

The proposed Final Judgment is designed to eliminate the automatic differential clause from defendant's individual contracts for the provision of ocean liner transportation services with shippers or shippers' associations. Under Section IV of the proposed Final Judgment, Lykes is restrained and enjoined from maintaining, adopting, agreeing to, abiding by, or enforcing an automatic rate differential clause in any contract when acting in its capacity as an independent carrier. Section IX of the proposed Final Judgment provides for an initial term of five years, which the United States in its sole discretion may extend up to five additional years. Section V(A) nullifies any automatic rate differential clauses currently in effect in any of Lykes' contracts as an independent ocean carrier.

The proposed Final Judgment does not affect any contracts of any conference in which Lykes is member, and it does not limit Lykes' ability to participate in any conference contracts that contain such a clause. Section V(B)(1-2).

Section VI of the proposed Final Judgment requires Lykes to send a copy of the Final Judgment to each shipper whose contract with Lykes, as an independent carrier, contains an automatic rate differential clause, and to send a copy of the Final Judgment to any other shipper or shippers' association that requests an automatic rate differential clause. Section VI also obligates Lykes to maintain an antitrust compliance program that meets the obligations specified in Section VI(C). The Final Judgment also contains provisions, in Section VII, obligating Lykes to certify its compliance with specified obligations of Sections V and VI of the Final Judgment. In addition, Section VIII of the Final Judgment sets forth a series of measures by which the plaintiff may have access to information needed to determine or secure Lykes' compliance with the Final Judgment.

The relief in the proposed Final Judgment removes the contractual clause that requires Lykes to place in essence a 5% "tax" on the shipping costs of Universal's competitors. It restores to Universal's competitors the ability to compete for the lowest shipping prices.

IV.

Alternative to the Proposed Final Judgment

The alternative to the proposed Final Judgment would be a full trial on the merits of the case. In the view of the Department of Justice, such a trial would involve substantial costs to both

the United States and Lykes and is not warranted because the proposed Final Judgment provides relief that will fully remedy the violations of the Sherman Act alleged in the United States' Complaint.

V.

Remedies Available to 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 damage suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist in the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent action that may be brought against the defendant in this matter.

VI.

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Judgment should be modified may submit written comments to Roger W. Fones, Chief, Transportation, Energy, and Agriculture Section; Department of Justice; Antitrust Division; Judiciary Center Building, Room 9104; 55 Fourth Street, N.W.; Washington, D.C. 20001, within the 60-day period provided by the Act. Comments received, and the Government's responses to them, will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free, pursuant to Paragraph 2 of the Stipulation, to withdraw its consent to the proposed Final Judgment at any time before its entry if the Department should determine that some modification of the Judgment is warranted in the public interests. The proposed Judgment itself provides that the Court will retain jurisdiction over this action, and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification, interpretation, or enforcement of the Judgment.

VII.

Determinative Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), were considered in

formulating the proposed Judgment, consequently, none are filed herewith.

Dated: September 26, 1995.

Respectfully submitted,

Michele B. Felasco,

Attorney, Antitrust Division, Department of Justice.

[FR Doc. 95-24750 Filed 10-4-95; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-29,639]

Gould Shawmut a/k/a Gould Electronics, Inc. Marble Falls, Texas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on May 26, 1994, applicable to workers of the subject firm. The certification was amended on August 4, 1995 to reflect a corporate name change. The amended notice was published in the Federal Register on August 16, 1995 (60 FR 30618).

At the request of State Agency, the Department is expanding coverage of the certification to include all workers at the Marble Falls location. The workers produce electronic components. New findings show that worker layoffs were not limited to the fuseholder production line.

The intent of the Department's certification is to include all workers of Gould Shawmut in Marble Falls, Texas who were affected by increased imports.

