grace Container Products, Lexington, MA; Midbrook Products, Inc., Jackson, MI; Precision Machined Products Association, Brecksville, OH; and REM Sales, Inc., East Granby, CT, have become members. Additionally, Acurex, Inc.; Air Canada; AT&T Corporation; Bethlehem Steel Corporation; Bristol-Meyers Squibb Company; Brulin & Company, Inc.; Camco International, Inc.; Chattanooga Group, Inc.; Connor Formed Metal Products Inc.; Delta Omega Technologies, Inc.; Detrex Corporation; Dunlee, Inc.; Environsolv, Inc.; Exxon Chemical Canada, Inc.; Foamex Products, Inc.; Glidco Organics Corporation; Hahn and Kolb, Inc.; HCC Industries/Hermetic Seal Corporation; Kelsey-Hayes Corporation; Mill Creek Company, Inc.; Oakite Products, Inc.; Occidental Chemical Corporation; Quess Industries, Inc.; Ranco, Inc.; Safety Kleen Equipment System, Inc.; Shell

Chemical Company, Inc.; Swenson Company, Inc.; Syntex Corporation; Teledyne Relays, Inc.; The Upjohn Corporation; Thomson Industries Inc; and UOP, Inc. are no longer members.

On May 13, 1991, the CEC filed its original notification pursuant to Section 6(a) of the Act. The Department published a notice in the Federal Register pursuant to Section 6(b) of the Act on May 13, 1991 (56 FR 24843). The last notification was filed on April 14, 1993. The Department published a notice in the Federal Register on June 22, 1993 (58 FR 33952).

Constance K. Robinson,  
*Director of Operations, Antitrust Division.*  
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**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Enterprise Computer Telephony Forum**

Notice is hereby given that, on April 17, 1996, 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 Enterprise Computer Telephony Forum [ECTF] filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Amtelco, McFarland, WI; Sun Microsystems, Mountain View, CA; and Trident Corporation, Fairfax, VA have become Principal Members. Analogic Corporation, Peabody, MA has changed from a Principal Member to an Auditing Member. The following parties have become Auditing Members: Applied Language Technologies, Cambridge, MA; Ascom Telecom, Ltd., Cardiff, UNITED KINGDOM; Bosch Telecom GMBH, Frankfurt, GERMANY; Cognitronics Corporation, Danbury, CT; Industry Technology Research Institute, Hsin-chu, TAIWAN; Itec Telecom, Danbury, CT; Oki Electronic Industry Co., Ltd., Warabi-shi, JAPAN; Pagesmart, Dallas, TX; and Silicon Automation Systems, Ltd., Bangalore, INDIA. Samsung Electronics and Teloquent Communications Corporation are no longer Auditing Members.

No other changes have been made in the membership, nature or objectives of ECTF. Membership remains open, and ECTF intends to file additional written notifications disclosing all changes in membership.

On February 20, 1996, ECTF 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 13, 1996 (61 Fed. Reg. 22074).

Constance K. Robinson,  
*Director of Operations, Antitrust Division.*  
[FR Doc. 96-14792 Filed 6-11-96; 8:45 am]  
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**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Hybrid Propulsion System Research Collaboration Agreement**

Notice is hereby given that, on May 13, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), Hybrid Propulsion System Research Collaboration Agreement has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) The identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: General Motors Corporation, Detroit, MI; Chrysler Corporation, Highland Park, MI; and Ford Motor Company, Dearborn, MI.

The objective of the venture is to accelerate the development of Hybrid Propulsion System (HPS) research, to minimize inefficient duplication of effort and expense, to maximize leverage of corporate and government resources, and to improve general scientific knowledge. The results will support the Partnership for a New Generation of Vehicles and potentially make the Parties more competitive in world markets. To meet these objectives, the Parties will combine their government-funded HPS research initiatives, collect, exchange and analyze research information, interact with government, auto industry and other entities interested in this area and perform other acts allowed by the National Cooperative Research and Production Act that would advance these goals.

Constance K. Robinson,  
*Director of Operations, Antitrust Division.*  
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**Notice Pursuant to the National Cooperative Research and Production Act of 1993—Inter Company Collaboration for Aids Drug Development**

Notice is hereby given that, on May 24, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), Inter Company Collaboration for Aids Drug Development (The Collaboration) filed written notifications simultaneously with the Attorney General and the Federal Trade Commission reflecting changes in membership. 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. The changes are that Triangle Pharmaceuticals, Inc., of Durham, North Carolina and Agouron Pharmaceuticals, Inc., of La Jolla, California, have become members of the Collaboration.

No other changes have been made in either the membership or planned activities of the Collaboration. Membership in the Collaboration remains open, and the Collaboration intends to file additional written notifications disclosing all changes in membership.

On My 27, 1993, the Collaboration 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 July 6, 1993 (58 FR 36223).

The last notification was filed with the Department on May 18, 1995. A notice was published in the Federal Register on February 23, 1996 (61 FR 7019).

Constance K. Robinson,  
*Director of Operations Antitrust Division.*  
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**Notice Pursuant to the National Cooperative Research and Production Act of 1993 Low Cost Flip Chip Consortium**

Notice is hereby given that, on May 20, 1996, pursuant to § 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), the Low Cost Flip Chip Consortium filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the