

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; Soletron 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,

and where appropriate, license or make public the results of the research and development, work closely with various governmental and private agencies and perform future acts as allowed by the Act that would advance the venture objectives.

Constance K. Robinson,

*Director of Operations, Antitrust Division.*

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## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

#### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General Wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1994, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue

current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

#### New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and States:

##### Volume I

###### Maine

ME960043 (June 28, 1996)

#### Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of Publication in the Federal Register are

in parentheses following the decisions being modified.

##### Volume I

###### Maine

ME960019 (March 15, 1996)

ME960020 (March 15, 1996)

ME960021 (March 15, 1996)

ME960022 (March 15, 1996)

ME960023 (March 15, 1996)

###### New York

NY960046 (March 15, 1996)

###### Maine

###### Index

##### Volume II

###### Delaware

DE960001 (March 15, 1996)

DE960002 (March 15, 1996)

DE960004 (March 15, 1996)

DE960005 (March 15, 1996)

DE960008 (March 15, 1996)

DE960009 (March 15, 1996)

##### Volume III

###### Georgia

GA960085 (March 15, 1996)

###### Kentucky

KY960001 (March 15, 1996)

KY960003 (March 15, 1996)

KY960004 (March 15, 1996)

KY960007 (March 15, 1996)

KY960025 (March 15, 1996)

KY960027 (March 15, 1996)

KY960029 (March 15, 1996)

KY960035 (March 15, 1996)

##### Volume IV

###### None

##### Volume V

###### Iowa

IA960004 (March 15, 1996)

IA960014 (March 15, 1996)

###### Kansas

KS960008 (March 15, 1996)

##### VI

###### Arizona

AR960001 (March 15, 1996)

AR960002 (March 15, 1996)

AR960004 (March 15, 1996)

AR960005 (March 15, 1996)

AR960006 (March 15, 1996)

AR960010 (March 15, 1996)

AR960011 (March 15, 1996)

AR960012 (March 15, 1996)

AR960013 (March 15, 1996)

AR960014 (March 15, 1996)

AR960015 (March 15, 1996)

AR960016 (March 15, 1996)

AR960017 (March 15, 1996)

AR960018 (March 15, 1996)

#### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository