

#### IV. Effects of the Acquisition

The proposed acquisition likely would result in significant anticompetitive harm in the highly-concentrated relevant markets for each of the MP Alloys. Carpenter and Latrobe are the only competitors in these highly-concentrated markets. The acquisition will eliminate actual, direct, and substantial competition between Carpenter and Latrobe, and likely result in higher prices for both of the MP Alloys.

#### V. The Consent Agreement

The proposed Consent Agreement remedies the competitive concerns raised by the transaction by requiring the parties to divest assets related to the manufacture of the MP Alloys to Eramet. The terms required by the Consent Agreement will enable Eramet to effectively replace the competition in the MP Alloys markets lost as a result of the proposed acquisition.

Eramet is a global supplier of specialty alloys with an established sales and marketing network in the United States that will allow it to be immediately competitive in the relevant MP Alloys markets. Eramet is based in France, which is an approved foreign source country for U.S. military operations under DFARS. The proposed Consent Agreement requires Carpenter to provide Eramet with product licenses and the manufacturing technology necessary to manufacture the MP Alloys. This includes technical assistance from current Latrobe company designees, and confidential business information directly related to the manufacture of the MP Alloys. In addition, the Consent Agreement requires Carpenter to contract manufacture the MP Alloys for Eramet at cost until Eramet is able to produce and commercially sell these products on its own. The Commission has appointed James R. Bucci, who has over 35 years of experience in the specialty alloy industry, as the interim monitor to oversee the divestiture.

If after the public comment period the Commission determines that Eramet is not an acceptable acquirer of the assets to be divested, or that the manner of the divestitures is not acceptable, Carpenter must unwind the divestiture and divest the assets within 180 days of the date the Order becomes final to another Commission-approved acquirer. If Carpenter fails to divest the assets within the 180 days, the Commission may appoint a trustee to divest the relevant assets.

The purpose of this analysis is to facilitate public comment on the

proposed Consent Agreement, and it is not intended to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2012-5333 Filed 3-5-12; 8:45 am]

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000-0154; Docket 2012-0076; Sequence 11]**

#### **Federal Acquisition Regulation; Information Collection; Davis Bacon Act—Price Adjustment (Actual Method)**

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the Davis-Bacon Act price adjustment (actual method).

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before May 7, 2012.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0154, Davis Bacon Act—Price Adjustment (Actual Method), by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting “Information Collection 9000-0154, Davis Bacon Act—Price Adjustment (Actual Method)” under the heading “Enter Keyword or ID” and selecting “Search.” Select the link “Submit a Comment” that corresponds with “Information Collection 9000-0154, Davis Bacon Act—Price Adjustment (Actual Method).” Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “Information Collection 9000-0154, Davis Bacon Act—Price Adjustment (Actual Method)” on your attached document.

- *Fax:* 202-501-4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. Attn: Hada Flowers/IC 9000-0154, Davis Bacon Act—Price Adjustment (Actual Method).

*Instructions:* Please submit comments only and cite Information Collection 9000-0154, Davis Bacon Act—Price Adjustment (Actual Method), in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

#### **FOR FURTHER INFORMATION CONTACT:**

Mr. Edward Loeb, Procurement Analyst, Federal Acquisition Policy Division, GSA, (202) 501-0650, or via email [Edward.loeb@gsa.gov](mailto:Edward.loeb@gsa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Purpose**

Government contracting officers may include FAR clause 52.222-32, Davis-Bacon Act—Price Adjustment (Actual Method) in fixed-price solicitations and contracts, subject to the Davis-Bacon Act under certain conditions. The conditions are that the solicitation or contract contains option provisions to extend the term of the contract and the contracting officer determines that the most appropriate method to adjust the contract price at option exercise is to use a computation method based on the actual increase or decrease from a new or revised Department of Labor Davis-Bacon Act wage determination.

The clause requires that a contractor submit at the exercise of each option to extend the term of the contract, a statement of the amount claimed for incorporation of the most current wage determination by the Department of

Labor, and any relevant supporting data, including payroll records, that the contracting officer may reasonably require. The information is used by Government contracting officers to establish the contract price adjustment for the construction requirements of a contract, generally if the contract requirements are predominantly services subject to the Service Contract Act.

