

Bechtel Corp., 648 F.2d 660, 666 (9th Cir.), *cert. denied*, 454 U.S. 1083 (1981); see also *Microsoft*, 56 F.3d at 1460–62. Precedent requires that

the balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "within the reaches of the public interest." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.³

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.'" ⁴

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: August 2, 1996.

Respectfully submitted,

Nancy M. Goodman,
Assistant Chief, Telecommunications Task Force,
U.S. Department of Justice, Antitrust Division,
555 4th Street, N.W., Room 8104,
Washington, D.C. 20001, (202) 514-5621.

Exhibit A—Definition of HHI and Calculations for Market

"HHI" means the Herfindahl-Hirschman Index, a commonly accepted measure of market concentration. It is calculated by squaring the market share

of each firm competing in the market and then summing the resulting numbers. For example, for a market consisting of four firms with shares of thirty, thirty, twenty, and twenty percent, the HHI is 2600 ($30^2 + 30^2 + 20^2 + 20^2 = 2600$). The HHI takes into account the relative size and distribution of the firms in a market and approaches zero when a market consists of a large number of firms of relatively equal size. The HHI increases both as the number of firms in the market decreases and as the disparity in size between those firms increases.

Markets in which the HHI is between 1000 and 1800 are considered to be moderately concentrated, and those in which the HHI is in excess of 1800 points are considered to be concentrated. Transactions that increase the HHI by more than 100 points in concentrated markets presumptively raise antitrust concerns under the Merger Guidelines. See Merger Guidelines § 1.51.

Based on available radio advertising revenues, the pre-merger HHI for the Cincinnati area radio market is 2180. After the proposed merger the HHI would be 3077, an increase of 897 points.

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DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 12, 1996.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (P.L. 104-13, 44 U.S.C. Chapter 35). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Department of Labor Acting Departmental Clearance Officer, Theresa M. O'Malley ((202) 219-5095). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219-4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OAW/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days

from the date of this publication in the Federal Register.

The OMB is particularly interested in comments which:

- * 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;
- * 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;
- * enhance the quality, utility, and clarity of the information to be collected; and
- * 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.

Agency: Employment and Training Administration.

Title: Revenue Quality Control—Tax Performance System.

OMB Number: 1203-0332.

Agency Number: ETA Handbook 407.

Frequency: Annually.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 52.

Estimated Time Per Respondent: 1,750.

Total Burden Hours: 91,000.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: The Revenue Quality Control (RQC)—Tax Performance System gathers and disseminates information on the timeliness and accuracy of State unemployment insurance tax operations. This submission proposes to extend the RQC program for three years.

Agency: Employment and Training Administration.

Title: Alternative Schools Random Assignment Evaluation, Student Follow-up Survey.

OMB Number: 1205-0331.

Frequency: Annually.

Affected Public: Individuals or households.

Number of Respondents: 1,600.

Estimated Time Per Respondent: 30 minutes.

Total Burden Hours: 800.

Total Annualized capital/startup costs: 0.

³ *Bechtel*, 648 F.2d at 666 (citations omitted) (emphasis added); see *BNS*, 858 F.2d at 463; *United States v. National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *Gillette*, 406 F. Supp. at 716. See also *Microsoft*, 56 F.3d at 1461 (whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest'") (citations omitted).

⁴ *United States v. American Tel. and Tel. Co.*, 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 460 U.S. 1001 (1983), quoting *Gillette Co.*, 406 F. Supp. at 716 (citations omitted); *United States v. Alcan. Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

Total annual costs (operating/maintaining systems or purchasing services): \$13,620.

Description: The Department of Labor (DOL) provides grants to seven cities to start alternative schools for at-risk youth based on the model of High School Redirection in Brooklyn. DOL has implemented a random assignment evaluation in three of the schools in the demonstration. DOL has previously obtained Office of Management and Budget approval to conduct follow-up interviews for two of the schools in the evaluation, with the idea that it would subsequently come back to request approval for surveys for other sites in the evaluation. DOL is now seeking to do just that—to obtain approval for a follow-up survey and school records data collection at the Cincinnati school. Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 96-20951 Filed 8-15-96; 8:45 am]

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Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and

federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" are listed by Volume and State:

Volume III

Mississippi

MS960058 (AUGUST 16, 1996)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

Connecticut

CT960001 (March 15, 1996)

CT960003 (March 15, 1996)

CT960004 (March 15, 1996)

CT960005 (March 15, 1996)

New York

NY960002 (March 15, 1996)

NY960034 (March 15, 1996)

Volume II

District of Columbia

DC960001 (March 15, 1996)

DC960003 (March 15, 1996)

Pennsylvania

PA960005 (March 15, 1996)

PA960006 (March 15, 1996)

PA960012 (March 15, 1996)

PA960013 (March 15, 1996)

PA960014 (March 15, 1996)

PA960026 (March 15, 1996)

PA960031 (March 15, 1996)

West Virginia

WV960001 (March 15, 1996)

WV960002 (March 15, 1996)

WV960003 (March 15, 1996)

WV960005 (March 15, 1996)

WV960006 (March 15, 1996)

WV960018 (March 15, 1996)

Volume III

Florida

FL960001 (March 15, 1996)

FL960009 (March 15, 1996)

FL960017 (March 15, 1996)

FL960032 (March 15, 1996)

FL960034 (March 15, 1996)

FL960100 (March 15, 1996)

Kentucky

KY960002 (March 15, 1996)

KY960007 (March 15, 1996)

KY960025 (March 15, 1996)

KY960027 (March 15, 1996)

KY960029 (March 15, 1996)

Mississippi

MS960007 (March 15, 1996)

MS960035 (March 15, 1996)

Volume IV

Indiana

IN960001 (May 17, 1996)

IN960002 (March 15, 1996)

IN960003 (March 15, 1996)

IN960004 (March 15, 1996)

IN960005 (March 15, 1996)

IN960006 (March 15, 1996)

Ohio

OH960002 (March 15, 1996)

OH960029 (March 15, 1996)