

Overall, I am unpersuaded that this transaction diminishes competition in any relevant market.⁷ Even had I concluded otherwise, however, I would not endorse the proposed consent, the terms of which would require (1) SGI to port its software to a workstation competitor and (2) SGI to maintain an open architecture and to provide access to software developers on nondiscriminatory terms. The problems with remedies of this sort are significant.⁸ First, requiring a firm to sell an input to a rival is an ineffective remedy unless the Commission also regulates terms of the sale. Otherwise, the seller simply raises price and/or diminishes quality to the point where profitable entry is precluded. The Commission could seek an order that confers such regulatory power (the current order does not); however, the burden associated with enforcing such an order—the Commission would be required to determine the “competitive price” and “competitive quality” for such porting rights—cannot be overestimated. For this reason, the Commission historically has shied away from such remedies.

Second, requiring SGI to port entertainment graphics software to third parties will likely create substantial inefficiencies. The evidence clearly suggests that there are efficiencies associated with exclusive arrangements between software and hardware vendors; such arrangements existed well before the current transaction was proposed. Preventing SGI from availing

itself of those efficiencies will not benefit consumers.

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Senior Executive Service: Performance Review Board

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the standing Performance Review Board Roster.

DATES: July 5, 1995.

FOR FURTHER INFORMATION CONTACT:

Elliott H. Davis, Director of Personnel, Federal Trade Commission (FTC), 6th & Pennsylvania Avenue NW., Washington, DC 20580, (202) 326-2022.

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall, among other things, review and evaluate the initial appraisal of a senior executive's performance by the supervisor, and make appropriate recommendations to the appointing authority.

The following persons are appointed to the FTC's Performance Review Board Roster: Office of the Chairman: James Hamill; Office of the Inspector General: Frederick Zirkel; Office of the Executive Director: Robert Walton, Rosemarie Straight, Alan Proctor, James Giffin, Richard Arnold; General Counsel:

Stephen Calkins, Jay Shaffer, Ernest Isenstadt, Christian White; Office of the Secretary: Donald Clark; Bureau of Competition: William Baer, Mary Lou Steptoe, Mark Whitener, Ronald Rowe, Michael McNeely, Walter Winslow, Mark Horoschak; Bureau of Consumer Protection: Joan Bernstein, Teresa Schwartz, Lydia Parnes, David Medine, Eileen Harrington, Dean Graybill, C. Lee Peeler; Bureau of Economics: Jonathan Baker, Ronald Bond, Gary Roberts, Paul Pautler.

Donald S. Clark,

Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

Title: Small Business Innovation Research Program “Phase I Proposal Cover Sheet”.

OMB No.: 0980-0193.

Description: These forms are needed for inclusion in the Administration for Children and Families' biennial Research Program's research and development solicitation. They are required by Policy Directive from the Small Business Administration.

Respondents: State governments.

Title	Number of respondents	Number of responses per respondent	Average burden per response	Burden
Policy Directive SBIR	500	1	4	2000
Estimated Total Annual Burden: 2000.				

Additional Information: Copies of the proposed collection may be obtained from Bob Sargis of the Division of Information Resource Management, ACF, by calling (202) 690-7275.

OMB Comment: Consideration will be given to comments and suggestions received within 30 days of publication. Written comments and recommendations for the proposed

information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street NW., Washington, DC 20503, Attn: Ms. Wendy Taylor.

Dated: June 26, 1995.

Robert Katson,

Acting Director, Office of Information Resource Management.

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a vertical merger—premerger market power in a relevant market—is satisfied.

⁷ The complaint also alleges that vertical integration of SGI with Alias and Wavefront will foster anticompetitive price discrimination against certain entertainment graphics customers. If the customers already are differentiable according to their demand elasticities for SGI workstations (or

for the acquired software products), it is not clear how the vertical integration enhances the probability of price discrimination. To the extent that price discrimination possibilities are enhanced, it would appear to be as a result of the horizontal combination of Alias and Wavefront. And if SGI and the combined Alias/Wavefront would have market power in their respective complementary

markets, the most likely effect of vertical integration may be lower prices.

⁸ For a discussion of why nondiscrimination remedies are problematic, see Timothy Brennan, Why Regulated Firms Should Be Kept Out of Unregulated Markets: Understanding the Divestiture in *U.S. v. AT&T*, 32 Antitrust Bulletin 741 (1987).