

Bureau of Land Management, 1387 South Vinnell Way, Boise, ID 83709; telephone: (203) 373-3816, before September 2, 1997. Repatriation of the human remains and associated funerary objects to the Shoshone-Paiute Tribes of the Duck Valley Reservation, Shoshone-Bannock Tribes of the Fort Hall Reservation, and the Northwestern Band of Shoshoni Indians of Utah may begin after that date if no additional claimants come forward.

Dated: July 23, 1997.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 97-20322 Filed 7-31-97; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains from Idaho in the Control of the Idaho State Office, Bureau of Land Management, Boise, ID

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (d), of the completion of an inventory of human remains from Idaho in the control of Idaho State Office, Bureau of Land Management, Boise, ID.

A detailed assessment of the human remains was made by Bureau of Land Management professional staff in consultation with representatives of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Shoshone-Bannock Tribes of the Fort Hall Reservation.

In 1963, human remains representing one individual were recovered Site 10BT 46 by Earl H. Swanson, Jr. during legally authorized excavations on BLM public lands in Butte County, ID. No known individuals were identified. No associated funerary objects are present.

This individual has been determined to be Native American based on facial morphology. Radiocarbon dates from fireplaces in the same layer of this site yield an approximate date of 1570 AD. Historic, archeological, and ethnographic evidence indicates Northern Shoshone, Northern Paiute, and Bannock peoples have occupied this area of southern Idaho since precontact times based on continuities of technology and material culture.

In 1985, human remains representing one individual were removed from site 10EL 1116 by the Elmore County Coroner and the Elmore County Sheriff's Office. No known individual was identified. No associated funerary objects are present, although historic glass beads were present on the surface of this burial, none are presently in collections.

This individual has been determined to be Native American based on the noted presence of historic glass beads at the burial site. Historic and ethnographic evidence indicates only Paiute and Shoshone tribes have occupied this area in historic times, and no non-Paiute/Shoshone precontact cultures have been identified within this area of southwestern Idaho.

Based on the above mentioned information, officials of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Bureau of Land Management have also determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and the Northwest Band of Shoshoni, Shoshone-Paiute Tribes of the Duck Valley Reservation, and the Shoshone-Bannock Tribes of the Fort Hall Reservation.

This notice has been sent to officials of the Northwest Band of Shoshoni, Shoshone-Paiute Tribes of the Duck Valley Reservation, and the Shoshone-Bannock Tribes of the Fort Hall Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Daniel J. Hutchinson, State Office Archeologist, Idaho State Office, Bureau of Land Management, 1387 South Vinnell Way, Boise, ID 83709; telephone: (203) 373-3816, before September 2, 1997.

Repatriation of the human remains to the Northwest Band of Shoshoni, Shoshone-Paiute Tribes of the Duck Valley Reservation, and the Shoshone-Bannock Tribes of the Fort Hall Reservation may begin after that date if no additional claimants come forward.

Dated: July 25, 1997.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

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BILLING CODE 4310-70-F

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. AIG Trading Corp.; BP Exploration & Oil, Inc.; and Cargill International, S.A., Civil No. 97CIV5260, (S.D.N.Y., Filed July 18, 1997)

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)-(h), that a Stipulation and Order ("proposed Order") and Competitive Impact Statement have been filed with the United States District Court for the Southern District of New York in the above-captioned case.

On July 18, 1997, the United States filed a complaint to enjoin and restrain the defendants from violating Section 1 of the Sherman Act, 15 U.S.C. 1, as amended. The complaint alleges that the defendants and others conspired to exchange current and prospective brokerage commission information with the purpose and effect of lowering brokerage commissions paid to brokers in the United States for arranging certain types of transactions, namely the purchase and sale of Brent spread contracts and contracts for differences ("CFDs"), involving Brent blend crude oil, a crude oil produced in the North Sea. Specifically, the complaint alleges that, in furtherance of this conspiracy, the defendants and others communicated with each other concerning current and prospective brokerage commission information on Brent spread contracts and CFDs and reduced such commissions. As a result of the conspiracy, the brokerage commissions paid to brokers on the purchase and sale of Brent spread contracts and CFDs were reduced.

If entered by the Court, the proposed Order will prohibit each defendant from agreeing with any other trader, unrelated to such defendant, to (1) fix, lower, raise, stabilize or maintain any brokerage commission for Brent spread contracts and CFDs or (2) exchange any information for that purpose. The proposed Order will also prohibit each defendant from requesting or advising any other trader, unrelated to such defendant, to lower, raise or change any brokerage commission for Brent spread contracts and CFDs.

