TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Transaction No.	ET req status	Party name
	19991748	G	ABRY Broadcast Partners, III, L.P.
	19991748	G	Hicks, Muse, Tate & Furst Equity Fund III, L.P.
		G	Capstar Broadcasting Corporation
	19991749	G	kSecuritas AB
		G	Pinkerton's Inc.
		G	Pinkerton's Inc., a Delaware corporation
	19991753	G	General Electric Company
		G	Metamor Worldwide, Inc.
		G	Metamor Worldwide, Inc.
	19991754	G	Metamor Worldwide, Inc.
		G	General Electric Company
		G	General Electric Capital Consulting, Inc.
	19991755	G	Madison Dearborn Capital Partners II, L.P.
		G	Family Christian Stores, Inc.
		G	Family Christian Stores, Inc.
	19991756	G	AT&T Corp.
		G	SmarTalk TeleServices, Inc.
		G	SmarTalk TeleServices, Inc.
	19991757	G	Core Laboratories, N.V.
		G	Tech-Sym Corporation
		G	GeoScience Corporation
	19991758	G	Tech-Sym Corporation
		G	Core Laboratories, N.V.
		G	Core Laboratories, N.V.
	19991760	G	Golder, Thomas, Cressey, Rauner Fund V, L.P.
		G	Frank J. Hammant, Jr., and Mary Youngblood Hamm
		G	Mayer-Hammant Equipment, L.L.C.
	19991772	G	Spartan Stores, Inc.
		G	Donald J. Koop
		G	Family Fare, Inc., Family Fare Management Service
		G	Family Fare Trucking, Inc.
11–MAR–99	19991542	G	McLeodUSA Incorporated
		G	Media/Communications Partners III Limited Partners
		G	Ovation Communications, Inc.
	19991543	G	Media/Communications Partners III Limited Partners
		G	McLeodUSA Incorporated
		G	McLeodUSA Incorporated
	19991560	G	Paul G. Allen
		G	Providence Equity Partners, L.P.
		G	American Cable Entertainment Co., LLC
12–MAR–99	19991614	G	Advance Paradigm, Inc.
		G	Foundation Health Systems, Inc.
		G	Foundation Health Systems, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 99–8152 Filed 4–1–99; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

Federal Supply Service; Move Management Services (MMS) and the General Services Administration's (GSA's) Centralized Household Goods Traffic Management Program (CHAMP)

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of proposed program changes for comment.

SUMMARY: This notice invites comments on GSA's ''draft'' Statement of Work (SOW) for use in transitioning MMS, by October 31, 1999, from CHAMP to the Governmentwide Employee Relocation Services Schedule as a separate line item. The transition will occur during a continuous open season instituted on March 1, 1999 for the schedule. This notice also addresses comments received on a more general July 17, 1998 **Federal Register** notice GSA published on this subject (63 FR 38653). Under the transition plan GSA will continue to be able to meet customer household goods service needs while shifting MMS to a Federal Acquisition Regulation (FAR) contract procurement method.

DATES: Please submit your comments by May 3, 1999.

ADDRESSES: Mail comments to the Transportation Management Division, (FBF), General Services Administration, Washington, DC 20406, Attn: **Federal Register** Notice. GSA will consider your comments prior to implementing these proposals.

FOR FURTHER INFORMATION CONTACT: Larry Tucker, Senior Program Analyst, Transportation Management Division, FSS/GSA, 703–305–5745.

SUPPLEMENTARY INFORMATION: GSA published a notice for comment in the **Federal Register** on July 17, 1998 (63 FR 38653) announcing its plan to transition MMS from CHAMP to the Governmentwide Employee Relocation Services Schedule. GSA fully expected to transition MMS to the schedule as a separate line item at the beginning of a continuous open season that began on March 1, 1999. We determined, however, that it would better serve the interests of all affected parties to first allow another comment period on transition details before adding MMS to the schedule. The draft SOW provides these details and was posted on February 19, 1999, to GSA's website for you to review and comment on in response to this notice. You may access the SOW at the following GSA website address: http://r6.gsa.gov/fsstt/.

GSA received comments on the July 17th **Federal Register** notice from a carrier association, two individual carriers, and two representatives of third party MMS providers. We have carefully considered those comments in further developing our MMS transition plan and drafting the SOW. The comments we received fall within several general groupings and are addressed as follows.

