

Cir.), *cert. denied*, 454 U.S. 1083 (1981); see also *Microsoft*, 56 F.3d at 1460–62. Precedent requires that

the 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. 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." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.<sup>2</sup>

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. 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.' (citations omitted)." <sup>3</sup>

#### VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Respectfully submitted,

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<sup>2</sup> *United States v. Bechtel*, 648 F.2d at 666 (citations omitted) (emphasis added); see *United States v. BNS, Inc.*, 858 F.2d at 463; *United States v. National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *United States v. Gillette Co.*, 406 F. Supp. at 716. See also *Microsoft*, 56 F.3d at 1461 (whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.'" (citations omitted)).

<sup>3</sup> *United States v. American Tel. and Tel. Co.*, 552 F. Supp. 131, 150 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 460 U.S. 1001 (1983), *quoting United States v. Gillette Co.*, *supra*, 406 F. Supp. at 716; *United States v. Alcan Aluminum Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—E&P Technology Cooperative

Notice is hereby given that, on June 6, 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"), E&P Technology Cooperative, a non-profit joint research and development venture, 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: BP Oil Company, Cleveland, OH; The British Petroleum Company plc, London EC2M 7 BA, ENGLAND; BP Exploration Operating Company Limited, Poole Dorset BH16 6LS, ENGLAND; BP Exploration & Oil Inc., Cleveland, OH; Chevron Corporation, San Francisco, CA; Chevron Petroleum Technology Company, Houston, TX; Mobil Corporation, Fairfax, VA; Mobile Technology Company, Fairfax, VA; Texaco, Inc., White Plains, NY; and Texaco Group Inc., White Plains, NY. The objectives of the venture are as follows: The members of the program intend to support research activities that will create or drive the creation of new technologies to benefit their businesses. Examples of such research include innovations in drilling, recovery technology and data management. They expect the products of their research will materially impact business performance by lowering costs, shortening cycle time and/or improving recovery. In general, the members also intend to identify innovative approaches and attract and recruit the best talent in a variety of disciplines to solve the challenges of the future. It is the intention of the members to make the results of their projects available to others in the industry.

Information regarding participating in the Group may be obtained from Richard J. Goetsch, Esq., BP Oil Company, Terry Calvani, Esq., on behalf of Chevron Corporation, Carter B. Simpson, Esq., Mobil Corporation, and Robert D. Wilson, Esq., Texaco, Inc. Constance K. Robinson,

Director of Operations, Antitrust Division.

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#### Notice Pursuant To the National Cooperative Research and Production Act of 1993 National Electronics Manufacturing Initiative

Notice is hereby given that, on June 6, 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 National Electronics Manufacturing Initiative ("NEMI") 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 § 6(b) of the Act, the identities of the parties are: Adept Technology, Inc., San Jose, CA; AMP Incorporated, Harrisburg, PA; American Electronics Association, Washington, DC; Camelot Systems, Inc., Haverhill, MA; Chad Industries, Orange, CA; Cimetrix, Inc., Provo, UT; Compaq Computer Corporation, Houston, TX; Delco Electronics Corporation, Kokomo, IN; Dover Technologies International, Binghamton, NY; DuPont Electronics, Research Triangle Park, NC; Everett Charles Technologies, Pomona, CA; GR Technologies, Concord, MA; HADCO Corporation, Salem, NH; IPC/ITRI, Northbrook, IL; Lawrence Livermore National Laboratory, Livermore, CA; Lucent Technologies, Princeton, NJ; MCNC, Research Triangle Park, NC; Microelectronics and Computer Technology Corporation ("MCC"), Austin, TX; Morton Electronic Materials, Tustin, CA; Motorola, Inc., Schaumburg, IL; National Institute of Standards and Technology ("NIST"), Gaithersburg, MD; Kulicke and Soffa Industries, Inc., Willow Grove, PA; MPM Corporation, Franklin, MA; Northrop Grumman Corporation, Baltimore, MD; Sheldahl, Inc., Northfield, MN; Solecron Corporation, Milpitas, CA; and Texas Instruments Incorporated, Temple, TX.

NEMI's area of planned activity is to perform research and infrastructure development with a technical focus on the manufacturing of electronic information products that connect to information networks. Three initial thrust areas are the creation of a technology requirements roadmap; the setting of technical goals for materials and equipment suppliers; and the initiation of research, development, and deployment projects with suppliers in conjunction with the aforementioned goals. The parties will collect, exchange,