The Commission will also provide a comprehensive and critical assessment of the results that this body of literature provides regarding the dynamic gains from trade. This assessment will explicitly identify the merits and shortcomings of the technical methods, data and results in the existing available literature. The Commission will also explore empirically the potential improvements that this assessment may suggest. USTR requested that the Commission provide its report by October 31, 1997, and that it make the report available to the public in its entirety.

Written Submissions: The Commission does not plan to hold a public hearing in connection with this investigation. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. (Generally, submission of separate confidential and public versions of the submission would be appropriate.) All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested persons. To be assured of consideration, written submissions must be filed by August 13, 1997.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Issued: December 2, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–31455 Filed 12–10–96; 8:45 am]

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UNITED STATES INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–374]

General Agreement on Trade in Services: Examination of the Schedules of Commitments Submitted by Asia/Pacific Trading Partners

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

EFFECTIVE DATE: November 26, 1996.

SUMMARY: Following receipt on November 13, 1996, of a request from the Office of the United States Trade Representative (USTR), the Commission instituted Investigation No. 332–374, General Agreement on Trade in Services: Examination of the Schedules of Commitments Submitted by Asia/Pacific Trading Partners, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

FOR FURTHER INFORMATION CONTACT: ormation on service industries may be obtained from Mr. Richard Brown, Office of Industries (202–205–3438) and Mr. Christopher Melly, Office of Industries (202–205–3461); economic aspects, from Mr. William Donnelly, Office of Economics (202–205–3223); and legal aspects, from Mr. William Gearhart, Office of the General Counsel (202–205–3091). The media should contact Ms. Margaret O'Laughlin, Office of External Relations (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202–205–1810).

Background: As requested by the USTR in a letter dated November 12, 1996, the Commission, pursuant to section 332(g) of the Tariff Act of 1930, has instituted an investigation and will prepare a report that (1) examines the content of schedules of commitments under the General Agreement on Trade in Services (GATS) for the countries specified below, explaining the commitments in non-technical language; and (2) seeks to identify the potential benefits and limitations of foreign commitments. The Commission will examine sector-specific commitments scheduled by Australia, Hong Kong, India, Indonesia, Korea, Malaysia, New Zealand, the Philippines, Singapore, and Thailand, with respect to the following industries:

- Distribution services (defined as wholesaling, retailing, and franchising services);
- Education services;
- Communication services (defined as enhanced telecommunication, courier, and audiovisual services);
- Health care services;
- Professional services (defined as accounting, advertising, and legal services);
- Architectural, engineering, and construction (AEC) services;
- Land-based transport services (defined as rail and trucking services); and
- Travel and tourism services.

In addition, the Commission will examine horizontal commitments relevant to the specified industries, such as those regarding investment and temporary entry and stay of foreign workers. As requested by the USTR, the Commission plans to deliver its report to the USTR by August 15, 1997. The investigation follows Commission Investigation No. 332–367, General Agreement on Trade in Services: Examination of South American Trading Partners' Schedules of Commitments, requested by the USTR on April 9, 1996, and Commission Investigation No. 332–358, General Agreement on Trade in Services: Examination of Major Trading Partners' Schedules of Commitments, requested by the USTR on December 28, 1994. In those reports, the Commission examined the commitments scheduled by selected trading partners with respect to the industries delineated above. The results of Investigation No. 332–367 will be published in December 1996. The results of Investigation No. 332–358 were published in December 1995 in USITC Publication 2940. This publication is available on the ITC Internet server (http://www.usitc.gov or ftp://ftp.usitc.gov).

Public Hearing: A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on March 27, 1997. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., March 13, 1997. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., March 13, 1997. The deadline for filing post-hearing briefs or statements is 5:15 p.m., April 10, 1997. In the event that, as of the close of business on March 13, 1997, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission (202–205–1816) after March 13, 1997, to determine whether the hearing will be held.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the

Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on April 10, 1997. All submissions should be addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Issued: December 2, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 96–31454 Filed 12–10–96; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division; U.S. v. Oldcastle Northeast, Inc. et al.; Public Comments and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (c)–(h), the United States publishes below the comment received on the proposed final judgment in *United States, et al.* v. *Oldcastle Northeast, Inc., et al.,* Civil Action No. 396CV01749 AWT, filed in the United States District Court for the District of Connecticut, together with the United States' response to that comment.

Copies of the comment and response to the comment are available for inspection and copying in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 7th Street, N.W., Washington, DC 20530 (telephone: (202) 514–2481), and at the Office of the Clerk of the United States District Court for the District of Connecticut. Copies of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,

Director of Operations.