Underlying Basis for Transitioning MMS to the Schedule

One respondent questioned the legal basis for GSA's decision to transition MMS from CHAMP to the Governmentwide Employee Relocation Services Schedule. The basis for our decision derives from the statute that authorizes transportation service providers to transport household goods for the U.S. Government at a rate reduced from the applicable commercial rate (49 U.S.C. 13712). This statute provides that only a carrier or freight forwarder may provide such transportation outside a FAR procurement—a ''broker'' does not meet the definition of carrier or freight forwarder for purposes of this statute (see 49 U.S.C. 13702). Additionally, not all move management services inherently fall within the scope of providing transportation services (as addressed in greater detail below), and it is not appropriate for these services to remain indefinitely in CHAMP. Abrupt removal of MMS from CHAMP, however, would have negatively impacted the operations of some Federal activities since they have come to rely on these services. We therefore developed the approach announced in the **Federal Register** to allow for the orderly transitioning of MMS from CHAMP to the Governmentwide Employee Relocation Services Schedule.

As a first step in initiating the transition, GSA asked current Relocation Services Schedule vendors to submit offers to provide MMS as part of their bundled relocation services. The next step will be to afford all qualified MMS providers opportunity to compete under a uniform set of criteria for provision of MMS as an unbundled (separate) service under the continuous open season for the schedule. The open season for real estate associated relocation services offered under the schedule began on March 1, 1999, and MMS will be added as a separate line item as soon as we receive and reconcile comments on this **Federal Register** notice.

Many agencies wish to purchase MMS independently of other bundled relocation services and want a wide choice of service providers.

Service Fees

Several respondents addressed fee issues, among them pricing of services under the schedule including whether the factoring of line-haul charges into the pricing will be permitted, as well as payment of commissions to a carrier and whether such payments constitute a ''kickback''.

MMS will be offered under the schedule on a flat fee basis and will not include line-haul transportation because of the associated difficulties of determining price reasonableness. The schedule will not address commissions, a common commercial practice between a carrier and a broker.

Concerning whether commissions constitute a kickback, the General Accounting Office's analysis in its PHH Homequity Corporation decision (B–240145.3; B–241988, February 1, 1991) placed a great deal of emphasis on the value of the services a broker performs compared to the size of the broker's commission. While the utility of such an analysis may be arguable, it is not the definitive analysis on what constitutes a kickback under the Anti-Kickback Act of 1986.

Commissions, per se, do not constitute a kickback, and they occur in many different instances of GSA procurements. For example, GSA's contractor-issued charge card program involves a commission paid by a merchant to the bank that administers the charge card, and GSA's Travel Management Center program involves a commission paid by an airline to the travel agent. In neither instance does the commission paid constitute a kickback because the selection of the subcontractor paying the commission is based on criteria unrelated in any way to the size of the commission payment. Once it is established that a commission is not a kickback, there is no need to determine whether the subcontractor is satisfied by the commercial transaction, or to perform any complicated analysis of the value of the work performed by the contractor vis-a-vis the amount of the commission.

GSA Nonmandatory Supply Source for Transportation Services

One respondent expressed particular concern that GSA-issued regulations do not correctly reflect GSA's status as a nonmandatory source for transportation services. GSA's Office of Governmentwide Policy currently is processing a regulatory change for issuance in the near future to reflect our status as a nonmandatory source. Because GSA no longer is a mandatory source, in designing and developing transportation programs for the Federal community, we must weigh customer requirements, cost reasonableness, and quality service. The services we offer must not only meet customer needs but also provide value and exceed quality expectations. Consequently, although we support the use of commercial best practices to the maximum extent possible, it is necessary for us to require the use of CHAMP participating carriers under the schedule. The schedule nevertheless will permit an MMS provider to use a commercial rate arrangement it has with a carrier if the arrangement results in a cost advantage to the shipping agency and provides the agency and the relocating employee CHAMP-equivalent benefits and protections, including cargo liability insurance/performance bond protections.

Designation of Certain Services as Either an MMS or a General Transportation Activity

Three carrier respondents took issue with certain services historically provided by carriers as part of their routine transportation activities also qualifying as move management services when performed by an MMS provider. The cited activities associated with arranging and executing a household goods move are administrative in nature and may be performed by either. Some GSA customers are satisfied with carriers providing the services. Others, however, wish to disengage themselves from managing the services and delegate the responsibility to a third party. Services described in the draft SOW that may be provided by either are: carrier selection, shipment booking; storage in transit (SIT) arranging/monitoring; management information reports;

customer service; employee pre-move counseling; preparation of shipment documentation; on-site quality control service (at additional cost if provided by carrier); and claims preparation, filing, and settlement assistance. However, service performance audit and carrier evaluation would create a conflict of interest situation if performed by a carrier and must be performed by an MMS provider.

