

promotional materials for franchise shows.

The Commission's complaint in this matter charges Blenheim with engaging in unfair or deceptive practices in connection with the advertising of its franchise shows. According to the complaint, Blenheim falsely represented that it had a reasonable basis for claims that franchise owners earn an average income and/or average pre-tax income of more than \$124,000, and that franchise owners earn an average pre-tax income and/or average pre-tax profit of \$124,290.

The complaint also alleges that Blenheim falsely represented that it had a reasonable basis for claims that a prospective franchise owner's chances of success are 94%, and that franchise owners enjoy a 94% success rate.

Finally, the complaint alleges that Blenheim falsely represented that the above representations were proved by a Gallup poll of franchise owners conducted in 1991.

The consent order contains provisions designed to remedy the violations charged and to prevent Blenheim from engaging in similar deceptive and unfair acts and practices in the future.

Part I of the order prohibits Blenheim from misrepresenting the existence, purpose, sample, contents, validity, results, conclusions or interpretations of any survey, poll, test, report or study.

Part II of the order prohibits Blenheim from making any claims about the sales, income, or profits that current or prospective franchise owners have earned or can or will earn, or the chances of success or success rates that franchise owners have enjoyed or can or will enjoy, unless, prior to making such claims, Blenheim has competent and reliable evidence to substantiate the claims, which when appropriate must be competent and reliable scientific evidence.

Part III of the order requires Blenheim, for a period of five years after the date of entry of the order, to distribute at each franchise show it promotes, a brochure entitled, "A Consumer Guide to Buying A Franchise," provided to Blenheim by the Commission. Under this requirement, Blenheim must reproduce the brochure in a format substantially similar to the original format as provided by the Commission; is responsible for the printing costs of the brochure; and must distribute copies of the brochure to at least 500 persons attending each such show, or to each person attending such show if the total number of such persons is fewer than 500. Blenheim may revise the text of the brochure or substitute a similar

document only after submitting said revision or substitution to staff of the Commission and receiving written approval thereof.

Part IV of the order requires Blenheim to maintain copies of all advertisements setting forth any representation covered by the order; all materials relied upon in making any representation covered by the order; all materials in Blenheim's possession or control that contradict such representation or the basis upon which Blenheim relied for it; and any other materials that demonstrate full compliance with the order.

Part V of the order requires Blenheim to distribute copies of the order to each of its operating divisions and to each of its various officers, agents and representatives.

Part VI of the order requires Blenheim to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part VII of the order terminates the order twenty years from the date of its issuance, or twenty years from the date a complaint is filed in federal court alleging any violation of the order, whichever comes later.

Part VIII of the order requires Blenheim to file with the Commission one or more reports detailing compliance with the order.

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 the agreement and proposed order, or to modify any of their terms.

Donald S. Clark,  
*Secretary.*

[FR Doc. 95-25295 Filed 10-11-95; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Community Services

#### Reallotment of Funds for FY 1994 Low Income Home Energy Assistance Program (LIHEAP)

**AGENCY:** Office of Community Services, Administration for Children and Families, (ACF), DHHS.

**ACTION:** Notice of determination concerning funds available for reallotment.

**SUMMARY:** In accordance with section 2607(b)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), as amended, a notice was published in the Federal Register on August 9, 1995 announcing the Secretary's preliminary determination

that \$81,829 in FY 1994 Low Income Home Energy Assistance Program (LIHEAP) funds may be available for reallotment to other LIHEAP grantees. After further evaluation, the Secretary has determined that no funds from FY 1994 will be reallotted because it was not administratively feasible to do so.

**FOR FURTHER INFORMATION CONTACT:**

Janet M. Fox, Director, Division of Energy Assistance, Office of Community Services, 370 L'Enfant Promenade, SW., Washington, DC 20447; telephone (202) 401-9351.

Dated: October 4, 1995.

Donald Sykes,

*Director, Office of Community Services.*

[FR Doc. 95-25237 Filed 10-11-95; 8:45 am]

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## Public Health Service

### Food and Drug Administration; Privacy Act of 1974; New System of Records

**AGENCY:** Public Health Service, HHS.

**ACTION:** Notification of a new system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing a notice of a proposal to establish a new system of records, 09-10-0019, "Mammography Quality Standards Act (MQSA) Training Records, HHS/FDA/CDRH." The purpose of the system is to provide the Food and Drug Administration (FDA) with information about the training and certification of inspectors of mammography facilities. We are also proposing routine uses for this new system.