December 2, 1996

James A. Dunbar, Esquire
Venable, Baetjer and Howard
1800 Mercantile Bank & Trust Building
Two Hopkins Plaza
Baltimore, Maryland 21201–2978

Re: *United States, et al.* v. *Oldcastle Northeast, Inc., et al.,* Civil Action No.: *396CV01749 AWT (District of Connecticut, September 3, 1996)*

Dear Mr. Dunbar: This letter responds to your letter of November 1, 1996 commenting on the proposed Final Judgment in the above-referenced civil antitrust case challenging the acquisition by CRH plc (CRH) through Oldcastle Northeast, Inc. (Oldcastle) of Tilcon, Inc. (Tilcon) from BTR plc (BTR). The Complaint alleges that the acquisition violated Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18, because it is likely substantially to lessen competition in the manufacture and sale of asphalt concrete in the greater Hartford, Connecticut area. Under the proposed Final Judgment, the defendants are required to divest Tilcon's East Granby, Connecticut quarry; two, three-ton, hot-mix plants located at the East Granby Quarry; and all intangible assets located at the quarry to assure that competition is not substantially lessened in the greater Hartford area.

In your letter, you expressed concern that the proposed Final Judgment does not address competitive concerns in additional geographic areas (Vermont and the southwestern and central parts of New Hampshire). The analytical process used by the Antitrust Division to determine which areas the acquisition might raise substantial competitive concerns required us to assess a number of factors including market concentration, potential adverse competitive effects, and entry. These factors must be evaluated in an economically meaningful product and geographic market. This analysis is aimed at allowing the Division to answer the ultimate inquiry: whether the acquisition is likely to create or enhance market power or facilitate the exercise of market power in a relevant market. After a thorough investigation which included the geographic areas mentioned in your letter, the Division concluded that the asphalt concrete market in the greater Hartford area was the relevant market where Oldcastle's acquisition of Tilcon might create or enhance market power. It was determined that in Vermont and central New Hampshire, the same number of competitors would be present after the acquisition as were present before the acquisition. In southwestern New Hampshire, a sufficient number of competitors were found to be active in the region. The Division concluded that in these three areas, the acquisition did not raise significant competitive concerns.

Your letter also raises concerns about the transfer to Pike Industries (a subsidiary of Oldcastle) of Tilcon's right of first refusal to purchase the assets of your client, Frank W. Whitcomb Construction Corporation (Whitcomb). Until Oldcastle elects to exercise this option, Whitcomb will remain a competitor to Pike Industries in Vermont and New Hampshire. If Oldcastle elects to exercise the option, the Division has the ability to investigate the competitive impact of the potential acquisition at that time.

In carefully reviewing the concerns made in your letter about asphalt concrete competition in New Hampshire and Vermont, it is clear that your concerns are outside the scope of the Complaint filed by the Division. When evaluating a complaint and proposed final judgment under the Antitrust Procedures and Penalties Act, unless a strong showing of bad faith or improper behavior can be made, a court will not reach beyond the complaint to evaluate claims that the Division did not make and to inquire why they were not made (*See, United States v. Microsoft Corp.,* 56 F.3d 1448, 1459–60 (D.C. Cir 1995)). A court's authority to review a decree depends on how the Division exercises its prosecutorial discretion. In this instance, the Court's review is linked to whether the proposed Final Judgment assures that competition will not be substantially lessened as alleged in the Complaint brought by the Division.

The Division appreciates you bringing your concerns to our attention and hopes that this information will alleviate them. While the Division understands your position, we believe that the proposed Final Judgment will adequately alleviate the competitive concerns created by CRH's acquisition of Tilcon from BTR. Pursuant to the Antitrust Procedures and Penalties Act, a copy of your letter and this response will be published in the Federal Register and filed with the Court.

Thank you for your interest in the enforcement of the antitrust laws.

Sincerely yours,

Frederick H. Parmenter,

Senior Trial Attorney.

November 1, 1996

VIA HAND-DELIVERY

J. Robert Kramer, Esquire
Chief, Litigation II Section
Antitrust Division
United States Department of Justice
1401 H Street, N.W.—Suite 3000
Washington, D.C. 20530

Re. *United States of America, et al.* v. *Oldcastle Northeast, Inc., et al.,* Civil Action No. 396 CV 01749 AWT, *In the United States District Court for the District of Connecticut*

Dear Mr. Kramer: This letter will serve as the comments of my client, The Frank W. Whitcomb Construction Corporation (''Whitcomb''), on the proposed final judgment in the above-referenced matter. These comments concern an issue that has already been raised with the Department of Justice, but has not been acted upon.

We believe that the facts and circumstances set forth in this letter demonstrate that the acquisition of Tilcon, Inc. by Oldcastle Northeast, Inc. (''Oldcastle'') presents a substantial threat to competition in the aggregate and asphalt paving business in Vermont and the southwestern and central parts of New Hampshire, by elimination of a potential