

Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program).

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99-22640 Filed 8-30-99; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1283-DR]

Minnesota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Minnesota, (FEMA-1283-DR), dated July 28, 1999, and related determinations.

EFFECTIVE DATE: August 5, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Minnesota is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 28, 1999:

Lake County for Individual Assistance (already designated for Public Assistance). (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99-22641 Filed 8-30-99; 8:45 am]

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FEDERAL TRADE COMMISSION

[File No. 991 0041]

The Kroger Co., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before November 1, 1999.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: William Baer, FTC/H-374, 600 Pennsylvania Ave., NW, Washington, DC 20580. (202) 326-2932 or Laurel Price and Michael Rose, Federal Trade Commission, East Central Regional Office, 1111 Superior Ave., Suite 200, Cleveland, OH 44114. (216) 263-3417.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for August 23, 1999), on the World Wide Web, at "<http://www.ftc.gov/os/actions97.htm>." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326-3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette

containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted for public comment from The Kroger Co. ("Kroger") and The John C. Groub Company, Inc. ("Groub") (collectively "the Proposed Respondents") an Agreement Containing consent order ("Order"). The Order, requiring the divestiture of three supermarkets to Roundy's Inc., is designed to remedy likely anticompetitive effects arising from Kroger's acquisition of substantially all of the assets of Groub.

Kroger is an Ohio corporation headquartered in Cincinnati, Ohio. It is the largest supermarket firm in the United States, with 1997 fiscal year sales in excess of \$26 billion. Kroger operates more than 2,200 supermarkets and convenience stores in 37 states. Kroger operates 89 supermarkets in Indiana. Two Kroger supermarkets directly compete with four Groub stores subject to this transaction.

Groub, an Indiana corporation headquartered in Seymour, Indiana, operates 30 retail supermarkets in southern and central Indiana under the names "Jay C," "Foods Plus," and "Ruler." Groub sales for the 1997 fiscal year were approximately \$252,000,000.

The proposed complaint alleges that the relevant line of commerce (i.e., the product market) is the retail sale of food and grocery items in supermarkets. Supermarkets provide a distinct set of products and services for consumers who desire one-stop shopping for food and grocery products. Supermarkets carry a full line and wide selection of both food and nonfood products (typically more than 10,000 different stock-keeping units ("SKUs")), as well as a deep inventory of those SKUs. In order to accommodate the large number of food and nonfood products necessary for one-stop shopping, supermarkets are large stores that typically have at least 10,000 square feet of selling space.

Supermarkets compete primarily with other supermarkets that provide one-stop shopping for food and grocery products. Supermarkets primarily base their food and grocery prices on the prices of food and grocery products sold at other nearby supermarkets. Supermarkets do not regularly price-check food and grocery products sold at other types of stores, and do not

significantly change their food and grocery prices in response to prices at other types of stores. Most consumers shopping for food and grocery products at supermarkets are not likely to shop elsewhere in response to a small price increase by supermarkets.

Retail stores other than supermarkets that sell food and grocery products, such as neighborhood "mom & pop" grocery stores, convenience stores, specialty food stores (e.g., seafood markets, bakeries, etc.), club stores, military commissaries, and mass merchants, do not effectively constrain prices at supermarkets. These other stores operate significantly different retail formats. None of these stores offers a supermarket's distinct set of products and services that enable consumers to one-stop shop for food and grocery products.

Kroger and Groub are direct competitors in the retail sale of food and grocery items in supermarkets in Columbus and Madison, Indiana. Columbus has a population of approximately 34,000 people; Madison's population is around 40,000. According to the proposed complaint, the Columbus and Madison relevant markets are highly concentrated, whether measured by the Herfindahl-Hirschman Index (commonly referred to as "HHI") or by two-firm and four-firm concentration ratios.¹ The acquisition would substantially increase concentration in each market. Kroger and Groub would have a combined market share in the geographic markets of Columbus and Madison of near or greater than 66% and 54%, respectively. The post-acquisition HHIs would be 5,254 in Columbus and 4,262 in Madison. According to the proposed complaint, entry is difficult and would not be timely, likely, or sufficient to prevent anticompetitive effects in the relevant geographic markets.

