

corporations to take over another corporation and then be required to sell that corporations holdings in only specific markets. It is my premise that the Department of Justice would be serving the healthcare needs of the patient population in the Dallas-Fort Worth market in a much better way and with much less disruption by simply allowing Aetna to continue business as it has been with NYLCare and require them to divest the Dallas-Forth Worth Prudential Healthcare portion of their new acquisition with the requirement that they make no changes in its management or business prior to sale.

In my view, this would create a much more level playing field and provide for significantly improved quality and continuity of care for managed care patients in the Dallas-Fort Worth market.

Your consideration of these comments is appreciated.

With best regards,  
Sincerely yours,

Robert D. Gross, MD

#### *Certificate of Service*

I hereby certify that on this 9th day of November, 1999, I caused a copy of the Response of the United States to Public Comments to be served on counsel for all parties by U.S. First Class Mail, at the following addresses:

Mark Tobey, Esq.

*Assistant Attorney General, Chief, Antitrust Section, State Bar No. 20082960, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548.*

Robert E. Bloch, Esq.,

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Paul J. O'Donnell.

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## DEPARTMENT OF JUSTICE

### Antitrust Division

#### ***U.S. v. Morgan Drive Away, Inc., et al., Civ. Action No. 74-1781 (TAF) (D. D.C. 1976); United States Notice of Defendant's Motion To Terminate Final Judgment***

Notice is hereby given that Morgan Drive Away, Inc. ("Morgan"), the only remaining defendant in the captioned matter, has moved to terminate the Final Judgment entered by the United States District Court for the District of Columbia on June 30, 1976. In a stipulation also filed with the Court, the

Department of Justice ("Department") has tentatively consented to termination of the Judgment, but has reserved the right to withdraw its consent pending receipt of public comments.

On December 5, 1974, the United States filed its complaint in this case. The complaint charged the defendants with conspiracy in restraint of trade, conspiracy to monopolize and monopolization of the for-hire transportation of mobile homes in the United States in violation of Sections 1 and 2 of the Sherman Act. Among the violations alleged in the complaint were that the defendants deprived applicants to state and federal regulatory agencies for mobile home transportation authority of meaningful access to and fair hearings before those agencies. This was done by various means including (1) protesting virtually all applications regardless of the merits, (2) including others to protest such applications, (3) jointly financing the protests and providing personnel to aid in the protests, (4) using tactics to deter, delay and increase the costs of the applications, and (5) providing, procuring, and relying on testimony in agency application proceedings that they knew to be false and misleading. The suit also charged that the companies conspired to coerce competitors to charge the same rates as they charged and to fix rates without authorization of federal or state law.

The Final Judgment, filed January 21, 1976 and entered by the Court on June 30, 1976 after a Tunney Act review, prohibited the defendants from using litigation before administrative agencies to exclude competition in the interstate transportation of mobile homes. The Judgment also enjoined the defendants from joint activities in connection with regulatory applications, from fixing interstate, intrastate, or military rates without proper legal authorization, from mutual stabilization of driver compensation, and from agreements to refrain from hiring one another's personnel.

In the period between 1976 and 1999 substantial changes have been made in the regulation of motor carriers, including transporters of mobile homes, effectively eliminating the opportunity for firms to manipulate the regulatory process to exclude competitors, to limit their growth, or to fix rates.

The Department and Morgan have filed memoranda with the Court setting forth the reasons they believe termination of the Final Judgment would serve the public interest. Copies of Morgan's motion to terminate, the stipulation containing the Department's consent, the supporting memoranda,

and all additional papers filed with the Court in connection with this motion will be available for inspection at the Antitrust Documents Group of the Antitrust Division, U.S. Department of Justice, Room 215, North, Liberty Place Building, 325 Seventh Street, NW., Washington, DC 20004, and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the duplicating fee set out in Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination to the Department. Such comments must be received by the Antitrust Division within sixty (60) days and will be filed with the Court by the Department. Comments should be addressed to Roger W. Fones, Chief, Transportation, Energy and Agriculture Section, Antitrust Division, U.S. Department of Justice, 325 Seventh St. NW., Suite 500, Washington, DC 20530, telephone: 202-307-6456.

**Rebecca P. Dick,**

*Director of Civil Non-Merger Enforcement.*

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### **Agency Information Collection Activities: Proposed Collection; Comment Request.**

**ACTION:** Notice of Information Collection under Review: Study of Employment Eligibility.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the Federal Register on August 17, 1999 at 64 FR 44747. The notice allowed for a 60-day public review and comment period. No public comment was received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until December 29, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the