The amended notice applicable to TA-W-29,639 is hereby issued as follows:

All workers of Gould Shawmut, a/k/a Gould Electronics, Inc., Marble Falls, Texas who became totally or partially separated from employment on or after October 1, 1993, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of September 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-24769 Filed 10-4-95; 8:45 am]

BILLING CODE 4510-30-M

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of September, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-31,375; *Grumman Olson, a Division of Grumman Allied Industries, a Subsidiary of Northrop Grumman Corp., Montgomery, PA*

TA-W-31,306; *United Technology Motor Systems, Inc., Brownsville, TX*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-31,332; *Jakel, Inc., Ramer, TN*
TA-W-31,350; *Chains, Inc., Bonners Ferry, ID*

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

TA-W-31,378; *Jusher Manufacturing Co., Tishomingo, OK: August 14, 1994.*

TA-W-31,412; *DNT, Inc., Byrdstown, TN: August 28, 1994.*

TA-W-31,370; *Jonbil, Inc., Danville Plant, Danville, VA: September 20, 1995.*

TA-W-31,250; *Ackerman Shirt Co., Inc., Ackerman, MS: July 12, 1994.*

TA-W-31,354; *Emerson Electric Co., Specialty Motor Div., Rogers, AR: August 4, 1994.*

TA-W-31,356; *Jeld-Wen of Bend/Bend Millwork, Bend, OR: August 9, 1994.*

TA-W-31,432; *B.W. Harris Manufacturing Co., West St. Paul, MN: August 25, 1994.*

TA-W-31,424; *A.I. of Tennessee, Inc., Powell, TN: September 7, 1994.*

TA-W-31,351; *Consolidated Natural Gas Transmission, Clarksburg, WV: August 9, 1994.*

TA-W-31,407; *D & H Companies, Odessa, TX: August 20, 1994.*

TA-W-31,371; *Gaylord Container, Weslaco, TX: August 17, 1994.*

TA-W-31,309; *Albert Given Manufacturing Co., a Div. of Jaymar-Ruby, Inc., (aka Trans-Apparel Group), East Chicago, IN: May 11, 1994.*

TA-W-31,305 & A; *Perdikakis Williams & Associates, Inc., Dayton, OH: & Lockwood, Jones & Beals, Inc., Dayton, OH: July 25, 1994.*

TA-W-31,431; *Max Kakn Curtain Corp., Evergreen, AL: August 29, 1994.*

TA-W-31,435; *Consolidated Oil & Gas, Inc., Denver, CO: August 31, 1994.*

TA-W-31,425; *Walker Equipment Corp., Subsidiary of Plantronics, Inc., Ringgold, GA: August 29, 1994.*

TA-W-31,357; *The John Chopot Lumber Co., Inc., Colville, WA: August 4, 1994.*

TA-W-31,258; *Jessico Corp., Monterey, VA: July 13, 1994.*

TA-W-31,429; *Pine Shirt Co., Pottsville, PA: September 5, 1994.*

TA-W-31,364; *United Technologies Motor Systems, Columbus, MS: August 12, 1994.*

TA-W-31,298; *Karabelas Collection Limited, New York, NY: July 19, 1994.*

TA-W-31,360; *The Peoples Gas Light & Coke Co., SNG Plant, Ellwood, IL: August 10, 1994.*

TA-W-31,328; *Genesis Knitting, Inc., aka Fantasia Fashions & Amboy Knit, Perth Amboy, NJ: August 3, 1994.*

TA-W-31,418; *Lincoln Brass Works, Inc., Waynesboro Div., Waynesboro, TN: August 10, 1994.*

TA-W-31,394; *Bike Athletic Co., Knoxville, TN: August 23, 1994.*

TA-W-31,433; *Smith Valve Corp., New Known As SV Corp., Whitinsville, MS: September 7, 1994.*

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of September, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-00563; *Thompson Steel Pipe Co., Thompson Tanks Div., Princeton, KY.*

NAFTA-TAA-00536; *United Technologies Motor Systems, Inc., Brownsville, TX*

NAFTA-TAA-00560; *Elco Corp., Huntingdon, PA*

NAFTA-TAA-00564; *Grumman Allied Industries, Grumman Olson Div., A*

Subsidiary of Northrop Grumman Corp., Montgomery, PA
 NAFTA-TAA-00572; *Owens-Illinois, Inc., Owens-Brockway Glass Containers, Auburn, NY*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA-TAA-00573; *Sam's Club, McAllen, TX*

NAFTA-TAA-00585; *Kaiser Porcelain US, Inc., Niagara Falls, NY*

NAFTA-TAA-00558; *Hampton Lumber Sales Co., Special Products Department, Portland, OR*

