

1. *Steven A. and Rolande K. Petterson*, San Luis Obispo, California; Dale L. and Carolee Petterson, Menlo Park, California; Evelyn V. Hels, Santa Barbara, California; and Tres Pueblo Partnership, San Luis Obispo, California; all to retain voting shares of First Bancshares, Inc., San Luis Obispo, California, and thereby indirectly retain voting shares of First Bank of San Luis Obispo, San Luis Obispo, California.

Board of Governors of the Federal Reserve System, November 8, 1999.

**Robert deV. Frierson**,

*Associate Secretary of the Board.*

[FR Doc. 99-29608 Filed 11-10-99; 8:45 am]

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 6, 1999.

**A. Federal Reserve Bank of Chicago** (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. *Main Street Trust, Inc.*, Champaign, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of BankIllinois Financial Corporation, Champaign,

Illinois, and thereby indirectly acquire BankIllinois, Champaign, Illinois; and First Decatur Bancshares, Inc., Decatur, Illinois, and thereby indirectly acquire The First National Bank of Decatur, Decatur, Illinois, and First Trust Bank of Shelbyville, Shelbyville, Illinois.

In connection with this application, Applicant also has applied to acquire FirsTech, Inc., Decatur, Illinois, and thereby engage in data processing and data transmission services, pursuant to § 225.28(b)(14) of Regulation Y.

**B. Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *CountryBanc Holding Company*, Edmond, Oklahoma; to acquire 90 percent of the voting shares of American Heritage Bancorp, Inc., El Reno, Oklahoma, and thereby indirectly acquire American Heritage Bank, El Reno, Oklahoma.

Board of Governors of the Federal Reserve System, November 5, 1999.

**Jennifer J. Johnson**,

*Secretary of the Board.*

[FR Doc. 99-29541 Filed 11-10-99; 8:45 am]

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## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225), to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 1999.

**A. Federal Reserve Bank of New York** (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. *Deutsche Bank AG*, Frankfurt (Main) Federal Republic of Germany; to engage *de novo* through DB Advisors L.L.C. (DB Advisors), New York, New York, in acting as a commodity pool operator for private limited partnerships and/or trusts organized as commodity pools investing in assets (Assets) in which a bank holding company is permitted to invest, pursuant to § 225.24(a)(3) of Regulation Y; in acting as investment advisor to the investment vehicles organized by Notificant to invest in the Assets, pursuant to § 225.28(b)(6) of Regulation Y; and in providing administrative services, currently provided to open-end investment companies by Notificant, to closed-end investment companies. These activities will be conducted worldwide.

Board of Governors of the Federal Reserve System, November 5, 1999.

**Jennifer J. Johnson**,

*Secretary of the Board.*

[FR Doc. 99-29540 Filed 11-10-99; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL TRADE COMMISSION

[File No. 991 0244]

### Dominion Resources, Inc., 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 December 7, 1999.

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

**FOR FURTHER INFORMATION CONTACT:** Richard Parker or Norman Armstrong, FTC/H-374, 600 Pennsylvania Ave., NW, Washington, D.C. 20580. (202) 326-2574 or 326-2682.

**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 thirty (30) 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 November 5, 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, D.C. 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, D.C. 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 of Agreement Containing Consent Orders To Aid Public Comment**

The Federal Trade Commission ("Commission") has accepted subject to final approval, an Agreement Containing Consent Orders ("Consent Agreement") from Dominion Resources, Inc. ("Dominion") and Consolidated Natural Gas Company ("CNG"), which is designed to remedy the anticompetitive effects resulting from Dominion's acquisition of CNG. Under the terms of the agreement, Dominion will be required to divest Virginia Natural Gas, Inc. ("VNG"), a subsidiary of CNG, which provides local gas distribution service within the Commonwealth of Virginia, within the time period set forth in the Stipulation entered into between the staff of the State Corporation Commission of the Commonwealth of Virginia, Dominion, and CNG in State Corporation Case No. PUA990020.

The proposed Consent Agreement has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission

will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the proposed Consent Agreement or make final the Decision & Order.