#### B. Annual Reporting Burden

*Respondents:* 842.

*Responses per Respondent:* 1.

*Annual Responses:* 842.

*Hours per Response:* 40.

*Total Burden Hours:* 33,680.

##### *Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0154, Davis-Bacon Act—Price Adjustment (Actual Method), in all correspondence.

Dated: February 28, 2012

**Laura Auletta,**

*Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2012-5322 Filed 3-5-12; 8:45 am]

**BILLING CODE 6820-EP-P**

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0163; Docket 2011-0076; Sequence 6]

#### Information Collection; Small Business Size Representation

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request for approval of a previously approved information collection requirement regarding small business size representation.

**DATES:** Submit comments on or before: May 7, 2012.

**ADDRESSES:** Submit comments identified by Information Collection 9000-0163, Small Business Size Representation, by any of the following methods:

- *Regulations.gov:* <http://www.regulations.gov>.

Submit comments via the Federal eRulemaking portal by inputting “Information Collection 9000-0163, Small Business Size Representation” under the heading “Enter Keyword or ID” and selecting “Search”. Select the link “Submit a Comment” that corresponds with “Information Collection 9000-0163, Small Business Size Representation”. Follow the instructions provided at the “Submit a Comment” screen. Please include your name, company name (if any), and “Information Collection 9000-0163, Small Business Size Representation” on your attached document.

- *Fax:* 202-501-4067.
- *Mail:* General Services

Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. Attn: Hada Flowers/IC 9000-0163, Small Business Size Representation.

**Instructions:** Please submit comments only and cite Information Collection 9000-0163, Small Business Size Representation, in all correspondence related to this collection. All comments received will be posted without change to <http://www.regulations.gov>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Karlos Morgan, Procurement Analyst, Office of Governmentwide Acquisition Policy, GSA (202) 501-0044 or [karlos.morgan@gsa.gov](mailto:karlos.morgan@gsa.gov).

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

Federal Acquisition Regulation (FAR) 19.301 and the FAR clause at 52.219-28, Post-Award Small Business Program Representation implement the Small Business Administration (SBA) Final Rule (71 FR 66434), Small Business Size Regulations; Size for Purposes of Governmentwide Acquisition Contracts, Multiple Award Schedule Contracts and Other Long-Term Contracts; 8(a) Business Development/Small Disadvantaged Business; Business Status Determinations. FAR 19.301 and the FAR clause at 52.219-28, requires that contractors represent size status by updating their representations and certifications at the prime contract level in the Online Representations and Certifications Application (ORCA), and notify the contracting office that it has made the required representation.

The purpose of implementing small business rerepresentation in the FAR is to ensure that small business size status is accurately represented and reported over the life of long-term contracts. The FAR also provides for provisions designed to ensure more accurate reporting of size status for contracts that are novated, merged or acquired by another business. This information is used by the SBA, Congress, Federal agencies and the general public for various reasons such as determining if agencies are meeting statutory goals, set-aside determinations, and market research.

#### B. Annual Reporting Burden

*Respondents:* 10,000.

*Responses per Respondent:* 1.

*Hours per Response:* 0.5.

*Total Burden Hours:* 5,000.

##### *Obtaining Copies of Proposals:*

Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501-4755. Please cite OMB Control No. 9000-0163, Small Business Size Rerepresentation, in all correspondence.

Dated: February 28, 2012.

**Laura Auletta,**

*Director, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

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**BILLING CODE 6820-EP-P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Pandemic Influenza Vaccines—Amendment

**ACTION:** Notice of Amendment to the March 1, 2010 Republished Declaration under the Public Readiness and Emergency Preparedness Act.

**SUMMARY:** Amendment to declaration issued on March 1, 2010 (75 FR 10268) pursuant to section 319F-3 of the Public Health Service Act (42 U.S.C. 247d-6d) to extend the effective time period, reformat the declaration, modify or clarify terms of the declaration and republish the declaration in its entirety, as amended.

**DATES:** The amendment of the republished declaration issued on March 1, 2010 is effective as of February 29, 2012.

**FOR FURTHER INFORMATION CONTACT:** Nicole Lurie, MD, MSPH, Assistant