the comment period, decides to reject any of the upfront buyers. If Ahold divests the supermarkets to be divested prior to the date the proposed consent order becomes final, and if, at the time the Commission decides to make the proposed consent order final, the Commission notifies Ahold that any of the upfront buyers is not an acceptable acquirer or that any of the upfront buyer agreements is not an acceptable manner of divestiture, then Ahold must immediately rescind the transaction in question and divest those assets within three months after the proposed consent order becomes final. At that time, Ahold must divest those assets only to an acquirer that receives the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. In the event that any Commission-approved buyer is unable to take or keep possession of any of the supermarkets identified for divestiture, a trustee that the Commission may appoint has the power to divest any of the supermarkets or properties in the markets alleged in Paragraph 16 of the complaint that the proposed Respondents own to remedy the anticompetitive effects alleged in the complaint.

The Commission's goal in evaluating possible purchasers of divested assets is to maintain the competitive environment that existed prior to the acquisition. When divestiture is an appropriate remedy for a supermarket merger, the Commission requires the merging parties to find a buyer for the divested stores. A proposed buyer must not itself present competitive problems. For example, the Commission is less likely to approve a buyer that already has a large retail presence in the relevant geographic area than a buyer without such a presence. The Commission is satisfied that the purchasers presented by the parties are well qualified to run the divested stores and that divestiture to these purchasers poses no separate competitive issues.

For a period of ten years from the date the proposed consent order becomes final, the proposed Respondents are required to provide notice to the Commission prior to acquiring supermarkets assets located in, or any interest (such as stock) in any entity that owns or operates a supermarket located in, Carroll, Frederick, or Harford counties in Maryland, or Bucks or Montgomery counties in Pennsylvania. Respondents may not complete such an acquisition until they have provided information requested by the Commission. This provision does not restrict the proposed Respondents from constructing new supermarket facilities on their own; nor does it restrict the proposed Respondents from leasing facilities not operated as supermarkets within the previous six months.

For a period of ten years, the proposed consent order also prohibits the proposed Respondents from entering into or enforcing any agreement that restricts the ability of any person that acquires any supermarket, any leasehold interest in any supermarket, or any interest in any retail location used as a supermarket on or after January 1, 1998, to operate a supermarket at that site if such supermarket was formerly owned or operated by the proposed Respondents in Carroll, Frederick, or Harford counties in Maryland, or Bucks or Montgomery counties in Pennsylvania. In addition, the proposed Respondents may not remove fixtures or equipment from a store or property owned or leased in Carroll, Frederick, or Harford counties in Maryland, or Bucks or Montgomery counties in Pennsylvania, that is no longer in operation as a supermarket, except (1) Prior to a sale, sublease, assignment, or change in occupancy or (2) to relocate such fixtures or equipment in the ordinary course of business to any other supermarket owned or operated by Ahold.

The proposed Respondents are required to provide to the Commission a report of compliance with the proposed consent order within thirty days following the date on which they signed the proposed consent, every thirty days thereafter until the divestitures are completed, and annually for a period of ten years. The obligations of 1224 under the proposed consent order will terminate upon consummation of the proposed acquisition.

V. Terms of the Asset Maintenance Agreement

The proposed Respondents also entered into an Asset Maintenance Agreement. Under the terms of the Asset Maintenance Agreement, from the time Ahold acquires the Class AC voting stock of Giant from 1224 until the divestitures have been completed, the proposed Respondents must maintain the viability, competitiveness and marketability of the assets to be divested, must not cause their wasting or deterioration, and cannot sell, transfer, or otherwise impair their marketability or viability. The Asset Maintenance Agreement specifies these obligations in detail. The obligations of 1224 under the Asset Maintenance Agreement will terminate upon consummation of the proposed acquisition.

VI. Opportunity for Public Comment

The proposed consent order has been placed on the public record for sixty days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make the proposed consent order final.

By accepting the proposed consent order subject to final approval, the Commission anticipates that the competitive problems alleged in the complaint will be resolved. The purpose of this analysis is to invite public comment on the proposed consent order, including the proposed sale of supermarkets to Fleming, Frederick County Foods, Richfood, Safeway, and Supervalu, in order to aid the Commission in its determination of whether to make the proposed consent order final. This analysis is not intended to constitute an official interpretation of the proposed consent order or the Asset Maintenance Agreement, nor is it intended to modify the terms of the proposed consent order or Asset Maintenance Agreement in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 98–29846 Filed 11–6–98; 8:45 am]

BILLING CODE 6750–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Publication of Exposure Drafts

SUMMARY: The Federal Accounting Standards Advisory Board (FASAB) announces the publication of the following three Exposure Drafts of proposed Statements of Federal Financial Accounting Standards and solicits comments on them:

- *Standards For Management's Discussion and Analysis,* October 1, 1998. Written comments to the Board are requested by January 4, 1999. The Office of Management and Budget expects to use these concepts and standards for MD&A in revising its guidance on the ''Overview'' section of financial reports.
- *Concepts For Management's Discussion and Analysis,* October 1, 1998. Written comments to the Board are requested by January 4, 1999. The Office of Management and Budget expects to use these concepts and standards for MD&A in revising its

guidance on the ''Overview'' section of financial reports.

