

**SOUTH DAKOTA**

Oahe Addition Historic District, Roughly bounded by N. Poplar, LaBarge Ct., and #3rd and 4th Sts. Pierre, 00000599

[FR Doc. 02-3509 Filed 2-12-02; 8:45 am]

**BILLING CODE 4310-70-P**

**DEPARTMENT OF THE INTERIOR****National Park Service****National Register of Historic Places; Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 26, 2002. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St. NW, Suite 400, Washington DC 20002; or by fax, 202-343-1836. Written or faxed comments should be submitted by February 28, 2002.

**Carol D. Shull,**

*Keeper of the National Register of Historic Places.*

**ARIZONA****Navajo County**

Lower Cibecue Lutheran Mission, Fort Apache Indian Reservation, Lower Cibecue, White Mountain Apache, 02000126

**MASSACHUSETTS****Essex County**

Old Lynn High School, 50 High St., Lynn, 02000130

**Norfolk County**

Endicott Estate, 656 East St., Dedham, 02000128

**Plymouth County**

Island Grove Park National Register District, Park Ave., Abington, 02000127

**Worcester County**

Tuttle Square School, 41 South St., Auburn, 02000129

**NEW JERSEY****Monmouth County**

Lauriston, Address Restricted, Rumson, 02000134

**Somerset County**

Van Horne House, 941 E. Main St., Bridgewater Township, 02000133

**NEW YORK****Albany County**

Merchant, Walter, House, 188 Washington Ave., Albany, 02000137

**Allegany County**

Canaseraga Four Corners Historic District, 42-64 and 43-69 Main St., 9 S. Church St., Canaderaga, 02000145

**Cortland County**

First Presbyterian Church Complex, 23 Church St., Cortland, 02000142

**Greene County**

Bronk-Silvester House, 188 Mansion St., Coxsackie, 02000140

**Jefferson County**

Thomas Memorial AME Zion Church, 715 Morrison St., Watertown, 02000144

**Orange County**

Paramount Theatre, South St., Middletown, 02000136  
Walden, Jacob T., Stone House, N. Montgomery St., Walden, 02000138

**Otsego County**

Otsdawa Baptist Church, Cty Rd. 8, Otsdawa, 02000143

**Suffolk County**

Wells, Joshua, House, 525 N. Suffolk Rd., Cutchogue, 02000139

**Ulster County**

Bevier Stone House, 2687 NY 209, Marbletown, 02000135

**Westchester County**

Yonkers Trolley Barn, 92 Main St., Yonkers, 02000141

**NORTH CAROLINA****Greene County**

Coward, Edward R. and Sallie Ann, House, NC 1405, 0.2 mi. E of jct. with NC 1400, Ormondsville, 02000131

**NORTH DAKOTA****Ramsey County**

Devils Lake Carnegie Library, (Philanthropically Established Libraries in North Dakota MPS), 623 4th Ave., Devils Lake, 02000132

**TEXAS****Bowie County**

Garland Community School Teacherage, TX 2, 2.5 mi. W of Dekalb, Dekalb, 02000146

**WISCONSIN****Door County**

Little Lake Archeological District, Address Restricted, Washington Island, 02000147

**Fond Du Lac County**

Dana, George and Mary Agnes, House, 136 Sheboygan St., Fond du Lac, 02000148

North Main Street Historic District, Roughly along Main St., from Merrill to Sheboygan, Fond du Lac, 02000149

[FR Doc. 02-3510 Filed 2-12-02; 8:45 am]

**BILLING CODE 4310-70-P**

**INTERNATIONAL TRADE COMMISSION**

[Inv. No. 337-TA-458]

**Certain Digital Display Receivers and Digital Display Controllers and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation**

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") terminating the above-captioned investigation in its entirety by granting the unopposed motion of complainant Silicon Image, Inc. ("SII") to withdraw its complaint and terminate the investigation.

**FOR FURTHER INFORMATION CONTACT:**

Clara Kuehn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3012. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on May 29, 2001, based on a complaint filed by Silicon Image, Inc., of Sunnyvale, California ("SII"). 66 FR 29173 (2001). The notice of investigation named two respondents: Genesis Microchip Inc., of Thornhill,

Ontario, Canada, and Genesis Microchip Corp. of Alviso, California (collectively, "Genesis"). *Id.* The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of certain digital display receivers and digital display controllers and products containing same by reason of infringement of claims 1–12, 14, and 20 of U.S. Letters Patent 5,905,769. *Id.*

On December 7, 2001, complainant SII moved to withdraw the complaint and to terminate the investigation on the basis of the withdrawal of the complaint. On December 13, 2001, the Commission investigative attorney filed a response in support of the motion. On December 18, 2001, respondents Genesis filed a response stating that they did not oppose the motion. On January 24, 2002, the presiding ALJ issued an ID (Order No. 7) granting the motion. No petitions for review of the ID were filed.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.42 of the Commission's rules of practice and procedure (19 CFR 210.42).