If entered, the proposed Order will require each defendant firm to designate an antitrust compliance officer to instruct traders and company officials about the requirements of the proposed Order.

Public comment is invited within the statutory 60-day period. Such comments will be published in the **Federal**

Register and filed with the Court. Comments should be addressed to Ralph T. Giordano, Chief, New York Office, U.S. Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, New York 10278 (telephone: (212) 264-0390).

Rebecca P. Dick,

Deputy Director of Operations, Antitrust Division.

United States District Court for the Southern District of New York

United States of America, Plaintiff, v. AIG Trading Corporation; BP Exploration & Oil Inc.; and Cargill International, S.A. Defendants.

Stipulation and Order

Whereas, plaintiff, United States of America, having filed its complaint on July 18, 1997, and plaintiff and AIG Trading Corporation, BP Exploration & Oil, Inc. and Cargill International, S.A. ("defendants"), by their respective attorneys, having agreed to the entry of this stipulation and order without trial or adjudication of any issue of fact or law herein and without this stipulation and order constituting any evidence against or an admission by any party with respect to any such issue;

Now, Therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein,

Plaintiff and defendants hereby agree as follows:

I Jurisdiction and Venue

This Court has jurisdiction over the subject matter of this action and over each of the parties consenting hereto. Venue is proper in the Southern District of New York.

II Definitions

As used in this stipulation and order:

A. *Brent contract* means a commercial transaction (i) calling for the delivery FOB at Sullom Voe, United Kingdom, of Brent blend crude oil, a crude oil produced in the North Sea, in cargo lots of 500,000 barrels (plus or minus a 5% operational tolerance at the buyer's option) on an unspecified day in a given month forward; (ii) where the seller is obligated to give notice, by 1700 hours London time, not less than fifteen (15) days prior to the first loading day, of a three day loading range within which the buyer must take delivery; (iii) at a price fixed at the time of that contract; (iv) with payment within thirty (30) days of the bill of lading date; and (v) the contract is governed by English law, with jurisdiction over disputes in the English courts, or should any of these terms be changed or amended, any

successor contract for a future purchase of Brent blend crude oil.

B. *Brent spread contract* means a commercial transaction in which there is simultaneous: (i) Purchase of a Brent contract for a given month forward; and (ii) sale of a Brent contract for a different month forward.

C. *CFD* means a commercial transaction involving the purchase of an instrument (a "Contract for Differences") the price of which is determined by the difference between: (i) The published price of a cargo of Brent blend crude oil already loaded or available to be loaded on a specified day ("dated Brent") and, (ii) the published price of a cargo of Brent blend crude oil available to be loaded on an unspecified day of the first month forward. The "published prices" referred to are those reported presently in Platt's Oilgram Price Report.

D. *Broker* means any person, other than a trader, who is regularly engaged in the business of providing, for remuneration, the service of locating buyers for prospective sellers, or sellers for prospective buyers, of Brent spread contracts or CFDs.

E. *Brokerage commission* means the amount of remuneration paid to a broker for arranging the purchase and sale of Brent spread contracts or CFDs by other persons.

F. *Person* means any individual, corporation, partnership, company, sole proprietorship, firm or other legal entity.

G. *Trader* means any person who, in the ordinary course of its business, purchases or sells Brent spread contracts or CFDs.

H. Any means one or more.

I. Or means and/or.

III Applicability

This stipulation and order applies to each defendant; to each of its executive officers, directors, successors and assigns, during the respective periods that they serve as such; and to any agents and employees assigned to purchase or sell any Brent spread contracts or CFDs or assigned to supervise the purchases and sale of such contracts.

IV Prohibited Conduct

Each defendant shall not, directly or indirectly:

(A) Agree with any other trader unrelated to such defendant to (1) fix, lower, raise, stabilize or maintain any brokerage commission for Brent spread contracts and CFDs or (2) exchange any information for that purpose; and

(B) Request or advise any other trader unrelated to such defendant to lower,

raise or change any brokerage commission for Brent spread contracts and CFDs to be paid by it.

V Limiting Conditions

A. Notwithstanding the provisions of Section IV, any defendant shall be entitled to:

(1) Engage in any communication or other contract with any trader when such action is taken: (a) To propose, negotiate, agree to, modify, execute or cancel a purchase or sale of a Brent spread contract and CFD with such trader as counter party or co-venturer; or (b) to allocate between the defendant and such trader responsibility for payment or negotiation of brokerage commissions relating to such purchase or sale.

