

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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#### **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.*

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#### **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