• *Recognition Of Contingent Liabilities Arising From Litigation: An Amendment of SFFAS 5, Accounting For Liabilities Of The Federal Government.* Written comments to the Board are requested by November 30, 1998. This Exposure Draft contains proposed standards that address accounting for loss contingencies involving specific cases of pending or potential litigation.

Interested parties are encouraged to comment on any issues related to these three documents. The text of the documents can be viewed through the electronic Financenet on the FASAB Home Page www.financenet.gov/fasab.htm. Hard copies may be obtained from FASAB, 441 G St., NW, Suite 3B18, Washington, DC 20548. Telephone: 202–512–7350.

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G St., NW., Room 3B18, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. 92–463, sec. 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: November 4, 1998.

Wendy M. Comes,

Executive Director.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Ryan White Care Act Requirement—Secretary's Determination on HIV Testing of Newborns

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice and request for comments.

SUMMARY: Section 2626 of P.L. 104–146 (42 U.S.C. 300ff–34), the ''Ryan White CARE Act Amendments of 1996'', includes a requirement for the Secretary of HHS to make a determination whether a set of activities prescribed in section 2627 of the Public Health Service (PHS) Act (42 U.S.C. 300ff–35), have become routine practice in the United States. In making this determination, the Secretary is required to consult with the States and other public or private entities that have knowledge or expertise relevant to the determination.

The purpose of this notice is to request comments from States and such other public or private entities with knowledge or expertise relevant to the practice of activities (1) through (4) in section 2627 of the PHS Act (42 U.S.C. 300ff–35). After consideration of comments submitted, the CDC will provide a summary of comments received to the Secretary as part of the process leading to the Secretary's determination required by Section 2626 of the PHS Act (42 U.S.C. 300ff–34).

DATES: The public is invited to submit comments on the practice of activities (1) through (4) in Section 2627 of the PHS Act by November 23, 1998.

ADDRESSES: Comments should be submitted to: Technical Information and Communication Branch, Division of HIV/AIDS Prevention—Intervention, Research, and Support, National Center for HIV, STD and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop E–49, Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT: Technical Information and Communication Branch, Division of HIV/AIDS Prevention—Intervention, Research, and Support, National Center for HIV, STD and TB Prevention, Centers for Disease Control and Prevention (CDC), telephone (404) 639–2072.

SUPPLEMENTARY INFORMATION: Section 2626(d) of the Public Health Service Act (42 U.S.C. 300ff–34), directs the Secretary to publish in the **Federal Register** ''a determination of whether it has become a routine practice in the provision of health care in the United States to carry out each of the activities described in paragraphs (1) through (5) of section 2627. In making the determination, the Secretary shall consult with the States and with other public or private entities that have knowledge or experience relevant to the determination.'' The activities described in section 2627 are as follows: ''(1) In the case of newborn infants who are born in the State and whose biological mothers have not undergone prenatal testing for HIV disease, that each such infant undergo testing for such disease. (2) That the results of such testing of a newborn infant be promptly disclosed in accordance with the following, as applicable to the infant involved: (A) To the biological mother of the infant (without regard to whether she is the legal guardian of the infant). (B) If the State is the legal guardian of the infant: (i) To the appropriate official of the State agency with responsibility for the care of the infant. (ii) to the appropriate official of each authorized agency providing assistance in the placement of the infant. (iii) if the authorized agency is giving significant consideration to approving an individual as a foster parent of the infant, to the prospective adoptive parent. (iv) if the authorized agency is giving significant consideration to approving an individual as an adoptive parent of the infant to the prospective adoptive parent. (C) If neither the biological mother nor the State is the legal guardian of the infant, to another legal guardian of the infant. (D) To the child's health care provider. (3) That, in the case of prenatal testing for HIV disease that is conducted in the State, the results of such testing be promptly disclosed to the pregnant woman involved. (4) That, in disclosing the test results to an individual under paragraph (2) or (3), appropriate counseling on the human immunodeficiency virus be made available to the individual (except in the case of a disclosure to an official of a State or an authorized agency).'' The requirement of Section 2627 (5) was deleted for the purposes of Section 2626 through a subsequent technical amendment enacted into law.

The term routine practice provided in section 2626 (d) was not defined within the statute of Public Law 104–146 (42 U.S.C. 300ff–34) . The joint explanatory statement of the committee on conference included the following legislative history on page 46 of the Conference Report 104–545 regarding the Secretary's determination: ''(2) Within 2 years following the implementation of such a system, the Secretary will make a determination whether mandatory HIV testing of all infants born in the U.S. whose mothers have not undergone prenatal HIV testing has become a routine practice. This determination will be made in consultation with States and experts.''

Section 2628 of the Public Health Service Act (42 U.S.C. 300ff–36) directs the Secretary to request that the Institute of Medicine (IOM) of the National Academy of Sciences evaluate the extent to which State efforts have been effective in reducing the perinatal transmission of HIV and an analysis of the existing barriers to the further reduction in such transmission. The IOM assembled a 14-member expert committee with combined expertise in obstetrics and gynecology, pediatrics, preventive medicine, and other relevant specialties, social and behavioral sciences, public health practice, epidemiology, program evaluation, health services research, bioethics, and public health law. The IOM committee