transaction, while allowing the parties to move forward, even though it creates entanglements that could raise serious concerns under a different set of facts. Thus, I write separately to clarify my support for the proposed relief here, and to express some general observations on merger policy, which I am sure will continue to develop during my tenure here at the Commission.

Merger enforcement is a vital component of the Commission's mission. We are charged under the Clayton Act with ensuring that competition and consumers do not suffer from transactions whose effects may be to ''substantially lessen competition.'' Of course, the Clayton Act provides no inalienable right to merge. It is important, then, for the Commission to rigorously scrutinize each transaction we review in fulfilling our mission. Where a transaction may substantially lessen competition, a high burden should be placed on the parties to show that harm is demonstrably outweighed by efficiencies or that potential relief restores competition. My fellow Commissioners and our attorneys, economists and staff take our responsibility very seriously.

At the same time, where transactions present potential economic benefit—through efficiencies or enhanced research and innovation—we should weigh those benefits relative to the likely harm, and not seek to impose unnecessary obstacles to the parties achieving those benefits. In particular, each merger should be reviewed carefully on its merits and its own facts, and we should remain flexible in considering remedies that restore competition.

My support of the proposed remedy regarding Genzyme's acquisition of ILEX is consistent with these principles. Absent the proposed relief, this transaction would have resulted in significant harm to consumers through increased prices and a possible reduction in research and innovation. And since the original transaction's purported efficiencies (assuming they were cognizable under the Merger Guidelines) were not sufficient to reverse the likely anticompetitive harm, it was incumbent that the parties demonstrate that the relief proposed effectively restores competition.

Here, the proposed remedy likely accomplishes that purpose. It is a creative solution—severing Genzyme from its rights and revenues relating to use of ILEX's Campath product in the SOT market (while allowing Genzyme to maintain its rights and revenues to the product in the oncology market) in a manner that substantially diminishes the likelihood of anticompetitive harm.

As a general matter, creative and flexible remedies should be encouraged where we are confident they will succeed in restoring competition. However, no matter how creative the parties are in devising relief, and no matter how flexible the Commission is willing to be, such an approach will not work in many situations. The specific facts concerning each transaction will drive the analysis.

The unique facts of this case add assurance that the proposed relief will work. For example, virtually all of Campath sales are derived from the competitive oncology market, and only a very small portion of its sales are attributable to SOT use. Thus, the price of Campath is constrained by the oncology market (not the SOT market), substantially diminishing the ability or incentive of Genzyme to attempt a price increase on Campath. Another key fact that allows the remedy to work here is the divestiture to Schering AG of the Campath SOT rights and revenues. Schering AG was already responsible (through a pre-merger relationship with ILEX) for distributing and marketing Campath in the United States, and thus is well-positioned to acquire the ILEX SOT rights and vigorously compete post-merger. These facts, along with other particulars of this transaction, allow for this well-tailored proposed order to fit the facts, and remedy the likely competitive harm.

One concern raised by this transaction is that the remedy creates entanglements between the merged firm and Schering AG: Genzyme will continue to receive revenues post-merger from oncology sales for Campath, while Schering will receive revenues for Campath's SOT sales. It is possible that this relationship could lead to collusion (via side payments or some other mechanism) between the companies that make it mutually profitable for them to increase price or reduce research and development to the detriment of consumers.

We should be concerned ordinarily about such entanglements. However, the possibility of collusion in this case is not a sufficient concern for us to challenge this transaction. First, the entanglements are minimized because Campath SOT earnings can easily be determined without requiring communication between the parties since a federally-mandated independent database on organ transplants will identify the number of SOT patients using Campath. Second, the proposed order makes use of several of the Commission's key tools to prevent this from happening (*e.g.*, employing a monitor, erecting firewalls, and the threat of civil penalties for violating the proposed order), and a violation of the proposed order through collusion could result in criminal sanctions for violating section 1 of the Sherman Act. In the past, the Commission has demonstrated its willingness to sue companies for illegal side payments in the pharmaceutical industry (*e.g.*, In the Matter of Schering-Plough Corp.), and the Commission, no doubt, will remain vigilant in ensuring that we continue to do so in the future.

For these reasons, I concur in the decision of the Commission, but will remain cautious about considering future consent orders that create entanglements which could foster collusion and potentially harm consumers.

[FR Doc. 04–28458 Filed 12–28–04; 8:45 am]
BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

Federal Travel Regulation (FTR)

Maximum Per Diem Rate for New York

AGENCY: Office of Governmentwide Policy, General Services Administration (GSA).

ACTION: Notice of Per Diem Bulletin 05–4, revised continental United States (CONUS) per diem rate.

SUMMARY: The General Services Administration (GSA) has reviewed the lodging rate of a certain location in the State of New York and determined that it is inadequate. The per diem rate prescribed in Bulletin 05–4 may be found at *http://www.gsa.gov/perdiem.*

DATES: This notice is effective December 29, 2004 and applies to travel performed on or after January 10, 2005.

FOR FURTHER INFORMATION CONTACT: For clarification of content, contact Lois Mandell, Office of Governmentwide Policy, Travel Management Policy, at (202) 501–2824. Please cite FTR Per Diem Bulletin 05–4.

