

District of Columbia to enjoin the proposed merger. Ultimately, the Commission won an injunction in the United States Court of Appeals for the District of Columbia Circuit.

On January 29, 1986, the Commission issued a complaint against PPG Industries, Inc. and Swedlow, Inc. which alleges that PPG's proposed acquisition of Swedlow violates Section 7 of the Clayton Act, 15 U.S.C. 18, as amended, and Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, as amended. The complaint alleges that both PPG and Swedlow are actual and potential competitors in the United States and the free world in the various aircraft transparency markets. The complaint alleges that the markets are highly concentrated and that the barriers to entry into the manufacture and sale of the products are significant. The complaint alleges that the effects of the proposed acquisition would be to: (1) Eliminate actual and potential competition between PPG and Swedlow and between Swedlow and others in the markets; (2) significantly increase the already high levels of concentration in the markets; (3) create a firm whose share of the markets is so high as to lead to dominant firm status; and (4) enhance the possibility of collusion or interdependent coordination among the remaining firms in the markets. The complaint charges that the proposed acquisition, if consummated, constitutes violations of section 7 of the Clayton Act, 15 U.S.C. 18, as amended, and section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, as amended.

The first paragraph of the proposed order defines PPG assets covered by the order. Paragraph II bans PPG from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, any stock, share capital, or assets of any manufacturer or seller of aircraft transparencies that has annual sales of transparencies of more than \$750,000 in the United States. The federal courts found that the relevant geographic market in which to assess the competitive effects of the proposed acquisition was the United States; thus, the order is appropriately limited to the acquisition of firms selling in the United States. Coverage under the order is also limited to firms with annual sales in the United States in excess of \$750,000. Within the context of the markets at issue, the acquisition of a firm with sales below this level would be unlikely to lessen competition. This provision lasts ten (10) years from the date the order becomes final.

Paragraph III of the proposed order requires that any successor corporation to PPG shall be bound by this order to the same extent as PPG, and that PPG is required to notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of such subsidiaries or any other change that may effect compliance obligations arising out of the order.

Paragraph IV of the proposed order requires PPG to notify the Commission at least sixty (60) days in advance of any proposed acquisition by PPG of the stock, share capital, equity interest or assets of any manufacturer or seller of aircraft transparencies for which prior Commission approval would not be required. Paragraph V of the proposed order requires PPG to file with the Commission within sixty (60) days of service of the order a written report setting forth the manner and form in which they have complied with the proposed order.

The agreement is for settlement purposes only and does not constitute an admission by PPG that the law has been violated as alleged in said copy of the complaint issued by the Commission.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of agreement and proposed order or to modify in any way their terms.

Donald S. Clark,
Secretary.

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 206

Revision of Valuation Regulations Governing Gas Sales Under Percentage-of-Proceeds Contracts

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of proposed rulemaking, extension of public comment period.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that it is extending the public comment period on its Notice of Proposed Rulemaking for a revision of a valuation regulations governing gas sales under percentage-of-proceeds contracts which was published in the **Federal Register** on

December 15, 1988 (53 FR 50422). In response to requests for additional time, the MMS will extend the comment period from January 17, 1989, to February 3, 1989.

DATES: Comments must be received by 4:00 p.m. m.s.t. February 3, 1989.

ADDRESS: Written comments should be sent to: Minerals Management Service, Building 85, Denver Federal Center, P.O. Box 25165, Mail Stop 662, Denver, Colorado 80225, Attention: Dennis C. Whitcomb.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, telephone (303) 231-3432, (FTS) 326-3432.

Date: January 10, 1989.

Jerry D. Hill,

Associate Director for Royalty Management.
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Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Arkansas Permanent Regulatory Program; Public Comment Period and Opportunity for Public Hearing on Proposed Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing receipt of a proposed amendment to the Arkansas permanent regulatory program (hereinafter, referred to as the "Arkansas program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment pertains to restriction on financial interest of State employees, fish and wildlife information, individual civil penalties, the replanting of trees and shrubs as a normal husbandry practice, and measurement of revegetation success on prime farmland. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards and to incorporate the additional flexibility afforded by the revised Federal regulations.

This notice sets forth the times and locations that the Arkansas program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that