(2) Engage in any communication or other contact with a broker when such action is taken: (a) To propose, negotiate, agree to, modify, execute or cancel a purchase or a sale of a Brent spread contract(s) or CFD(s) concerning which such broker may or will receive a brokerage commission; or (b) propose, negotiate, agree to, or modify a brokerage commission or commissions.

(3) Engage in any activity concerning the payment of a brokerage commission that is required or authorized by the constitution, bylaws, rules, regulations, resolutions or laws governing any market, whether now existing or hereafter established, which is or may become subject to the jurisdiction of either: (a) The Commodity Futures Trading Commission; or (b) any government agency or self regulatory organization whose responsibilities, pursuant to the laws of the United States of America, include authority with respect to the purchase and sale of Brent contracts, Brent spread contracts, or CFDs.

(4) Engage in any activity concerning the payment of a brokerage commission to any broker located in a foreign country that is required or authorized by the constitution, bylaws, rules, regulations, resolutions or laws governing any market, whether now existing or heretofore established, subject to the jurisdiction of either: (a) The International Petroleum Exchange or (b) any government agency or self regulatory organization whose responsibilities, pursuant to the laws of any foreign country, include authority with respect to the purchase or sale of Brent contracts, Brent spread contracts, or CFDs.

(5) Engage in any activity concerning the payment of a brokerage commission to any broker located in the United States that is required or authorized by the constitution, bylaws, rules,

regulations or laws governing any market, whether now or hereafter established, subject to the jurisdiction of either (a) the International Petroleum Exchange or (b) any government agency or self-regulatory organization whose responsibilities pursuant to the laws of any foreign country include authority with respect to the purchase or sale of Brent contracts, Brent spread contracts or CFDs, provided that, if the activity is otherwise prohibited by Section IV, the plaintiff has not objected to such proposed activity within sixty (60) days following written notice to the New York Office of the Antitrust Division of the United States Department of Justice by a defendant of an intention to engage in such activity.

B. Nothing in this stipulation and order shall prohibit defendants from engaging in any activity lawful under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

C. No finding of any violation of this stipulation and order may be made based solely on parallel conduct.

VI Compliance Program

In order to ensure compliance with the provisions of Section IV of the stipulation and order:

(A) Each defendant shall maintain an antitrust compliance program which shall include designating, within sixty (60) days of entry of this stipulation and order, an Antitrust Compliance Officer with responsibility for implementing the antitrust compliance program and achieving full compliance with this stipulation and order. The Antitrust Compliance Officer shall, on a continuing basis, supervise the review of the current and proposed activities of his or her defendant company to ensure that it complies with this stipulation and order.

(B) The Antitrust Compliance Officer shall, on a continuing basis, be responsible for the following:

(1) Distributing, within thirty (30) days from the effective date hereof, a copy of this stipulation and order to each of the officers and employees of the defendant whose duties or responsibilities include determining, changing, proposing, approving, disapproving or implementing any brokerage commission.

(2) Distributing in a timely manner a copy of this stipulation and order to any officer or employee who succeeds to a position described in Section VI(B)(1).

(3) Briefing annually those persons who shall then have the duties identified in Section VI(B)(1) or (2) on the meaning and requirements of this stipulation and order and of the antitrust laws, and advising them that

the defendant's legal advisors are available to confer with them regarding compliance with both the stipulation and order and the antitrust laws.

(4) Obtaining from each person who shall then have the duties identified in Section VI (1) or (2), an annual written certification that he or she: (i) Has read, understands, and agrees to abide by the terms of this stipulation and order; (ii) is not aware of any violation of this stipulation and order that has not been reported to the Antitrust Compliance Officer; and (iii) has been advised and understands that his or her failure to comply with this stipulation and order may result in an enforcement action for civil or criminal contempt of court against the defendant or any other person who violates this stipulation and order.

(5) Maintaining (i) a record of all certifications received pursuant to Section VI(B)(4); (ii) a file of all documents in existence at the commencement of and related to any investigation by the Antitrust Compliance Officer of any alleged violation of this stipulation and order; and (iii) a record of all non-privileged communications generated after the commencement of any such investigation and related to any such alleged violation, which shall identify the date and place of the communication, the persons involved, the subject matter of the communication, and the results of any related investigation.