**DATES:** PHS invites interested parties to submit comments on the proposed internal and routine uses on or before November 21, 1995. PHS has sent a report of a New System to the Congress and to the Office of Management and Budget (OMB) on August 31, 1995. This system of records will be effective 40 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

**ADDRESSES:** Please submit comments to: FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Room 12A-30, Rockville, MD 20857, (301) 443-1813.

Comments received will be available for inspection at this same address from 9 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:**

Director, Division of Mammography Quality and Radiation Programs (HFZ-240), Office of Health and Industry Programs, Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Drive, Rockville, MD 20850, (301) 594-3332.

The numbers listed above are not toll free.

**SUPPLEMENTARY INFORMATION:** The Food and Drug Administration proposes to establish a New System of Records: 09-10-0019, "Mammography Quality Standards Act (MQSA) Training Records, HHS/FDA/CDRH." This system of records will be used to provide FDA with information about the training, certification, and recertification of MQSA inspectors for the purpose of implementing the Mammography Quality Standards Act of 1992.

The system will be comprised of records that contain the names, dates of birth, education, professional experience, employment addresses, dates of mammography training, test scores, and an analysis of those scores, dates of certification of the inspectors, dates of renewal or withdrawal of certification, and evaluations of the inspectors' field performances (records of complaints received and how the complaints were resolved.) The amount of information recorded on each individual will be only that which is necessary to accomplish the purpose of the system. Records must be retrieved by individual name for effective monitoring of training, certification, recertification, and withdrawal of certification. Each record is established from a one-page data sheet which is completed by each student. Records of test scores, dates of renewal or withdrawal of certification, and an evaluation of inspector's field performance are added as the information becomes available.

The records in this system will be maintained in a secure manner compatible with their content and use. FDA staff will be required to adhere to the provisions of the Privacy Act and the HHS Privacy Act Regulations. Only authorized users whose official duties require the use of such information will have regular access to the records in this system. Authorized users are FDA employees and contractors responsible for training the individuals who will inspect mammography facilities, and personnel in the Division of Mammography Quality and Radiation Programs (DMQRP) who will compile and analyze the test and personal data of the students.

All records (such as diskettes, computer listings, or documents) are kept in a secured area, locked rooms, and locked building. The facility has 24-hour guard service, and access to the building is further controlled by an operational card key system. Access to individual offices is controlled by simplex locks. Manual and computerized records will be maintained in accordance with the standards of Chapter 45-13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," supplementary Chapter PHS hf: 45-13 of the Department's General Administration Manual, and the Department's Automated Information Systems Security Handbook.

Users will receive regular training in information systems security for this application and in accordance with the Privacy Act. Users will be required to sign an agreement indicating their cooperation with FDA systems security and Privacy Act policies.

Data stored in computers will be accessed through the use of regularly expiring passwords and individual IDS known only to authorized users. All users will be assigned specific levels of database control based on their needs and authority. All uses of valid IDS and passwords will be monitored. Upon job change, the user's authorization will be reviewed and updated as necessary. All changes to data, as well as the time of change and the user's ID, will be captured in a file as part of the database design. The system's intrusion alarms, which list all logins and their source, will be monitored daily by the Information Systems Security Officer. All systems in support of this database are under the control of CDRH and meet the same security standards.

The routine uses proposed for this system are compatible with the stated purposes of the system. The first routine use proposed for this system, permitting disclosure to a congressional office, allows subject individuals to obtain assistance from their representatives in Congress, should they so desire. Such disclosure would be made only pursuant to a request of the individual. The second routine use allows disclosure to the Department of Justice or a court in the event of litigation. The third routine use allows disclosure to be made to the individual's supervisor since MQSA inspections will be a significant part of many inspectors' jobs; therefore, performance in the training courses is an important element of information to help the supervisor determine employee assignments as well as the level of supervision needed.

The fourth routine use allows disclosure to be made to contractors for the purpose of processing or refining records in the system.

The following notice is written in the present, rather than future tense, in order to avoid the unnecessary expenditure of public funds to republish the notice after the system has become effective.