SUPPLEMENTARY INFORMATION:

A. Background

After an analysis of the per diem rate established for FY 2005 (see the **Federal Register** notices at 69 FR 53071, August 31, 2004, and 69 FR 60152, October 7, 2004), the per diem rate is being changed in the following location:

State of New York

- Nassau County

B. Procedures

Per diem rates are published on the Internet at *www.gsa.gov/perdiem* as an FTR Per Diem Bulletin and published in the **Federal Register** on a periodic basis. This process ensures timely increases or decreases in per diem rates established by GSA for Federal employees on official travel within CONUS. Notices published periodically in the **Federal Register**, such as this one, now constitute the only notification of revisions in CONUS per diem rates to agencies.

Dated: December 22, 2004.

Becky Rhodes,

Deputy Associate Administrator. Office of Transportation and Personal Property.

[FR Doc. 04–28494 Filed 12–28–04; 8:45 am]

BILLING CODE 6820–14–S

GENERAL SERVICES ADMINISTRATION

Public Meeting Addressing Privacy and Policy Issues in a Common Identification Standard for Federal Employees and Contractors

AGENCY: Office of Electronic Government and Technology, GSA.

ACTION: Notice of public meeting.

SUMMARY: The General Services Administration, in partnership with the Department of Commerce and the Office of Management and Budget will host a public meeting to seek individual views on the policy, privacy, and security issues associated with the Common Identification Standard for Federal Employees and Contractors as outlined in Homeland Security Presidential Directive 12 (HSPD–12). The public meeting is on the draft common identification standard (Federal Information Processing Standard 201) and will inform future HSPD–12 implementation guidance issued by the Office of Management and Budget.

DATES: The public meeting is on January 19, 2005, from 8:30 a.m. to noon at the Auditorium of the Potomac Center Plaza, 550 12th Street, SW., Washington, DC 20202, near the Smithsonian and L'Enfant Plaza Metro Stations. The meeting is open to the public and there is no fee for attendance. All attendees must pre-register and present government-issued photo identification to enter the building. Students may present their student ID.

Registration: Please e-mail your plan to attend to Sara Caswell, *sara@nist.gov*. Sara can be reached at 301–975-4634 if you have questions regarding registration. Registration information must be received by 5 p.m. e.s.t., January 11, 2005.

Requests To Speak at the Meeting: Written requests to speak at the meeting are required before January 5, 2005, and should be sent via e-mail to *eauth@omb.eop.gov* or by fax to 202–395–5167. In their requests, individuals should include a statement describing their expertise in, or knowledge of, the issues on which the public meeting will focus. Potential speakers should provide their contact information, including a telephone number, facsimile number, and e-mail address, to enable notification if selected. Selected speakers will be notified on or before Friday, January 7, 2005. There will be open microphone time during the last half hour of the meeting.

FOR FURTHER INFORMATION CONTACT: Ms. Jeanette Thornton, (202) 395–3562 or Ms. Judith Spencer, (202) 208–6576. An agenda and additional information for attendees will be posted on the *www.csrc.nist.gov/piv-project* Web site prior to the meeting.

SUPPLEMENTARY INFORMATION: On August 27, 2004, the President issued HSPD–12 Common Identification Standard for Federal Employees and Contractors.

As the Directive explained, ''wide variations in the quality and security of forms of identification used to gain access to secure Federal and other facilities where there is potential for terrorist attacks need to be eliminated. Therefore, it is the policy of the United States to enhance security, increase Government efficiency, reduce identity fraud, and protect personal privacy by establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors (including contractor employees).

''Secure and reliable forms of identification for purposes of this directive means identification that (a) is issued based on sound criteria for verifying an individual employee's identity; (b) is strongly resistant to identity fraud, tampering, counterfeiting, and terrorist exploitation; (c) can be rapidly authenticated electronically; and (d) is issued only by providers whose reliability has been established by an official accreditation process. The Standard will include graduated criteria, from least secure to most secure, to ensure flexibility in selecting the appropriate level of security for each application. The Standard shall not apply to identification associated with national security systems as defined by 44 U.S.C. 3542(b)(2).''

HSPD–12 directed the Secretary of Commerce to ''promulgate in accordance with applicable law a Federal standard for secure and reliable forms of identification (the ''Standard'') not later than 6 months after the date of this directive in consultation with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Director of the Office of Management and Budget (OMB), and the Director of the Office of Science and Technology Policy.''

On November 8, 2004, NIST published a draft standard. The Standard and supporting documents are available at *http://csrc.nist.gov/piv-project*. The standard was open for public comment until December 23, 2004. On February 27, 2005 the standard will be promulgated. Information on the past two public workshops on the standard is available at *www.csrc.nist.gov/piv-project*.

The public meeting to address ''Privacy and Security Issues in a Common Identification Standard for Federal Employees and Contractors'' will focus on the specific issues raised in HSPD–12. Meeting speakers should address the privacy and security concerns as they may affect individuals, including Federal employees and contractors as well as the public at large, in implementation.

By bringing together card and biometric experts, privacy advocates, academics, and other interested parties, the public meeting will present views on how to develop policies to implement the Standard without compromising users' privacy and security.

The session will include introductory remarks and speakers to discuss key questions, such as:

1. How do the proposed technologies in the draft FIPS 201 standard affect privacy and security?

- Does the proposed use of contact and contactless smart card chips raise privacy or security concerns?
- Do the biometric (fingerprint and facial image) standards as proposed, raise privacy or security concerns?
- Does the assignment of a permanent or persistent employee identification number raise privacy concerns?
- Do other applications or features of the card, as proposed raise concerns?

2. Do the proposed credential issuance policies and procedures raise privacy and security concerns?

3. What federal uses of the identification raise privacy and security concerns?