(although the identity of the submitter will continue to be protected unless the submitter consents to disclosure);[2] (2) information obtained from merging parties who have not consented to disclosure, to the extent that such information is not protected by the HSR Act;[3] and (3) staff analytic memoranda, once the Commission has determined whether or not to challenge the merger, to assist the states in developing their own analyses of the merger.

In order to invoke this new policy, states may request information respecting merger investigations under Commission Rule 4.11(c), 16 CFR § 4.11(c). Under that rule, the Commission's General Counsel has been delegated authority to grant state access requests if the request certifies that responsive materials will be maintained in confidence and used only for official law enforcement purposes, and describes the nature of the law enforcement activity and the anticipated relevance of the materials to that activity.[4] The General Counsel will consider Rule 4.11(c) requests on a case-by-case basis, and grant access to the extent that disclosure is permitted by law and not inconsistent with the Commission's enforcement mission.[5]

Modification of Waiver Form

Rule 4.11(c) procedures are available whether or not the 1992 program is available (i.e., without regard to whether the merging parties have provided HSR filings to the liaison state and submitted waivers required under the program). In circumstances where both Rule 4.11(c) and the 1992 program are available, sharing would be facilitated by a modification to the form waiver used in the program. The Commission is therefore revising the form so that it waives HSR protections insofar as those protections ''in any way'' limit communications between the Commission and NAAG Compact members. This clarifies that the waiver extends to Rule 4.11(c) disclosures as well as to communications under the program, and thus makes clear that the Commission need not redact HSR information from internal memoranda shared under Rule 4.11(c). The revised waiver form appears as an appendix.

These policies were effective as of June 16, 1995. The Commission will, however, consider public comments and, after reviewing such comments, may take such further action as appropriate.

Appendix—Model Waiver for Submitters

To: Assistant Director for Premerger Notification, Bureau of Competition, Federal Trade Commission, Washington, DC 20580

With respect to [the proposed acquisition of X Corp. by Y Corp.], the undersigned attorney or corporate officer, acting on behalf of [indicate entity], hereby waivers confidentiality protections under the Hart-Scott-Rodino Act, 15 U.S.C. § 18a(h), insofar as these protections in any way limit confidential communications between the Federal Trade Commission and members of the NAAG Voluntary Pre-merger Compact.

Signed: _____

Position: _____

Telephone: _____

(Authority: 15 U.S.C. § 46).

By direction of the Commission, Commissioner Starek dissenting.

Donald S. Clark,

Secretary.

Dissenting Statement of Commissioner Roscoe B. Starek, III

Federal-State Cooperation in Merger Enforcement

Following extensive deliberation and evaluation of public comments, in 1992 the Commission entered into its Program for Federal-State Cooperation in Merger Enforcement (''the 1992 program''). The information that the Commission makes available pursuant to the 1992 program reflects a prudent balancing of the Commission's interest in conducting efficient and expeditious Hart-Scott-Rodino (''HSR'') merger investigations with its interest in promoting federal-state cooperation in merger law enforcement. The Commission at that time considered the materials to be made available to the states—copies of HSR second requests, redacted versions of third-party subpoenas, and assistance in analyzing the transaction—sufficient to furnish substantial aid to requesting states while avoiding the risk that merging firms and third parties might simply cease to cooperate with FTC investigations.

Today, however, the Commission announces a new policy that will supplant the 1992 program, even though no change of law or fact has diminished the Commission's interest in keeping its merger investigations efficient and expeditious. As a consequence of this policy change, we can surely expect state attorneys general to seek access to HSR investigation materials under the broader disclosure provisions of Commission Rule 4.11(c), obviating the 1992 Program (except, perhaps, as a preliminary step to a Rule 4.11(c) access request). Given that merging firms and third parties might well balk at submitting information to the Commission that we could turn over to the states despite the submitters' objections, there is reason to doubt that the new policy will improve the speed or efficiency with which this agency conducts merger investigations. Moreover, some firms might even forgo efficient—or at worst legally unobjectionable—transactions because of apprehension that the Commission will release sensitive information to the states.

One can hardly quibble with the general proposition that the Commission should cooperate with state attorneys general to advance the public interest in avoiding wasteful duplication of effort in antitrust enforcement. The Commission's new policy, however, seems only to advance cooperation as an end in itself, without any apparent link to the achievement of a more tangible public benefit. In my view, the new policy is fated to result only in increasing the costs of HSR merger enforcement—costs that will fall both on the Commission and on the parties subject to enforcement.

[FR Doc. 95–26191 Filed 10–20–95; 8:45 am]

BILLING CODE 6750–01–M

[2] The provision for consent is intended to encourage cooperation from third parties in merger investigations, which are often time-sensitive. Absent consent, third party submissions may be disclosed only if redactions can be made sufficient to protect the submitter's identity. When it is impractical for Commission staff to redact all third party materials obtained from submitters who have not consented to disclosure of their identities, the staff will attempt to prepare redacted versions of particularly significant materials.

[3] This category includes, for example, submissions from the merging parties pertaining to a transaction that is not reported under the HSR Act.

[4] Under the Rule, if the General Counsel and the Bureau of Competition disagree about the proper disposition of a request for records in a merger investigation, the General Counsel must refer the request to the Commission.