(C) If a defendant's Antitrust Compliance Officer learns of any violations of any of the terms and conditions contained in this stipulation and order that defendant shall immediately take appropriate action to terminate or modify the activity so as to comply with this stipulation and order.

VII Certification

A. Within seventy-five (75) days after the entry of this stipulation and order, each defendant shall certify to the plaintiff whether it has designated an Antitrust Compliance Officer and has distributed the stipulation and order in accordance with Section VI(B) above.

B. For five (5) years after the entry of this stipulation and order, on or before its anniversary date, each defendant shall file with the plaintiff an annual statement as to the fact and manner of its compliance with the provisions of Section VI.

VIII Plaintiff Access

A. For the sole purpose of determining or securing compliance with this stipulation and order, and subject to any legally recognized

privilege or work product protection, from time to time duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant at its principal office, be permitted:

(1) Access during office hours of such defendant, which may have counsel present, to inspect and copy (or to require the defendants to produce copies of) all records, documents, and tape recordings in the possession or under the control of such defendant, and which relate to compliance with this stipulation and order; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from the defendant, to interview officers, employees, or agents of such defendant, each of whom may have counsel present, regarding compliance with this stipulation and order.

B. Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to any defendant, such defendant shall prepare and submit such written reports, under oath if requested, relating to defendant's compliance with this stipulation and order as may be requested.

C. No information, tape recordings, or documents obtained by the means provided in Sections VI, VII, and VIII shall be divulged by plaintiff to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this stipulation and order, or as otherwise required by law.

D. If at the time information, tape recordings, or documents are furnished by any defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure and said defendant marks each page of such material, "Subject to Claims of Protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then plaintiff shall give ten (10) business days notice to such defendant at its Office of General Counsel prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

IX Rescission by Plaintiff

The parties agree that the Court may enter this stipulation and order, upon motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that the plaintiff has not notified the parties and the Court that it wishes to rescind its agreement to entry of the stipulation and order. Plaintiff may rescind its agreement to entry of the stipulation and order at any time before entry of the stipulation and order by the Court by serving notice thereof on the defendants and by filing that notice with the Court. In the event plaintiff rescinds its agreement to entry of the stipulation and order, the stipulation and order shall be of no effect whatever, and the agreement among the parties shall be without prejudice to any party in this or any other proceeding.

X Jurisdiction Retained

Jurisdiction shall be retained by the Court to enable any of the parties to this stipulation and order to apply at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this stipulation and order, for the enforcement or modification of any of its provisions, or for punishment by contempt.

XI Expiration of Stipulation and Order

This stipulation and order shall expire ten (10) years from its date of entry by the Court.

For Plaintiff United States of America:
 Joel I. Klein (JK-3481),
Acting Assistant Attorney General.
 A. Douglas Melamed (AM-4601),
Principal Deputy Assistant Attorney General.
 Rebecca P. Dick (RD-5481),
Deputy Director of Operations.
 Ralph T. Giordano (RG-0114),
Chief, New York Office.
 Philip F. Cody (PC-3521)
 John J. Greene (JG-8281)
 Edward Friedman (EF-0245)
 John W. McReynolds (JM-0441)
Attorneys, U.S. Department of Justice,
Antitrust Division, 26 Federal Plaza, Room
3630, New York, New York 10278, (212) 264-
0390.

For Defendants.
 Paul, Weiss, Rifkind, Wharton & Garrison,
 Daniel J. Beller (DB-7312),
1285 Avenue of the Americas, New York,
New York 10019-6064, Tel: (212) 373-3000.
Attorneys for AIG Trading Corporation,
Sullivan & Cromwell,
 Garrard R. Beeney (GB-1345),
125 Broad Street, New York, New York 10004-
2498, Tel: (212) 558-4000,
Attorneys for BP Exploration & Oil Inc.
 Howrey & Simon
 Margaret H. Fitzsimmons (MF-3327)
1299 Pennsylvania Avenue, N.W.,
Washington, D.C. 20004, Tel: (202) 783-0800,
Attorneys for Cargill International, S.A.

Order of the Court

The Court having reviewed the Complaint and other filings by the United States, having found that this Court has jurisdiction over the parties to this stipulation and order, having heard and considered the respective positions of the United States and the defendants [at a hearing on _____] and having concluded that entry of this stipulation and order is in the public interest, it is hereby *Ordered*:

That the parties comply with the terms of this stipulation and order;

That the Complaint of the United States is dismissed with prejudice;

That the Court retains jurisdiction to enable any of the parties to this stipulation and order to apply to the Court at any time for such further orders and directions as may be necessary or appropriate for the construction or implementation of this stipulation and order, for the enforcement or modification of any of its provisions, or for punishment by contempt.

