

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 defendant 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 on 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:

Respectfully submitted,

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BILLING CODE 4410-01-M

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993; HDP User Group International, Inc.**

Notice is hereby given that, on August 20, 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"), HDP User Group International, Inc., an Arizona non-profit corporation, filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change of 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.

Specifically, Alcatel, Zaventom, BELGIUM; International Business Machines, Hopewell Junction, NY; and MCC, Austin, TX have left the group.

No other changes have been made in either the membership or planned activities of this joint venture.

On September 14, 1994, the HDP User Group filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register on March 23, 1995 (60 FR 15306-7).

The last notification was filed on April 23, 1996. A notice was published in the Federal Register on May 14, 1996 (61 FR 24331).

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

[FR Doc. 96-23374 Filed 9-11-96; 8:45 am]

BILLING CODE 4410-01-M

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—Minnesota Mining and Manufacturing Company**

Notice is hereby given that, on August 12, 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"), Minnesota Mining and Manufacturing Company ("3M") filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to a research and development venture and (2) the nature and objectives of the venture. The notification was 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 to the venture are 3M, St. Paul, MN and Actuarial Sciences Associations, Inc. ("ASA"), Somerset, NJ.

The purpose of the venture is to develop technology to define episodes of treatment for the diseases and conditions found in the enrolled population of typical managed care organizations (MCOs). By utilizing episode definitions, MCOs will better understand and evaluate physician performance in terms of care provided to a patient for a particular set of problems, leading to better control of costs of individual services, days of care, and hospital admissions.

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

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BILLING CODE 4410-01-M

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association**

Notice is hereby given that, on August 16, 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 Portland Cement Association ("PCA") 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 Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Continental Cement Company, Chesterfield, MO has resigned from PCA and Hawaiian Cement, Honolulu, Hawaii will resign

from PCA effective September 1, 1996. Additionally, Roan Industries Inc., Holly Hill, SC has become an Associate Member of PCA.

No other changes have been made in either the membership or planned activities of the PCA.

On January 7, 1985, PCA 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 February 5, 1985 (50 FR 5015). The last notification was filed with the Department on July 3, 1996. A notice was published in the Federal Register on July 30, 1996 (61 FR 39667).

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

[FR Doc. 96-23372 Filed 9-11-96; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Job Training Partnership Act: Indian and Native American Employment and Training Programs; Solicitation for Grant Application: Final Designation Procedures for Grantees for Program Years 1997-98

**AGENCY:** Employment and Training Administration, Department of Labor.

**ACTION:** Notice of final designation procedures for grantees.

**SUMMARY:** This document contains the procedures by which the Department of Labor (DOL) will designate potential grantees to receive two-year grants for Indian and Native American Employment and Training Programs under the Job Training Partnership Act (JTPA), and to exempt grantees participating in the Public Law 102-477 Demonstration Project from designation cycle competition. The designations will be for JTPA Program Years (PYs) 1997 and 1998 (July 1, 1997 through June 30, 1999). This notice provides necessary information to prospective grant applicants to enable them to submit appropriate requests for designation.

**DATES:** Optional Advance Notices of Intent must be postmarked no later than October 11, 1996. Final Notices of Intent must be postmarked no later than January 1, 1997.

**ADDRESSES:** Send an original and two copies of the Advance and Final Notices of Intent to Mr. Thomas Dowd, Chief, Division of Indian and Native American Programs, Room N-4641 FPB ATTN: MIS Desk, U.S. Department of Labor,

200 Constitution Avenue, N.W., Washington, D.C. 20210.

**SUPPLEMENTARY INFORMATION:** The procedures are basically the same as the previous procedure used for PYs 1995 and 1996, except that the waiver of competition provisions of Sec. 401(l) of the Act will not be utilized for this designation cycle. JTPA section 401 grantees who are presently operating under Pub. L. 102-477, Indian Employment, Training, and Related Services Demonstration Act of 1992, must submit a Final Notice of Intent for redesignation under this procedure in order to maintain their service area designation and eligibility for funds under this title. They are, however, exempt from competition for the current service areas covered in their "477 Plan", assuming all other designation requirements continue to be met.

Job Training Partnership Act: Indian and Native American Programs; Final Designation Procedures for Program Years 1997-98

#### Table of Contents

Introduction: Scope and Purpose of Notice

I. General Designation Principles

II. Advance Notice of Intent

III. Final Notice of Intent

IV. Preferential Hierarchy for Determining Designations

V. Use of Panel Review Procedure

VI. Notification of Designation/ Nondesignation

VII. Special Designation Situations

VIII. Designation Process Glossary

Introduction: Scope and Purpose of Notice

Section 401 of the Job Training Partnership Act (JTPA) authorizes programs to serve the employment and training needs of Indians and Native Americans.

Requirements for these programs are set forth in the JTPA and in the regulations at 20 CFR Part 632. The specific organization eligibility and application requirements for designation are set forth at 20 CFR 632.10 and 632.11. Pursuant to these requirements, the Department of Labor (DOL) selects entities for funding under section 401. It designates such entities as potential Native American section 401 grantees which will be awarded grant funds contingent upon all other grant award requirements being met. This notice describes how DOL will designate potential grantees who may apply for grants for Program Years 1997 and 1998. A designated entity may apply for grant funds for PY 1997 and PY 1998 without further competition.

The designation process has two parts. The Advance Notice of Intent (see

Part II, below) is optional although strongly recommended. The Final Notice of Intent (see Part III, below) is mandatory for all applicants. Any organization interested in being designated as a Native American section 401 grantee should be aware of and comply with the procedures in these parts.

The amount of JTPA section 401 funds to be awarded to designated Native American section 401 grantees is determined under procedures described at 20 CFR 632.171 and not through this designation process. The grant application process is described at 20 CFR 632.18 through 632.20.

#### I. General Designation Principles

Based on JTPA and applicable regulations, the following general principles are intrinsic to the designation process:

(1) All applicants for designation shall comply with the requirements found at 20 CFR Part 632, Subpart B, regardless of their apparent standing in the preferential hierarchy (see Part IV, Preferential Hierarchy For Determining Designations, below). The basic eligibility, application and designation requirements are found in 20 CFR Part 632, Subpart B.

(2) The nature of this program is such that Indians and Native Americans are entitled to program services and are best served by a responsible organization directly representing them and designated pursuant to the applicable regulations. The JTPA and the governing regulations give clear preference to Native American-controlled organizations. That preference is the basis for the steps which will be followed in designating grantees.

(3) A State or Federally-recognized tribe, band or group *on its reservation* is given absolute preference over any other organization if it has the capability to administer the program and meets all regulatory requirements. This preference applies only to the area within the reservation boundaries. Such "reservation" organization which may have its service area given to another organization will be given a future opportunity to reestablish itself as the "preference" grantee.

In the event that such a tribe, band or group (including an Alaskan Native entity) is not designated to serve its reservation or geographic service area, the DOL will consult with the governing body of such entities when designating alternative service deliverers, as provided at 20 CFR 632.10(e). Such consultation may be accomplished in writing, in person, or by telephone, as time and circumstances permit. When it