The investigation revealed that the workers of the subject firm do not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA-TAA

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

NAFTA-TAA-00566; *The Leslie Fay Companies, Inc., New York, NY; August 11, 1994.*

NAFTA-TAA-00561; *IMC Corp. of America, Williams Cabinet Div., Sutton, WV; August 9, 1994.*

NAFTA-TAA-00580; *Lakeview Lumber Products Co., Lakeview, OR; August 30, 1994.*

NAFTA-TAA-00565; *Jeld-Wen of Bend, Bend, OR; August 9, 1994.*

NAFTA-TAA-00570; *Gaylord Container, Weslaco, TX; August 17, 1994.*

NAFTA-TAA-00571; *International Verifact, Inc., Boulder, Co; August 16, 1994.*

NAFTA-TAA-00569; *The Peoples Gas Light & Coke Co., Synthetic Natural Gas Plant, Ellwood, IL; August 10, 1994.*

NAFTA-TAA-00587; *Motor Wheel Corp., Ypsilanti, MI; August 16, 1994.*

NAFTA-TAA-00586; *Gannet Co., Inc., Gannett Outdoor Co of Michigan, Detroit, MI; August 17, 1994.*

I hereby certify that the aforementioned determinations were issued during the month of September, 1995. Copies of these determinations are available for inspection in Room C-4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 18, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

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[TA-W-30,662 & 662A]

McDonnell Douglas Corporation; Douglas Aircraft Company; Long Beach, California and Carson, California; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 23, 1995, applicable to all workers of McDonnell Douglas Corporation, Douglas Aircraft Company located in Long Beach, California. The notice was published in the Federal Register on April 10, 1995 (60 FR 18146).

At the request of the petitioners, the Department is amending the certification to include workers of the Carson facility of the subject firm. New information provided by the petitioners reveal that workers at Carson were inadvertently excluded from the certification. The workers at the McDonnell Douglas Carson, California location provide support services which directly relates to the production of commercial aircraft at the Long Beach manufacturing plant.

The intent of the Department's certification is to include all workers of McDonnell Douglas Corporation, Douglas Aircraft Company adversely affected by imports.

The amended notice applicable to TA-W-30,662 is hereby issued as follows:

All workers of McDonnell Douglas Corporation, Douglas Aircraft Company, Long Beach, California (TA-W-30,662) and Carson, California (TA-W-30,662A) engaged in employment related to the production of commercial aircraft who became totally or partially separated from employment on or after March 15, 1995 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of September 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

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BILLING CODE 4510-30-M

[TA-W-30,122]

Mobil Exploration and Producing Technical Center (MEPTEC), a/k/a Mobil Research and Development Corporation (MRDC), a/k/a Research Engineering and Environmental Affairs (REEA), a/k/a Mobil Technology Company (MTC), a/k/a Mobil Research, Headquartered in Dallas, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 30, 1994, applicable to all workers of Mobil Exploration and Producing Technical Center (MEPTEC), headquartered in Dallas, Texas and operating at various locations in the United States. The notice was published in the Federal Register on October 21, 1994 (59 FR 53211).

At the request of the company, the Department reviewed the subject certification. New information received from the company shows that worker units within (MEPTEC) were inadvertently excluded from the certification. Accordingly, the Department is amending the certification to include workers of Mobil Research and Development Corporation (MRDC); Research Engineering and Environmental Affairs (REEA); Mobil Technology Company (MTC); and Mobil Research.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by increased imports.

The amended notice applicable to TA-W-30,122 is hereby issued as follows:

All workers of Mobil Exploration and Producing Technical Center (MEPTEC), a/k/a Mobil Research and Development Corporation (MRDC); a/k/a Research Engineering and Environmental Affairs (REEA); a/k/a Mobil Technology Company (MTC); and a/k/a Mobil Research headquartered in Dallas, Texas and operating out of various locations as listed below engaged in activities related to exploration and production of crude oil and natural gas who became totally or partially separated from employment on or after April 30, 1994 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974:

TA-W-30,122A California

TA-W-30,122B Colorado

TA-W-30,122C Kansas

TA-W-30,122D Louisiana

TA-W-30,122E Texas (exc Dallas).