[5] Additionally, if either the General Counsel or the Director of the Bureau of Competition recommend disclosure of internal memoranda before the Commission determines whether to challenge a merger, the General Counsel will forward the matter to the Commission for resolution.

GENERAL SERVICES ADMINISTRATION

Notice of Intent To Prepare an Environmental Impact Statement for the Construction of the Headquarters for the Food and Drug Administration

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), and the General Services Administration (GSA) guidelines PBS1095.4B, GSA and the Food and Drug Administration (FDA) announce their intent to prepare an Environmental Impact Statement (EIS) to determine the feasibility of consolidating the FDA on the site of the Naval Surface Warface Center in White Oak, Maryland. The consolidation would consist of the construction of approximately 2 million square feet of office and laboratory space to house approximately 5,900 FDA employees.

GSA will open a formal scoping period for this project from October 20 to November 20, 1995. This scoping period will be used to identify the issues to be addressed in the EIS. A

public scoping meeting will be held at 7:30 p.m. on November 7, 1995 at the Naval Surface Warfare Center at White Oak, 10901 New Hampshire Avenue, in Silver Spring, Maryland. A short formal presentation will precede the request for public comments.

GSA and FDA representatives will be available at this meeting to receive comments from the public regarding issues of concern. It is important that Federal, State, and County Agencies, interested individuals and groups take this opportunity to identify environmental concerns and significant issues that should be addressed in the EIS. In the interest of available time each speaker will be asked to limit oral comments to five minutes.

Agencies and general public are also invited and encouraged to provide written comments in addition to, or in lieu of comments at the public scoping meeting. Scoping comments should clearly describe specific issues or topics regarding the FDA Headquarters development, which the commentator believes the EIS should address. Written statements concerning the alternatives should be post-marked no later than November 20, 1995, to Ms. Eva Hegedus, Portfolio Management (WPTP), National Capital Region, General Services Administration, 7th and D streets SW, Washington, DC 20407, Telephone (202) 708–8591; Fax (202) 708–7671.

Dated: October 16, 1995.

Jack Finberg,

Branch Chief, Portfolio Management (WPT).

[FR Doc. 95–26264 Filed 10–20–95; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Proposed Data Collections Available for Public Comment and Recommendations

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports clearance Officer on (202) 619–1053.

Comments are invited on: (a) 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) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Projects: Application for Correction of Public Health Service Commissioned Corps Records—0937–0095—Extension No Change—An application is submitted by present and former PHS Commissioned Corps officers to request correction of an error or alleged injustice in their personnel records. The information submitted is used by the Board for Correction to determine if an error or injustice has occurred and to rectify such error or injustice.

Annual Number of Respondents: 25; *Average Burden per Response:* four hours; *Total Burden:* 100 hours.

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC, 20201. Written comments should be received within 60 days of this notice.

Dated: October 16, 1995.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 95–26180 Filed 10–20–95; 8:45 am]

BILLING CODE 4150–04–M

Notice of the Final Meeting of the Commission on Research Integrity

Pursuant to P.L. 92–463, notice is hereby given of the final meeting of the Commission on Research Integrity. The proceeding is open to the public.

The meeting will be on Tuesday and Wednesday, October 24 and 25, 1995, at the Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Room 17–94. The Commission will meet from 8:30 a.m. until 5 p.m. on both days.

Space is very limited in this location. Therefore, interested parties are advised to call the Executive Secretary before the meeting to verify the date, place, and agenda, and, if they want to attend, place their name on a first-come, first-served list.

The mandate of the Commission is to develop recommendations for the Secretary of Health and Human Services and the Congress on the administration of Section 493 of the Public Health Service Act, as amended by and added to by Section 161 of the NIH Revitalization Act of 1993.

The Commission will finalize its recommendations on a number of issues on research misconduct and integrity including a new definition of research misconduct, a research integrity assurance for institutions, a processes by which to respond to and monitor related administrative processes and investigations, and development of a regulation to protect whistleblowers. Recommendations will be directed at research institutions, professional societies, Federal agencies, whistleblowers, respondents to allegations of research misconduct, research scientists, and the scientific community in general.

Because of time constraints, individuals wishing to make a presentation are urged to do so in writing and send their statement to Henrietta D. Hyatt-Knorr, Executive Secretary, Commission on Research Integrity, Suite 700, 5515 Security Lane, Rockville MD 20852, (301) 443–3400 (phone), (301) 443–5351 (fax), or hhyatt@oash.ssw.dhhs.gov (internet). Persons wishing to make an oral presentation must contact the Executive Secretary prior to the meeting. Depending on the number of presentations and other considerations, the Executive Secretary will allocate a timeframe for speakers.

Henrietta D. Hyatt-Knorr,

Executive Secretary, Commission on Research Integrity.

[FR Doc. 95–26094 Filed 10–20–95; 8:45 am]

BILLING CODE 4160–17–P

Centers for Disease Control and Prevention

Hospital Infection Control Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Hospital Infection Control Practices Advisory Committee.

Times and Dates: 8:30 a.m.–5 p.m., November 13, 1995; 8:30 a.m.–3 p.m., November 14, 1995.

Place: CDC, Auditorium A, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with providing advice and guidance to the Secretary, the Assistant Secretary for Health, the Director, CDC, and the Director, National Center for Infectious Diseases (NCID), regarding the practice of hospital infection control and strategies for surveillance,