So ordered this _____ day of _____, 1997.

United States District Court Judge.

United States District Court for the Southern District of New York

United States of America, Plaintiff, v. AIG Trading Corporation; BP Exploration & Oil Inc.; and Cargill International, S.A. Defendants.

Competitive Impact Statement

The United States of America, pursuant to Section 2 of the Antitrust Procedures and Penalties Act (APPA), 15 U.S.C. § 16(b), submits this Competitive Impact Statement in connection with the proposed Stipulation and Order submitted for entry with the consent of defendants in this civil antitrust proceeding.

I Nature and Purpose of the Proceedings

On July 18, 1997 the United States filed a civil antitrust complaint under Section 4 of the Sherman Act, as amended, 15 U.S.C. § 4, alleging that the defendants engaged in a combination and conspiracy, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, to exchange current and prospective brokerage commission information with the purpose and effect of lowering commissions paid to brokers located in the United States for arranging certain types of transactions, namely the purchase and sale of Brent spread contracts and contracts for differences (CFDs), involving Brent blend crude oil, a crude oil produced in the North Sea. Specifically, the complaint alleges that, in furtherance of this conspiracy, the defendants and others:

(a) Communicated with each other regarding current and prospective brokerage commissions; and

(b) Reduced brokerage commissions.

On July 18, 1997, the United States and the defendants also filed a proposed Stipulation and Order ("proposed Order") to resolve the allegations in the complaint. The proposed Order will prevent each of the defendants from agreeing with other traders to (1) fix, lower, raise, stabilize or maintain any commission to be paid to a broker for arranging the purchase and sale of Brent time spreads or CFDs or (2) exchange any information for that purpose, and from requesting or urging any other trader to lower, raise or change any such commission to be paid by it.

The United States and the defendants have agreed that the Court may enter the proposed Order after compliance with the APPA, unless the United States withdraws its consent (Section IX of the proposed Order). The proposed Order provides (as is standard in the Department's settlements) that it shall not constitute evidence against or an

admission by any party with respect to any issue of fact or law.

Entry of the proposed Order will terminate this civil action as to the defendants, except that the Court will retain jurisdiction for further proceedings that may be required to enforce or modify the order entered, or to punish violations of any of its provisions by contempt.

II Description of Practices Giving Rise to the Alleged Violation of the Antitrust Laws

Each of the defendants acted as a trader of Brent spread contracts and CFDs. Traders, including the defendants, regularly employed the services of brokers in connection with the purchase and sale of Brent spread contracts and CFDs. The brokerage commission paid by traders to brokers in connection with such purchases and sales is usually expressed in terms of an amount per barrel purchased and sold. In connection with Brent spread contracts and CFDs, a broker was usually paid a full brokerage commission by each party to the transaction.

Beginning at least as early as July 1992, representatives of the defendants agreed with one another and other traders during various telephone conversations and in person in Europe and the United States to exchange current and prospective brokerage commission information on commissions paid to brokers, including brokers located in the United States, for arranging the purchase and sale of Brent spreads and CFDs. The purpose of these exchanges was to facilitate a reduction in the amount of commissions paid, and as a direct result of this agreement, defendants and other traders were able to reduce such commissions in July and August 1992.

III Explanation of the Proposed Stipulation and Order

Format. The settlement of this civil action is in the form of a Stipulation and Order rather than a Final Judgment to ameliorate the likelihood that the settlement of this action will trigger (1) the institution of regulatory proceedings involving or (2) the imposition of regulatory sanctions against defendant AIG Trading Corporation (AIG Trading), its corporate parent and subsidiaries of the corporate parent in connection with various regulated businesses unrelated to the subject matter of this action.

Defendant AIG Trading is a subsidiary of AIG Trading Group Inc. (Trading Group) which is a subsidiary of American International Group, Inc. (AIG). AIG and its subsidiaries comprise

a large, diversified financial service organization operating in 130 countries and jurisdictions. They are engaged in the businesses of insurance, money management, financial risk management, mutual fund advisory services and operation, and trading in the foreign exchange, interest rate, precious and base metals and crude oil and natural gas markets. In 1994, AIG and its consolidated subsidiaries generated revenues of over \$22 billion.

