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FOR FURTHER INFORMATION CONTACT: Dennis C. Jones, Rules and Procedures Staff, phone (303) 231-3046, FAX (303) 231-3194, e-Mail Dennis_Jones@smtp.mms.gov.

SUPPLEMENTARY INFORMATION: In compliance with the Paperwork Reduction Act of 1995, Section 3506 (c)(2)(A), each agency shall provide notice and otherwise consult with members of the public and affected agencies concerning this collection of information in order to solicit comment to: (a) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

The MMS is requesting the continuation of this collection of information, the Payor Information Form for Oil and Gas. However, the Royalty Policy Committee recommendations and the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996, signed August 13, 1996, may require MMS to make changes to this information collection. MMS is evaluating both of these issues.

The Secretary of the Interior is authorized to prescribe rules and regulations to accomplish the purpose of applicable Federal laws. MMS performs the royalty management functions for the Secretary, who is responsible for the collection of royalties from lessees who produce minerals from leased Federal and Indian lands. The MMS has developed computer applications that document payment and sales volumes and values as reported by payors and also track minerals from the point of production to the point of disposition, royalty determination, or point of sale. Payor data enables MMS to provide reliable, comprehensive sources of information for Federal, State, and Indian auditors and inspectors checking payors and lease operators, as required by Federal

Oil and Gas Royalty Management Act of 1982 (FOGRMA). Failure to collect some of the PIF information would make it impossible for MMS to comply with FOGRMA Section 101(a) and assure that proper royalties are collected for mineral production from a given lease.

The consolidated database developed by MMS provides the agency the ability to verify that proper royalties are being received for minerals produced. This database is an essential part of an overall effort to improve the management of the nation's mineral resources and to ensure proper collection and accounting for revenues due from companies removing and processing oil and gas products from Federal or Indian leases. PIF information comprises an integral part of the consolidated database establishing the payor(s) for producing leases and payor accounts on these leases, and updating relevant payor information. This information collection identifies the payor(s) who pays rent, royalty or minimum royalty to MMS and identifies the products on which these payments are made.

Approximately 1,700 active oil and gas payors will submit an estimated 25,000 initial and updated PIF's annually. MMS estimates that it will take approximately 12,500 burden hours to complete these PIF's, or an average of 1/2 hour per PIF. MMS further estimates that it will take approximately 850 burden hours for all payors to perform the necessary record keeping directly related to the PIF, or an average of 1/2 hour per payor. Therefore, the total burden hours for this information collection is estimated to be 13,350 burden hours. At an estimated cost of \$25 per burden hour, the total estimated cost to respondents is \$333,750.

Dated: November 13, 1996.
James W. Shaw,
Associate Director for Royalty Management.
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DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities, Proposed Collection; Comment Request

ACTION: Notice of information collection under review; making officer redeployment effective progress reports.

The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until the sixtieth day from the

date published in the Federal Register. Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

- (1) 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;
- (2) 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;
- (3) enhance the quality, utility, and clarity of the information to be collected; and
- (4) 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.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Kristen Layman, 202-616-2896, U.S. Department of Justice, Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW, Washington, D.C. 20530.

Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Kristen Layman, 202-616-2896, U.S. Department of Justice, Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW, Washington, D.C. 20530.

Overview of this information collection:

- (1) Type of Information Collection: New collection.
- (2) Title of the Form/Collection: Making Officer Redeployment Effective (MORE) Progress Report.
- (3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: COPS 017/01. Office of Community Oriented Policing Services, U.S. Department of Justice.
- (4) Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: State and Local governments, private non-profit organizations, individuals, education

institutions, hospitals, and private commercial organizations (if legislation allows). Other: None.

The information collected is used to determine grantee progress on its Making Officer Redeployment Effective (MORE) Grant. Completion of such report is a condition of the MORE grant award. Upon receipt and review, the agency will notify the grantee if it is not in compliance with the terms and conditions of its grant award under this program.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 1,600 responses; 2 hours per response. The information will be collected twice per year from each respondent. Thus, there will be approximately 3,200 total yearly responses at 2 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 6,400 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: November 20, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

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Antitrust Division

[Civil Action No. 96-5313 (RWS), S.D.N.Y.]

United States v. Alex. Brown & Sons, Inc., et al.; Public Comments and Response on Proposed Final Judgment

Pursuant to Section 2(d) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(d), the United States publishes below the written comments received on the proposed Final Judgment in *United States v. Alex. Brown & Sons, Inc.*, Civil Action No. 96-5313 (RWS), United States District Court for the Southern District of New York, together with the response of the United States to the comments.

