

decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. See *United States v. Microsoft*, 56 F.3d 1448 (D.C. Cir. 1995).

In conducting this inquiry, "the Court is nowhere compelled to go to trial or to enage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process."<sup>1</sup> Rather, absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

*United States v. Mid-America Dairymen, Inc.*, 1977-1 Trade Cas. ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a Court may not "engage in an unrestricted evaluation of what relief would best serve the public." *United States v. BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988) quoting *United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), cert. denied, 454 U.S. 1083 (1981); see also, *Microsoft*, 56 F.3d 1448 (D.C. Cir.1995). 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.' (citation 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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Dated: July 29, 1997.

#### Certification of Service

I hereby certify that a copy of the foregoing has been served upon the attorneys for USA Waste Service, Inc., the attorneys for Allied Waste Industries, Inc. and the Office of the Attorney General of the State of Texas, by placing a copy in the U.S. Mail, directed to each of the above-named parties at the addresses give below, this 29th day of July, 1997.

USA Waste Services, Inc., c/o James R. Weiss, Preston, Gates, Suite 500, 1735

New York Ave., NW., Washington, DC 20006

USA Waste Services, Inc., c/o James D. McCarthy, Hughes & Luce, 1717 Main Street, Suite 2800, Dallas, TX 75201

Allied Waste Industries, Inc., c/o Tom D. Smith, Jones, Day, Reavis & Pogue, Metropolitan Square, 1450 G Street, NW., Washington, DC 20005-2088

Allied Waste Industries, Inc., c/o Thomas R. Jackson, Jones, Day, Reavis & Pogue, 2300 Trammel Crow Center, 2001 Ross Avenue, Dallas, TX 75202-2598

State of Texas: Amy Krasner, Assistant Attorney General, Antitrust Section, Office of the Attorney General of Texas, P.O. Box 12548, Austin, TX 78711-2548

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[INS No. 1851-97]

#### Change in Production of the Form I-551, Alien Registration Receipt Card

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice.

**SUMMARY:** In September 1997, the Immigration and Naturalization Service (INS or Service) will produce the Form I-551, Alien Registration Receipt Card (ARC) using an Integrated Card Production System (ICPS). At that time, the Service will transfer production of the ARC from the Immigration Card Facility (ICF) to the ICPS located at INS service centers. These changes will increase efficiency in producing the ARCs, allow the Service to be more responsive to inquiries from applicants, their representatives, and benefit-granting agencies, and will enhance the Service's ability to produce a more secure ARC.

**EFFECTIVE DATE:** September 1, 1997.

#### FOR FURTHER INFORMATION CONTACT:

Geoff Verderosa, Immigration and Naturalization Service, Benefits Division, Residence and Status Services, 425 I Street, NW., Room 3214, Washington, DC 20536, Telephone 202-514-3156.

<sup>1</sup> 119 Cong. Rec. 24598 (1973). See, *United States v. Gillette Co.*, 406 F. Supp. 713, 715 (D.Mass.1975). A "public interest" determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. § 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. See, H.R. 93-1463, 93rd Cong. 2d Sess. 8-9, reprinted in (1974) U.S. Code Cong. & Ad. News 6535, 6538.

<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 *United States v. American Cyanamid Co.*, 719 F.2d at 565.

<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).

**SUPPLEMENTARY INFORMATION:****What Will Happen on September 1, 1997?**

On September 1, 1997, the Service will begin using the Integrated Card Production System (ICPS) at the INS service centers to produce the new Permanent Resident Card, known as the Alien Registration Receipt Card (ARC). The Service will stop producing the ARCs at the Immigration Card Facility on September 30, 1997.

**What Are the Benefits of Using ICPS Technology at the INS Service Centers?**

Using ICPS technology at the INS service centers will allow the Service to:

- (1) Mass produce the ARCs at a faster rate;
- (2) Produce a more secure credit card type identity card by using the latest security features available (i.e., biometrics);
- (3) Eliminate the extra step of sending the Application for Alien Registration Receipt Card, Form I-90, from each of the service centers to the Immigration Card Facility;
- (4) Reduce the possibility of all of the ICPS machines being disabled at the same time; and
- (5) Enhance its ability to be more responsive to inquiries from applicants, their representatives, and benefit-granting agencies.

**Will the ARC Produced by the ICPS Look Different Than the Current ARC and, if so, Will Employers and Public Agencies be Informed of This Change?**

The ARC will have a different appearance than the current ARC. INS will inform employers and public agencies of the change by initiating a public information campaign in August 1997.

**Will There Be a Change in the Filing Procedures to Apply for a New ARC?**

No. You should continue to follow the instructions on the Form I-90, Application to replace Alien Registration Receipt Card, when filing for renewal or replacement of an ARC.

**Will My Current ARC Remain Valid?**

Yes. New ARCs will be issued using ICPS technology, but the validity of current Form I-551 ARCs is unaffected by this change. They will remain valid until the expiration date on the card.

**How Will My ARC be Delivered?**

The cards will continue to be mailed and delivered by the U.S. Postal Service.

Dated: August 11, 1997.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

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**DEPARTMENT OF LABOR****Office of the Secretary****Submission for OMB Review; Comment Request**

August 14, 1997.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Theresa M. O'Malley ((202) 219-5096 ext. 143) or by E-Mail to OMalley-Theresa@dol.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219-4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday-Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in this **Federal Register**.

The OMB is particularly interested in comments which:

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility, and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employment and Training Administration.

*Title:* Overpayment Detection/Recovery Activities.

*OMB Number:* 1205-0173 (extension).

*Frequency:* Quarterly.

*Affected Public:* State, Local or Tribal Government.

*Number of Respondents:* 53.

*Estimated Time Per Respondent:* 10 hours.

*Total Burden Hours:* 2,120.

*Total Annualized capital/startup costs:* 0.

*Total annual costs (operating/maintaining systems or purchasing services):* 0.

*Description:* The Secretary of Labor has interpreted applicable sections of Federal law to require States to have reasonable provisions in their State unemployment insurance laws that concern the prevention, detection and recovery of benefit overpayments caused by willful misrepresentation of errors by claimants or others. This report provides an accounting of the types and amounts of such overpayments and serves as a useful management tool for monitoring overall unemployment insurance program integrity.

**Theresa M. O'Malley,**

*Departmental Clearance Officer.*

[FR Doc. 97-21912 Filed 8-18-97; 8:45 am]

BILLING CODE 4510-02-M

**DEPARTMENT OF LABOR****Employment and Training Administration****Notice of Release of Transitional O\*NET Products**

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

**SUMMARY:** The U.S. Department of Labor, Employment and Training Administration (DOL/ETA) announces the release of preliminary O\*NET (Occupational Information Network) products in progressive stages. By doing so, DOL/ETA plans to accelerate the development of O\*NET through new phases of applied research, as well as respond to the broad public anticipation of O\*NET availability.

There are four O\*NET product packages that DOL/ETA will release during progressive stages of O\*NET development. The incremental availability of O\*NET products will offer varying degrees of opportunities to become familiar with the structure, content and potential usefulness of O\*NET. It will also give DOL/ETA the lead time needed to coordinate the