Because of their involvement in the highly regulated insurance and investment businesses, AIG and its subsidiaries are subject to supervision and review by the state departments of insurance in all fifty states, more than one hundred foreign insurance and bank regulatory agencies, the Securities and Exchange Commission (SEC) and securities regulators in the United States and various foreign countries as well as by various self regulatory organizations, which typically regulate both membership and the conduct of its members and their affiliates.

During the period covered by the Complaint in this action, energy trading represented about seven percent of Trading Group's profit and the purchase and sale of Brent spread contracts and CFDs, the subject matter of the Complaint, represented only a very small part of all energy-related revenues and profits. In the case of the parent corporation, AIG, the purchase and sale of Brent spread contracts and CFDs by defendant AIG Trading generated only a minuscule portion of total AIG revenues.

The entry of a Final Judgment against defendant AIG Trading in this case could, and in some instances would, trigger further inquiry and investigation by a host of regulatory entities, both in the United States and abroad, to determine whether AIG and its subsidiaries will be permitted to continue to engage in various regulated businesses as they have done in the past, or whether sanctions are appropriate.

The triggering of such regulatory inquiries and investigations and the imposition of any such sanctions in connection with their businesses unrelated to the purchase and sale of Brent spread contracts and CFDs, would be burdensome to AIG and its subsidiaries. In light of the limited scope of the violation, this result is unwarranted.

In view of the practices of various regulatory authorities and the provisions of certain applicable regulatory laws and rules, it is believed that settlement of this action in the form of a stipulation and order will likely

expose AIG and its subsidiaries to fewer regulatory inquiries, investigations and possible sanctions in connection with businesses unrelated to the subject matter of this action than would entry of a Final Judgment containing identical relief. Accordingly, the proposed Order in settlement of this action is in the form of a stipulation and order.

Section X of the proposed Order provides that its violation may be punished by contempt.

Prohibited Conduct. The proposed Order will deter the recurrence of conduct that violates Section 1 of the Sherman Act. Specifically, Section IV of the proposed Order bars each of the defendants, unless otherwise specifically permitted, in connection with the purchase and sale of Brent spread contracts or CFDs, from:

(A) Agreeing with any other trader to (1) fix, lower, raise, stabilize or maintain any brokerage commission or (2) exchange any information for that purpose; and

(B) Requesting or urging any other trader to lower, raise or change any brokerage commission to be paid by it.

Section V of the proposed Order contains certain limiting provisions that clarify the scope of the prohibitions in Section IV. Section V identifies specific activities that are not barred by the proposed Order. Specifically, Section V (A) provides that each of the defendants may (1) engage in contacts with any trader to (a) propose, negotiate or cancel a purchase or sale of a Brent spread contract or CFD with such trader as a counter party or co-venturer or (b) to allocate between themselves the responsibility for payment or negotiation of brokerage commissions relating to such a purchase or sale; (2) engage in contracts with a broker in connection with the purchase or sale of a Brent spread contract or CFD; (3) engage in brokerage commission activity required or authorized by any markets subject to the jurisdiction of either the Commodity Futures Trading Commission or any governmental or self regulatory organization whose responsibilities under United States law includes authority over the purchase and sale of Brent contracts, Brent spread contracts or CFDs; or (4) engage in activity concerning the payment of brokerage commissions to any broker located in a foreign country that is required or authorized by any market subject to the jurisdiction of either the International Petroleum Exchange or any governmental or self regulatory organization whose responsibilities under foreign law include authority over the purchase or sale of Brent contracts, Brent spread contracts or

CFDs; and (5) engage in activity concerning the payment of brokerage commissions to any broker located in the United States that is required or authorized by either the International Petroleum Exchange or any governmental or self regulatory organization whose responsibilities under foreign law include authority over the purchase or sale of Brent contracts, Brent spread contracts or CFDs, provided that, if the activity is otherwise prohibited by Section IV of the Stipulation and Order, the United States has not objected within sixty (60) days written notice by a defendant of an intention to engage in such activity.

Section V(B) provides that nothing in the Stipulation and Order shall prohibit the defendants from engaging in activity lawful under the Foreign Trade Antitrust Improvements Act, 15 U.S.C. § 6a.

Section V(C) provides that no finding of any violation of the proposed Order may be made based solely on parallel conduct.