Copies of the written comments and the response are available for inspection and copying in Room 9500 of the U.S. Department of Justice, Antitrust Division, 600 E Street, N.W., Washington, D.C. 20530 (telephone: (202) 307-7200) and for inspection at the Office of the Clerk of the United

States District Court for the Southern District of New York, Room 120, United States Courthouse, 500 Pearl Street, New York, New York 10007.

Rebecca P. Dick,

Deputy Director of Operations.

Response of United States to Public Comments

Pursuant to the Antitrust Procedures and Penalties Act ("Tunney Act"), 15 U.S.C. 16 (b)-(h), the United States make and files this response to the public comments received regarding the relief described in the proposed Stipulation and Order ("proposed order") that, if entered by the Court, would resolve this civil antitrust proceeding. The United States has carefully considered the comments received, and remains convinced that entry of the proposed order is in the public interest.

This response and the attached public comments have been submitted to the Federal Register for publication (see 15 U.S.C. 16(d)). Moreover, the United States has today certified to the Court that it has fulfilled the requirements of the Tunney Act. Upon a determination that the United States and the defendants have fulfilled the requirements of the Tunney Act and that entry of the proposed order would be in the public interest, the Court may enter the proposed order.

This action was initiated by the United States with the filing of a complaint on July 17, 1996. The complaint charges that the defendants—all of whom are "market makers" in over-the-counter ("OTC") stocks quoted for public trading on Nasdaq,¹ had violated Section 1 of the Sherman Act, 15 U.S.C. 1, by engaging in a form of price fixing. The complaint alleges that the defendants and others adhered to and enforced a "quoting convention" that was designed to and did deter price competition among the defendants and other market makers in their trading of Nasdaq stocks with the general public. As a result of adherence to and enforcement of the "quoting convention" by the defendants, investors incurred higher transaction costs to buy and sell Nasdaq stocks than they otherwise would have.

With the filing of its complaint, the United States also filed the proposed Stipulation and Order, signed by all the defendants, which, if entered by the Court, would terminate the litigation. In

¹ The term "Nasdaq" was originally an acronym for the "National Association of Securities Dealers Automated Quotation System." The automated quotation system is now operated by The Nasdaq Stock Market, Inc.

addition, on July 17, 1996, the United States filed its Competitive Impact Statement ("CIS"). 15 U.S.C. 16(b). Thereafter, the defendants filed statements identifying certain communications made on their behalf, as required by the Tunney Act. 15 U.S.C. 16(g). A summary of the terms of the proposed order and the CIS, and directions for the submission of written comments relating to the proposed order to the Department, were published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, and in *The New York Times*, a newspaper of general circulation in the Southern District of New York, beginning on July 29, 1996, and continuing on consecutive days through August 3, 1996, and on August 5, 1996.

The proposed order and the CIS were published in the Federal Register on August 2, 1996. 61 FR 40433-40451 (Aug. 2, 1996). The 60-day period public comment period began on August 3, 1996 and expired on October 2, 1996. In response to the solicitation of public comments, the United States received comments from three persons. These comments are attached as Exhibits 1-3.

In addition, the private plaintiffs in *In re: Nasdaq Market-Makers Antitrust Litigation*, 94 Civ. 3996 (RWS), M.D.L. No. 1023 (S.D.N.Y.), commented upon the proposed relief in the form of certain filings they made with the Court in connection with their pending motion to intervene in this case, namely (1) a memorandum in support of their motion to intervene and (2) a reply to the government's opposition to the motion. These papers are on file with the Court, and the relevant portions of these documents are attached as Exhibits 4-5.

I. Background

The complaint and proposed order are the culmination of a major, two-year-long investigation by the Department of Justice into the trading activities of Nasdaq securities dealers. The Department's investigation began in the summer of 1994, shortly after the public disclosure of an economic study by Professors William Christie of Vanderbilt University and Paul Schultz of Ohio State University (the "Christie/Schultz study"). The Christie/Schultz study suggested that securities dealers on Nasdaq might have tacitly colluded to avoid odd-eighth price quotations on a substantial number of Nasdaq stocks, including some of the best known and most actively traded issues, such as Microsoft Corp., Amgen, Apple Computers, Inc., Intel Corp., and Cisco Systems, Inc. After the Christie/Schultz study had received wide-spread publicity, several class action lawsuits