Pursuant to an Agreement and Plan of Merger dated March 31, 1999, amended May 11, 1999, Dominion agreed to acquire 100 percent of the issued and outstanding voting securities of CNG for \$5.3 billion. The Commission's Complaint alleges that the acquisition, if consummated, would violate 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, in the market for the generation of electric power in southeastern Virginia.

Dominion, through its subsidiary Virginia Power, accounts for more than 70 percent of the electric power generation capacity in the Commonwealth of Virginia. CNG, through its VNG subsidiary, is the primary distributor of natural gas in southeastern Virginia. Natural gas is one of a limited number of fuels that are used in the operation of an electric generating facility that supplies electric power to residential and commercial customers. The generation of electric power in the Commonwealth of Virginia is regulated by the Virginia State Corporation Commission and the Federal Energy Regulatory Commission. Deregulation of the electric power generation business in Virginia is slated to begin on January 1, 2002.

The market for the generation of electric power is highly concentrated, and the proposed acquisition would combine the dominant provider of electric power in the Commonwealth of Virginia with the primary distributor of natural gas in southeastern Virginia. With the acquisition of CNG by Dominion, entry into the electric power generation market in southeastern Virginia by companies unaffiliated with Dominion may be deterred because of Dominion's control over VNG. Dominion's control over VNG would likely deter or disadvantage new entry into the electric power generation market because Dominion may be able to raise the costs of entry and production to new entrants. The proposed acquisition would therefore allow Dominion to exercise market power unilaterally in southeastern Virginia, increasing the likelihood that purchasers of electric services would be forced to pay higher prices.

Substantial barriers to new entry exist in the market for the generation of electric power. Entry into the electric power generation market in

southeastern Virginia by construction of plants that use fuels other than natural gas is unlikely to occur due to environmental restrictions. Natural gas is increasingly the fuel of choice for new electric generation plant construction. With Dominion's acquisition of CNG and its subsidiary VNG, Dominion may be able to deter new entry by raising the costs of entry and production. The market for the delivery of natural gas in southeastern Virginia is also characterized by high barriers to entry. It would be costly and time consuming for other natural gas transportation companies to extend pipelines from their existing network to southeastern Virginia. Moreover, other pipelines near the relevant area lack sufficient excess capacity to support a new pipeline into the area, and VNG has substantial excess capacity. Because of the difficulty of entry into the natural gas distribution market in southeastern Virginia, new entry is unlikely to deter or counteract the anticompetitive effects of the transaction.

The Consent Agreement effectively remedies the acquisition's anticompetitive effects in the market for the generation of electric power by requiring Dominion to divest VNG pursuant to the terms of the Stipulation entered into by Dominion and the staff of the State Corporation Commission of the Commonwealth of Virginia in State Corporation Case No. PUA990020. Under the Stipulation, Dominion has one year to divest VNG to a third party, and if it is unable to find a suitable purchaser, Dominion must spin off VNG to its shareholders. The Federal Trade Commission's Consent Agreement requires Dominion to comply with the terms of the Stipulation, and further prohibits any Dominion shareholder from receiving more than 5 percent of the voting shares of VNG. In order to ensure that VNG remains a viable, independent competitor pending its divestiture, the Federal Trade Commission has issued an Order to Hold Separate. Under the Order to Hold Separate, Dominion and CNG shall continue to provide services to VNG that CNG is currently being provided until VNG is divested. The Order to Hold Separate further provides that the Federal Trade Commission may appoint an independent auditor to monitor Dominion's and CNG's compliance with their obligations to hold VNG separate and independent.

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 Consent Agreement or to modify its terms in any way.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 99-29569 Filed 11-10-99; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket Nos. 98D-0316 and 98D-0317]

#### “Guidance for Industry: Providing Regulatory Submissions to the Center for Biologics Evaluation and Research (CBER) in Electronic Format-Biologics Marketing Applications [Biologics License Application (BLA), Product License Application (PLA)/ Establishment License Application (ELA) and New Drug Application (NDA)]”; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a document entitled “Guidance for Industry: Providing Regulatory Submissions to the Center for Biologics and Research (CBER) in Electronic Format-Biologics Marketing Applications [Biologics License Application (BLA), Product License Application (PLA)/Establishment License Application (ELA) and New Drug Application (NDA)].” The guidance document provides information regarding the electronic submission of license applications, i.e., BLA, PLA/ELA, NDA, and supplements and amendments to those applications intended for submission to Center for Biologics Evaluation and Research (CBER). This guidance document is part of CBRE’s effort to develop an efficient process for electronic submissions of regulatory information relating to the development and marketing of biological products. Submissions in electronic format are voluntary.