Sections VI and VII require each defendant to maintain an antitrust compliance program to assure compliance with the proposed Order and with the federal antitrust laws. Under the compliance program, an antitrust compliance officer, to be appointed by each defendant is required to distribute copies of the proposed Order to each of its officers and employees with duties or responsibilities that include determining, changing, proposing, approving disapproving or implementing any brokerage commission paid to a broker for arranging the purchase or sale of Brent spread contracts or CFDs; to brief such personnel annually on the meaning and requirements of both the antitrust laws and the proposed Order; and to obtain from such personnel certifications that they have read and agree to abide by the terms of the proposed Order, and that they have been advised and understand that a violation of the proposed Order by them may result in their being found in civil or criminal contempt of court.

In addition, the proposed Order provides a method for determining and securing the defendants' compliance with its terms. Section VIII provides that, upon the request of the Department of Justice, a defendant shall submit written reports, under oath, relating to the defendant's compliance with the proposed Order. The Department of Justice also is permitted to inspect and copy all books and records, and to interview officers, employees and agents of the defendants.

Section XI makes the proposed Order effective for ten years from the date of its entry.

The proposed order contains a proposed finding that entry of the proposed Order is in the public interest. Under the provisions of the APPA, entry of the proposed Order is conditional upon a determination by the Court that the proposed Order is in the public interest.

The United States believes that the proposed Order is fully adequate to prevent the recurrence of the violation of Section 1 of the Sherman Act alleged in the Complaint, and that the disposition of this proceeding without further litigation is appropriate and in the public interest.

IV Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Order will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Order has no *prima facie* effect in any subsequent lawsuits that may be brought against the defendants in this case.

V Procedures Available for Modification of the Proposed Order

As provided by the APPA, any person believing that the proposed Order should be modified may submit written comments to Ralph T. Giordano, Chief, New York Office, U.S. Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, New York 10278, within the sixty (60) days period provided in the Act. These comments, and the Department's responses will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department, which remains free to rescind its agreement to entry of the proposed Order at any time prior to actual entry by the Court. The proposed Order provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for modification, interpretation, or enforcement of the Order, or for punishment of any violation thereof by contempt.

VI Alternative Forms of Relief Considered

The only alternative to the proposed Order considered by the United States was a full trial on the merits and on relief. Such litigation would involve substantial cost to the United States and is not warranted because the proposed Order provides appropriate relief against the violations alleged in the Complaint.

VII Determinative Materials and Documents

No materials or documents of the type described in Section 2(b) of the APPA, 15 U.S.C. 16(b), were considered by the United States in formulating the proposed Order. However, a letter, dated June 20, 1997, from plaintiff's counsel to counsel for defendant Cargill International, S.A. acknowledging Cargill International's right under current law to seek relief from the compliance provisions of Section VIII in the event it believes a conflict has arisen between any request for information or documents under those provisions and foreign law, was considered determinative by Cargill International in agreeing to the proposed Order and is attached hereto as Exhibit A.

Dated: July 18, 1997.

Respectfully submitted,

Philip F. Cody,

John J. Greene,

Edward Friedman,

John W. McReynolds,

Attorneys, Antitrust Division, United States Department of Justice, 26 Federal Plaza, Room 3630, New York, New York 10278, (212) 264-0395.

July 14, 1997.

Margaret H. Fitzsimmons, Esq. Howrey & Simon,

1299 Pennsylvania Ave. NW., Washington, DC 20004-2402.

Re: Cargill International, S.A.

Dear Ms. Fitzsimmons: During our negotiations of a civil settlement in this case, you suggested the possibility that a conflict could arise between the plaintiff access provisions in Section VIII of the proposed stipulation and order, which authorizes the Assistant Attorney General to inspect documents or conduct interviews and to request written reports, and the law or orders of foreign governments, which may appear to prohibit compliance with such provisions. Of course, we would attempt to work with Cargill International, S.A. to avoid any such conflict in exercising our rights under Section VIII. In the event we could not reach agreement, Cargill International would be free to seek relief from the U.S. order court from its obligations to comply with any Section VIII request.

Sincerely yours,
Philip F. Cody,
Assistant Chief.
[FR Doc. 97-20209 Filed 7-31-97; 8:45 am]
BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1862-97; AG Order No. 2101-97]

RIN 1115-AE26

Extension of Designation of Bosnia-Herzegovina Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until August 10, 1998, the Attorney General's designation of Bosnia-Herzegovina under the Temporary Protected Status (TPS) program provided for in section 244 of the Immigration and Nationality Act, as amended (Act). Accordingly, eligible aliens who are nationals of Bosnia-Herzegovina (or who have no nationality and who last habitually resided in Bosnia-Herzegovina) may re-register for TPS and extension of employment authorization. This re-registration is limited to persons who registered for the initial period of TPS, which ended on August 10, 1993.