Issued: February 7, 2002.

By order of the Commission.

**Marilyn R. Abbott,**

*Acting Secretary.*

[FR Doc. 02–3485 Filed 2–12–02; 8:45 am]

BILLING CODE 7020–02–P

## DEPARTMENT OF JUSTICE

### Antitrust Division

[Civil No. 98–475 JJF]

#### Public Comments and Response on Proposed Final Judgment in United States v. Federation of Physicians and Dentists, Inc.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States of America hereby publishes below the comment received on the proposed Final Judgment in United States v. Federation of Physicians and Dentists, Inc., Civil Action No. 98–475 JJF, filed in the United States District Court for the District of Delaware, together with the United States' response to the comment.

Copies of the comment and response are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, NW., Washington, DC 20530, Telephone: (202) 514–2481, and at the office of the

Clerk of the United States District Court for the District of Delaware, Federal Building, Room 4209, 844 King Street, Wilmington, Delaware 19801. Copies of any of these materials may be obtained upon request and payment of a copying fee.

**Constance K. Robinson,**

*Director of Operations and Merger Enforcement.*

#### Comments of Jones, Day, Reavis & Pogue

Jones, Day, Reavis & Pogue, pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h) (the "Tunney Act"), submits these comments on the Final Judgment proposed by the United States Department of Justice to settle charges that the Federation of Physicians and Dentists (the "Federation") violated the antitrust laws by coordinating an understanding among competing physicians to negotiate exclusively through the Federation.

#### Summary

The proposed Final Judgment provides injunctive relief prohibiting unlawful collective negotiations by the Federation and its members, and contains a number of other provisions to protect payers that wish to negotiate with individual providers rather than dealing through the Federation. In one particular area, however, the proposed Final Judgment could be strengthened to provide additional protection.

The provisions of the Final Judgment should prohibit retaliation against payers that decline to communicate with providers through the Federation. Such a restriction would prevent the Federation and its members from taking adverse actions against payers that choose not to deal with the Federation. Such adverse actions could prevent individual negotiations, thereby circumventing the Final Judgment's prohibition on exclusive negotiations through the Federation.

#### The Final Judgment Should Prohibit Retaliation Against Payers That Decline To Communicate With Providers Through the Federation

##### I. Background

The Final Judgment settles charges that the Federation unlawfully coordinated an understanding among competing physicians to negotiate exclusively through the Federation. The illegal agreement among the Federation and its members was enforced through a concerted refusal by Federation members to deal with payers individually. These refusals to deal

impaired the ability of payers to seek lower prices from Federation members.

In carrying out the illegal agreement, the Federation and its members claimed that they were acting pursuant to the "messenger model," a method of communicating with payers that does not entail an agreement among the competing providers who use the messenger. A concerted refusal to deal, however, is not a legitimate use of a messenger model. To the contrary, the messenger model was developed to avoid concerted action by competing providers. See United States Department of Justice and Federal Trade Commission *Statements of Antitrust Enforcement Policy in Healthcare*, 4 Trade Reg. Rep. (CCH) ¶13,153 at 20,831 (Aug. 28, 1996). Thus, the Federation and its members improperly invoked the messenger model.

##### II. The Proposed Final Judgement

The proposed Final Judgment prohibits the Federation and its members from entering into or facilitating an agreement among competing providers to deal with payers exclusively through the Federation. With respect to the use of a messenger model, the proposed Final Judgment expressly forbids the Federation and its members from requiring that a payer deal only with providers through the messenger (or other agent or representative of the providers) (Paragraph IV.A.2.), and requires the Federation, when acting as a messenger, to inform payers that they are free to decline to communicate with providers through the messenger (Paragraph IV.A.8.f.). Thus, the proposed Final Judgment directly prohibits the unlawful conduct engaged in by the Federation and its members.

The protection afforded by the proposed Final Judgment appears, however, to be incomplete. If a payer declines to deal with the Federation, and chooses to deal with individual providers instead, the proposed Final Judgment does not directly prohibit retaliation against that payer. For example, the proposed Final Judgment does not expressly forbid the Federation from assisting a member to "unilaterally" terminate an existing contract with a payer that declines to deal through the Federation. If the Federation and individual providers are able to engage in such retaliation, the ability of payers to decline to deal through the Federation could provide to be illusory.