**DATES:** Written comments may be submitted at any time.

**ADDRESSES:** Submit written requests for single copies of the guidance entitled “Guidance for Industry: Providing Regulatory Submissions to the Center for Biologics and Research (CBER) in Electronic Format-Biologics Marketing Applications [Biologics License Application (BLA), Product License Application (PLA)/Establishment License Application (ELA) and New Drug Application (NDA)]” to the Office of Communication, Training, and

Manufacturers Assistance (HFM-40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448. Send one self-addressed adhesive label to assist the office in processing your requests. The document may also be obtained by mail by calling the CBRE Voice Information System at 1-800-835-4709 or 301-827-1800, or by fax by calling the FAX Information System at 1-888-CBER-FAX or 301-827-3844. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance document to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

#### FOR FURTHER INFORMATION CONTACT:

Astrid L. Szeto, Center for Biologics Evaluation and Research (HFM-17), Food and Drug Administration, 1401 Rockville Pike, suite 400N, Rockville, MD 20852-1448, 301-827-6210.

#### SUPPLEMENTARY INFORMATION:

### I. Background

FDA is announcing the availability of a document entitled “Guidance for Industry: Providing Regulatory Submissions to the Center for Biologics and Research (CBER) in Electronic Format-Biologics Marketing Applications [Biologics License Application (BLA), Product License Application (PLA)/Establishment License Application (ELA) and New Drug Application (NDA)].” This guidance document is intended to provide a degree of uniformity for electronically submitted biologics marketing applications to assure timely review, archiving, and retrieval processes for agency reviewers, and to describe those electronic formats that CBRE is currently able to support for review and archive purposes. The guidance announced in this notice finalizes the two draft guidances entitled “Draft Guidance for Industry: Electronic Submissions of a Biologics License Application (BLA) or Product License Application (PLA)/ Establishment License Application (ELA) to the Center for Biologics Evaluation and Research,” and “Draft ‘Guidance for Industry: Electronic Submissions of Case Report Forms (CRF’s), Case Report Tabulations (CRT’s) and Data to the Center for Biologics Evaluation and Research,’” which were announced in the **Federal Register** of June 1, 1998 (63 FR 29741 and 29739, respectively). In the **Federal Register** of January 28, 1999 (64 FR 4433), FDA announced the availability

of a document entitled “Guidance for Industry on General Considerations for Providing Regulatory Submissions in Electronic Format” which provided a list of guidance documents that are under development regarding electronic submissions, and guidance on general issues relevant to all electronic submissions.

In the **Federal Register** of March 20, 1997 (62 FR 13430), FDA published the electronic records; electronic signatures final rule, which provided for the voluntary submission of parts or all of an application, as defined in the relevant regulations, in electronic format without an accompanying paper copy (21 CFR part 11). FDA also established public docket number 92S-0251 to provide a permanent location for a list of the agency units that are prepared to receive electronic submissions and the specific types of regulatory records that can be accepted in electronic format (62 FR 13467, March 20, 1997). CBRE will identify in this public docket any submission type that can be reviewed and archived in an electronic format as they become available. This public docket can be accessed on the Internet at <http://www.fda.gov/ohrms/dockets/dockets/92s0251/92s0251.htm>.

This guidance document represents the agency’s current thinking with regard to regulatory submissions in electronic format. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statute, regulations, or both. As with other guidance documents, FDA does not intend this document to be all-inclusive and cautions that not all information may be applicable to all situations. The document is intended to provide information and does not set forth requirements.

### II. Comments

Interested persons, may at any time, submit written comments to the Dockets Management Branch (address above) regarding this guidance document. Two copies of any comments are to be submitted, except individuals may submit one copy. Comments should be identified with the docket number found in the brackets in the heading of this document. A copy of the document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.