Respectfully submitted,

Dando B. Cellini,

Merger Task Force, U.S. Department of Justice, Antitrust Division, 1401 H Street NW., Suite 4000, Washington, DC 20530, (202) 307–0829.

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 points 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.

Certificate of Service

I, Dando B. Cellini, hereby certify that, November 15, 1996, I caused a copy of the foregoing Competitive Impact Statement filed this day in *United States* v. *Westinghouse Broadcasting Corporation and Infinity Broadcasting Corporation,* Civil Action No. 1:96CV02563 (NHJ), to be served on defendants Westinghouse Broadcasting Corporation and Infinity Broadcasting Corporation by having a copy mailed, first class, postage prepaid, to:

Joe Sims, Jones, Day, Reavis & Pogue, 1450 G St., N.W., Washington, D.C. 20005, Counsel for Westinghouse Electric Corporation

Daniel M. Abuhoff, Debevoise & Plimpton, 875 Third Avenue, New York, NY 10022, Counsel for Infinity Broadcasting Corporation.

Dated: November 15, 1996.

Dando B. Cellini,

[FR Doc. 96–30550 Filed 11–29–96; 8:45 am]

BILLING CODE 4410––M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Class Exemption 91–38

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Class Exemption 91–38. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before January 31, 1997. The Department of Labor 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 clarify 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 submissions of responses.

ADDRESSEE: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 219–7933, FAX (202) 219–4745.

SUPPLEMENTARY INFORMATION:

I. Background

Prohibited Transaction Class Exemption 91–38 provides an exemption from the prohibited transaction provisions of ERISA for certain transactions between a bank collective investment fund and persons who are parties in interest with respect to a plan as long as the plan's participation in the collective investment fund does not exceed a specified percentage of the total assets in the collective investment fund. In order to ensure that the exemption is not abused, that the rights of participants and beneficiaries are protected, and that compliance with the exemption's conditions are taking place, DOL has required that records regarding the exempted transactions be maintained for six years.

II. Current Actions

This existing collection of information should be continued because without the exemption, individuals or entities which are parties in interest of a plan that invests in a bank collective investment fund would not be able to engage in transactions with the collective investment fund and would, thus, create a potential hardship to those affected. For DOL to grant an exemption, however, it needs to assure that the plan's participants and beneficiaries are protected. It, therefore, included certain conditions in the exemption, and required that records be kept for six years from the date of the transaction so that it can be determined whether these conditions have been followed. Without such records, DOL and other interested parties, such as participants, would be unable to effectively enforce the terms of the exemption and ensure user compliance.

Type of Review: Extension

Agency: Pension and Welfare Benefits Administration

Title: Prohibited Transaction Class Exemption 91–38

OMB Number: 1210–0082

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals

Frequency: On occasion

Estimated Total Burden Hours: 1

Respondents, proposed frequency of response, and annual hour burden: Under ERISA regulation section 2520.103–9, banks sponsoring collective investment funds are required to maintain certain records each year for preparing the annual report or to be supplied to the plan sponsor to prepare the annual report. In addition, banks are highly regulated by state and federal law, and their books and records are subject to periodic examination by state and federal agencies. Because of the ERISA annual reporting requirements and the heavy state and federal regulation, the Department has assumed that the records required by this class exemption are the same records kept in the normal course of business by banks. Therefore, the burden of this exemption is minimal, and the Department has assigned one hour to it.

Total Burden Cost (capital/start-up): $0.00

Total Burden Cost (operating/maintenance): $0.00

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 26, 1996.

Gerald B. Lindrew,

Director, Pension and Welfare Benefits Administration, Office of Policy and Legislative Analysis.

[FR Doc. 96–30605 Filed 11–29–96; 8:45 am]

BILLING CODE 4510–29–M

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Prohibited Transaction Class Exemption 90–1

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, provides the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Pension and Welfare Benefits Administration is soliciting comments concerning the proposed extension of a currently approved collection of information, Prohibited Transaction Class Exemption 90–1. A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before January 31, 1997. The Department of Labor 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 clarify 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 submissions of responses.

ADDRESSES: Gerald B. Lindrew, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Washington, D.C. 20210, (202) 219–7933, FAX (202) 219–4745.

FOR FURTHER INFORMATION CONTACT:

I. Background

Prohibited Transaction Class Exemption 90–1 provides an exemption from certain of ERISA's prohibited transaction provisions for transactions involving insurance company pooled separate accounts in which employee benefit plans participate. The general exemption allows persons who are parties in interest of a plan that invests in a pooled separate account to engage in transactions with the separate account if the plan's participation in the separate account does not exceed specified limits. In order to ensure that the exemption is not abused, that the rights of participants and beneficiaries are protected, and that compliance with the exemptions conditions are taking place, DOL has required that records regarding the exempted transactions be maintained for six years.

II. Current Actions

This existing collection of information should be continued because without the exemption, individuals or entities which are parties in interest of a plan that invests in an insurance company pooled separate account would not be able to engage in transactions with the separate account creating a potential hardship to those affected. For the Department to grant an exemption, however, it needs to assure that the plan's participants and beneficiaries are protected. It, therefore, included certain conditions in the exemption, and required that records be kept for six years from the date of the transaction so that it can be determined whether these conditions have been followed. Without such records the Department and other interested parties, such as participants, would be unable to effectively enforce the terms of the exemption and insure user compliance.

Type of Review: Extension

Agency: Pension and Welfare Benefits Administration

Title: Prohibited Transaction Class Exemption 90–1

OMB Number: 1210–0083

Affected Public: Business or other for-profit, Not-for-profit institutions, Individuals

Frequency: On occasion

Estimated Total Burden House: 1

Respondents, proposed frequency of response, and annual hour burden: Under ERISA regulation section 2520.103–9, insurance companies administering pooled separate accounts are required to maintain certain records each year for preparing the annual report or to be supplied to the plan sponsor to prepare the annual report. In addition, insurance companies are highly regulated by State law, and their books and records are subject to periodic examination by State agencies. Because of the ERISA annual reporting requirements and the heavy State regulation, the Department has assumed that the records required by this class exemption are the same records kept in the normal course of business by insurance companies. Therefore, the burden of this exemption is minimal, and the Department has assigned one hour to it.

Total Burden Cost (capital/start-up): $0.00

Total Burden Cost (operating/maintenance): $0.00

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 26, 1996.

Gerald B. Lindres,

Director, Pension and Welfare Benefits Administration, Office of Policy and Legislative Analysis.

[FR Doc. 96–30606 Filed 11–29–96; 8:45 am]

BILLING CODE 4510–29–M