According to the proposed complaint, Kroger's acquisition of Groub may substantially lessen competition in the relevant markets in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by eliminating direct competition between supermarkets owned or controlled by Kroger and supermarkets owned or controlled by Groub; by increasing the likelihood that Kroger will unilaterally exercise market power; and by increasing the likelihood of, or facilitating, collusion or coordinated interaction among the

remaining supermarket firms. Each of these effects increases the likelihood that the prices of food, groceries or services will increase, and the quality and selection of food, groceries or services will decrease, in the relevant sections of the country.

To remedy the antitrust concerns in these markets, under the terms of the Order, the Proposed Respondents must divest three supermarkets in the relevant markets. The Proposed Respondents must divest: (1) one Groub "Jay C" and one Groub "Foods Plus" in Columbus, Indiana, and (2) one "Kroger" in Madison, Indiana, to Roundy's, Inc. ("Roundy's"). Roundy's is one of the largest food wholesalers in the United States and an operator of company-owned supermarkets.

These divestitures include every Kroger supermarket or every Groub supermarket in each relevant market. Roundy's owns no supermarkets in the same market where it is acquiring one or more divested supermarkets from the Proposed Respondents. The specific supermarkets that the Proposed Respondents must divest to Roundy's are:

1. Groub store no. 92 operating under the "Foods Plus" trade name, which is located at 1343 North National Road, Columbus, Indiana 47201 (Bartholomew County)
2. Groub store no. 89 operating under the "Jay C" trade name, which is located at 2540 Eastbrook Plaza, Columbus, Indiana 47201 (Bartholomew County); and
3. Kroger store no. 304 operating under the "Kroger" trade name, which is located at 748 Jefferson Court, Madison, Indiana 47250 (Jefferson County).

From the time Kroger acquires substantially all of the assets of Groub until the divestitures have been completed, the Proposed Respondents are required to 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 Order, which was executed on July 13, 1999, specifically requires that the divestitures occur no later than 20 days after Kroger acquires substantially all of the assets of Groub or four months after the proposed Respondents signed the Order, whichever is earlier. The Order also requires Kroger and Groub to include rescission provisions in their up-front buyer agreements that allow them to rescind the transaction(s) if the Commission, after the comment period, decides to reject any up-front buyer(s). If Kroger divests the supermarkets to be

divested prior to the date the Order becomes final, and if, at the time the Commission decides to make the Order final, the Commission notifies Kroger or Groub that the up-front buyer is not an acceptable acquirer or that any of the up-front buyer agreements is not an acceptable manner of divestiture, then Kroger or Groub must immediately rescind the transaction in question and divest those assets within three months after the Order becomes final. At that time, Kroger or Groub 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.

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 acquisition, the Commission requires the 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 purchaser presented by the parties is well qualified to run the divested stores and that divestiture to that purchaser poses no separate competitive issues.

For a period of 10 years from the date the Order becomes final, Kroger is required to provide notice to the Commission prior to acquiring supermarket assets located in, or any interest (such as stock) in any entity that owns or operates a supermarket located in, Bartholomew or Jefferson counties, Indiana. Kroger may not complete such an acquisition until it has provided information requested by the Commission. This provision does not restrict Kroger from constructing new supermarket facilities on its own; nor does it restrict Kroger from leasing facilities not operated as supermarkets within the previous six months.

For a period of 10 years, the Order also prohibits Kroger 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 July 13, 1999, to operate a supermarket at that site if such a supermarket was formerly owned or operated by the Kroger in Bartholomew or Jefferson counties, Indiana. In addition, Kroger may not remove fixtures or equipment from a store or property owned or leased in

¹ The HHI is a measurement of market concentration calculated by summing the squares of the individual market shares of all the participants.

Bartholomew or Jefferson counties, Indiana, that is no longer in operation as a supermarket, except (1) prior to 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 Kroger.