Meetings Re: MMS

A third party MMS provider respondent suggested that GSA officials have met privately with carrier industry groups and subsequently made decisions that advantaged carriers and disadvantaged third party MMS providers. The respondent recommended that future meetings be all inclusive. The respondent also stated that GSA has tended to announce significant program changes without consulting with all groups involved and recommended GSA involve affected parties earlier in the change process.

GSA's Transportation Management Division has met with third party providers as well as with representatives from the carrier industry. While we consider all input we do not permit meetings with individual groups to drive our program decisions. In the future, however, we will include all affected parties in industry meetings held for the purpose of discussing MMS program-related issues. We also will continue to publish proposed program changes in the **Federal Register** for comment by interested parties.

Appropriateness of Transition Plan

Without having the benefit of transition details contained in the draft SOW incorporated by reference in this notice, all respondents expressed in varying degrees reticence to the transition plan. GSA believes the phased transition plan we have developed is a fair one. Under this plan the current Domestic Household Goods Tender of Service will remain in effect until October 31, 1999, and all MMS providers will have opportunity to compete under a uniform set of criteria for providing MMS as a separate service under the relocation schedule.

GSA appreciates the interest demonstrated in our July 17th **Federal Register** notice through the comments we received, and we look forward to continued partnership with our customers and service providers as we endeavor to mold our household goods program into a model for the future.

Dated: March 25, 1999.

Barbara Vogt,

Deputy Assistant Commissioner, Office of Transportation and Property Management.

[FR Doc. 99–8156 Filed 4–1–99; 8:45 am]

BILLING CODE 6820–24–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0438]

Food Code Prohibition Against Bare Hand Contact With Ready-to-Eat Foods; Preparation of a White Paper for Review by the National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for data and information.

SUMMARY: The Food and Drug Administration (FDA) is announcing a request for scientific data and information to aid in the development of a white paper, or summary of current information, on the contamination of ready-to-eat foods associated with food preparation employees. FDA will present the white paper to the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) for its review and recommendations. FDA is seeking NACMCF input on this food contamination issue at the request of the Conference for Food Protection (CFP).

DATES: Submit data and information by June 1, 1999.

ADDRESSES: Submit written data and information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: John J. Guzewich, Center for Food Safety and Applied Nutrition (HFS–605), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–260–3847.

SUPPLEMENTARY INFORMATION:

I. Background

FDA provides assistance to local, State, and Federal governmental bodies to ensure that the food that is provided to consumers by retail food establishments is not a vehicle of communicable diseases. One mechanism for providing that assistance is the publication entitled *Food Code 1999* (1999 Food Code), which provides guidance on food safety, sanitation, and fair dealing that can be uniformly adopted by jurisdictions for regulating the retail segment of the food industry. The 1999 Food Code, which is published by FDA, is the cumulative result of the efforts and recommendations of many contributing individuals, agencies, and organizations, and it is developed under the auspices of the CFP.

The CFP, which is an organization of government, industry, consumer, and academic members, meets every 2 years to discuss retail food safety issues and to make recommendations on changes to be made to the 1999 Food Code. Delegates of State regulatory agencies vote on these recommendations that, if passed, are shared with organizations interested in amending or adopting the code. Recommendations with which FDA concurs are incorporated in the following year's edition of the Food Code.

In the 1998 CFP meeting, a number of issues were submitted for the CFP's consideration regarding section 3–301.11 of the 1999 Food Code, entitled ''Preventing Contamination from Hands.'' Section 3–301.11 states, in part, that ''food employees may not contact exposed, ready-to-eat food with their bare hands.'' The 1999 Food Code contains: A prohibition against ill or infected employees preparing food, a hand-washing regimen, and a blanket prohibition against bare hand contact with ready-to-eat foods in order to ensure that the person-to-food fecal-oral transmission cycle is broken.

Section 3–301.11 was added to the 1999 Food Code some years ago in response to outbreaks of food-borne illness caused by food that had been contaminated with pathogens transmitted by food preparation workers. Indeed, it is estimated that as many as one-third of the cases of food-borne illness can be attributed to contamination of food from food preparation workers. FDA believes that the significant number of illnesses transmitted by worker contamination of food demand vigorous and rigorous intervention measures.

A number of the 1998 CFP issues opposed the current requirements in section 3–301.11 as too restrictive. In response, FDA proposed that the CFP defer consideration of many of the issues related to bare hand contact with ready-to-eat food and ask the NACMCF to review the issues and provide recommendations regarding unresolved scientific questions in time for FDA to report them to the 2000 CFP meeting. The delegates at the 1998 CFP meeting accepted the FDA recommendation.