DATES: This extension of designation is effective August 11, 1997, and will remain in effect until August 10, 1998. The re-registration procedures become effective August 1, 1997, and will remain in effect until September 2, 1997.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION: Subsection 308(b)(7) of Pub. L. 104-208 (September 30, 1996) renumbered section 244A of the Act as section 244. Under this section, the Attorney General continues to be authorized to grant TPS to eligible aliens who are nationals of a foreign state designated by the Attorney General (or who have no nationality and last habitually resided in that state). The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

On August 10, 1992, the Attorney General designated Bosnia-Herzegovina for Temporary Protected Status for a period of 12 months (57 FR 35604). The Attorney General extended the designation of Bosnia-Herzegovina under the TPS program for additional 12-month periods until August 10, 1997 (61 FR 39471).

This notice extends the designation of Bosnia-Herzegovina under the Temporary Protected Status program for an additional 12 months, in accordance with subsections 244(b)(3) (A) and (C) of the Act. This notice also describes the procedures with which eligible aliens who are nationals of Bosnia-Herzegovina (or who have no nationality and who last habitually resided in Bosnia-Herzegovina) must comply in order to re-register for TPS.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Bosnia-Herzegovina's TPS designation, late initial registrations are possible for some Bosnians under 8 CFR 244.2(f)(2). Such late initial registrants must have been "continuously physically present" in the United States since August 10, 1992, must have had a valid immigrant or non-immigrant status during the original registration period, and must register no later than 30 days from the expiration of such status.

An Application for Employment Authorization, Form I-765, must always be filed along with the Application for Temporary Protected Status, Form I-821, as part of either a re-registration or a late initial registration. The appropriate filing fee must accompany Form I-765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or unless the applicant does not wish to obtain employment authorization. The Immigration and Naturalization Service requires TPS registrants to submit Form I-765 for data-gathering purposes, whether or not work authorization is desired.

Notice of Extension of Designation of Bosnia-Herzegovina Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244 of the Act (8 U.S.C. 1254), and pursuant to subsections 244(b)(3)(A) and (C) of the Act, I had consultations with the appropriate agencies of the Government concerning (a) the conditions in Bosnia-Herzegovina; and (b) whether permitting nationals of Bosnia-Herzegovina (and aliens having no nationality who last habitually resided in Bosnia-Herzegovina) to remain temporarily in

the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Bosnia-Herzegovina continue to be met. Accordingly, it is ordered as follows:

(1) The designation of Bosnia-Herzegovina under subsection 244(b) of the Act is extended for an additional 12-month period from August 11, 1997, to August 10, 1998.

(2) I estimate that there are approximately 400 nationals of Bosnia-Herzegovina (and aliens having no nationality who last habitually resided in Bosnia-Herzegovina) who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) In order to maintain current registration for Temporary Protected Status, a national of Bosnia-Herzegovina (or an alien having no nationality who last habitually resided in Bosnia-Herzegovina) who received a grant of TPS during the initial period of designation, from August 10, 1992, to August 10, 1993, must comply with the re-registration requirements contained in 8 CFR 244.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Bosnia-Herzegovina (or an alien having no nationality who last habitually resided in Bosnia-Herzegovina) who previously has been granted TPS, must re-register by filing a new Application for Temporary Protected Status, Form I-821, along with an Application for Employment Authorization, Form I-765, within the 30-day period beginning on August 1, 1997, and ending on September 2, 1997, in order to be eligible for Temporary Protected Status during the period from August 11, 1997, until August 10, 1998. Late re-registration applications will be allowed pursuant to 8 CFR 244.17(c).

(5) There is no fee for Form I-821 filed as part of the re-registration application. A Form I-765 must be filed at the same time. If the alien requests employment authorization for the extension period, the fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars (\$70), or a properly documented fee waiver request pursuant to 8 CFR 244.20, must accompany the Form I-765. An alien who does not request employment authorization must nonetheless file Form I-765 along with Form I-821, but in such cases no fee will be charged.

(6) Pursuant to subsection 244(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before August 10, 1998, the designation of Bosnia-Herzegovina under the TPS program to determine whether the