The Proposed Respondents are required to provide to the Commission a report of compliance with the Order within 30 days following the date on which they signed the consent agreement and every 30 days thereafter until the diversitures are completed; and Kroger must report annually for a period of 10 years from the date the proposed order becomes final. The obligations of Group under the Order will terminate upon the date it becomes final.

The Order has been placed on the public record for 60 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 60 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 Order final.

By accepting the Order subject to final approval, the Commission anticipates that the competitive problems alleged in the compliant will be resolved. The purpose of this analysis is to invite public comment on the Order, including the proposed sale of supermarkets to Roundy's, in order to aid the Commission in its determination of whether to make the Order final. This analysis is not intended to constitute an official interpretation of the Order nor is it intended to modify the terms of the Order in any way.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 99-22575 Filed 8-30-99; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) Announces the Following Meeting

Name: Pediatric Centers Directors Meeting.

Times and Dates: 8 a.m.-4:30 p.m., October 25, 1999; 8 a.m.-4:30 p.m., October 26, 1999.

Place: Sheraton Buckhead, 3405 Lenox Road NE, Atlanta, Georgia 30326, telephone 404-261-9250.

Status: Open to the public, limited only by space available. The meeting room accommodates approximately 100 people.

Purpose: The purpose of this meeting is to provide a forum for the Directors of the funded Pediatric Centers to review program progress and discuss future plans, prevention issues and concerns.

Matters to be Discussed: Agenda items include perspectives of funding agencies and updates from funded centers.

Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: James Rifenburg, Air Pollution and Respiratory Health Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, M/S F-39, Atlanta, Georgia 30341-3724, telephone 770/488-7320.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: August 24, 1999.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99-22526 Filed 8-30-99; 8:45 am]

BILLING CODE 4168-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Vaccine Advisory Committee, Subcommittee on Future Vaccines, Subcommittee on Immunization Coverage, and Subcommittee on Vaccine Safety and Communication Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following Federal advisory committee meetings.

Name: National Vaccine Advisory Committee (NVAC).

Times and Dates: 9 a.m.-2 p.m., September 16, 1999; 8:30 a.m.-12:45 p.m., September 17, 1999.

Place: Hubert H. Humphrey Building, Room 505A, 200 Independence Avenue, SW, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, persons without a government identification card should plan to arrive at the building each day either between 8 and 8:30 a.m. or 12:30 and 1 p.m. Entrance to the meeting at other times during the day cannot be assured.

Purpose: This committee advises and makes recommendations to the Director of the National Vaccine Program on matters related to the Program responsibilities.

Matters To Be Discussed: Agenda items will include: an update on the National Vaccine Program Office (NVPO) activities; a workshop report on thimerasol in vaccines; an update on rotavirus vaccine recommendations; an update on the Vaccine Safety and Communication Subcommittee; decision making and communication issues in vaccine safety; an update on the immunization registries initiative; reports from the Future Vaccines Subcommittee, Vaccine Safety and Communication Subcommittee and the Immunization Coverage Subcommittee; an update on pandemic preparedness planning; and discussions on immunization challenges in Mexico and Canada.

Name: Subcommittee on Future Vaccines.

Time and Date: 2:45 p.m.-5 p.m., September 16, 1999.

Place: Hubert H. Humphrey Building, Room 305A, 200 Independence Avenue, SW, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee develops policy options and guides national activities that lead to accelerated development, licensure, and the best use of new vaccines in the simplest possible immunization schedules.

Matters To Be Discussed: Agenda items will include discussions regarding the Institute of Medicine (IOM) report concerning cytomegalovirus vaccines and the IOM report concerning enteric bacteria vaccines.

Name: Subcommittee on Immunization Coverage.

Time and Date: 2:45 p.m.-5 p.m., September 16, 1999.

Place: Hubert H. Humphrey Building, Room 505A, 200 Independence Avenue, SW, Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee will identify and propose solutions that provide a multifaceted and holistic approach to reducing barriers that result in low immunization coverage for children.

Matters To Be Discussed: Agenda items will include updates on the roll out process for the "Strategies to Sustain Success" initiative; the status of the paper on adult immunizations at non-traditional sites and standards for adult immunizations at non-