Dated: October 2, 1995.

Ellen Wormser,  
*Director, Office of Organization and Management Systems.*

**09-10-0019****SYSTEM NAME:**

Mammography Quality Standards Act (MQSA) Training Records, HHS/FDA/CDRH.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

Division of Mammography Quality and Radiation Programs (HFZ-240), Center for Devices and Radiological Health, 1350 Piccard Drive, Rockville, Maryland 20850. A current list of contractor sites is available by writing to the system manager, indicated below, at this address.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All individuals who receive training for the purpose of implementing the Mammography Quality Standards Act of 1992; individuals who successfully complete the training will become certified to conduct inspections and audits of mammography facilities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains name; date of birth; education; professional experience; employment address; dates of mammography training; participant's test scores, class grades, and an analysis of those scores; date of certification of the inspector; dates of renewal or withdrawal of certification; and an evaluation of the inspector's field performance (records of complaints received and how the complaints were resolved).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 102-539, the Mammography Quality Standards Act (MQSA) of 1992 (42 U.S.C. 263b).

**PURPOSE:**

To provide the Food and Drug Administration (FDA) with information about the training, certification, and recertification of MQSA inspectors for the purpose of implementing the

## Mammography Quality Standards Act of 1992.

### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

2. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when

(a) HHS, or any component thereof; or  
(b) Any HHS employee in his or her official capacity; or

(c) Any HHS employee in his or her official capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components,

is a party to litigation or has an interest in such litigation, and HHS determines that the use of such records by the Department of Justice, the court or other tribunal, is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case, HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made with the individual's supervisor since MQSA inspections will be a significant part of many inspectors' jobs; therefore, performance in the training courses is an important element of information to help the supervisor determine employee assignments as well as the level of supervision needed.

4. Disclosure may be made to contractors for the purpose of collecting, compiling, aggregating, analyzing, or refining records in the system. Contractors will be required to maintain Privacy Act safeguards with respect to such records.

### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

#### STORAGE:

Data are maintained in hard copy files and on computer disks, hard drives, and file servers.

#### RETRIEVABILITY:

Indexed by name, state, specific courses, training dates, grades, date of certification, and date of withdrawal of certification.

### SAFEGUARDS:

1. *Authorized users:* Personnel of the Division of Mammography Quality Reporting Program who are engaged in training the individuals who inspect mammography facilities, and personnel in the Division who compile and analyze the test and personal data of the students.

2. *Physical safeguards:* All records (such as diskettes, computer listings, or documents) are kept in a secured area, locked rooms, and locked building.

The facility has 24-hour guard service, and access to the building is further controlled by an operational card key system. Access to the computer room is limited to a subset of persons with general access to the building. Access to individual offices is controlled by simplex locks. The building has smoke/fire detectors; the computer room has additional smoke/fire detectors plus water, temperature, and humidity sensors. The computers room has an uninterruptible power supply and a power conditioning system.

3. *Procedural safeguards:* End users and system professionals continue to receive regular training in information systems security and have signed an agreement indicating their cooperation with FDA policies. Users are further instructed on system security during training sessions for this application and in accordance with the Privacy Act. Users of personal information in the performance of their duties have been instructed to protect personal information from public view and from unauthorized personnel.

All reports containing confidential data are marked "confidential" and placed in the developer's or system manager's mail slot, which is located in an access-controlled room. CDRH SOP requires that all reports containing confidential information be shredded before disposal.

4. *Technical safeguards:* All users have individual IDS and regularly expiring passwords at least 6 characters long. All users are assigned specific levels of database control based on their needs and authority. All users of valid IDs and passwords will be monitored. Upon job change, the user's authorization is reviewed and updated as necessary.

All changes to data, as well as the time of change and the operator's ID are captured in a file as part of the database design. All data entered online is edit checked.

The system's intrusion alarms, which list all logins and their source, are monitored daily by the information Systems Security Officer. In addition, CDRH maintains commercial auditing

software that permits logging of keystrokes by individual accounts.

CDRH maintains three audit trails for this system:

1. System-wide intrusion alarms and file access notices

2. Application-dependent logging of all data transactions

3. Commercial software that permits capturing all keystrokes from suspicious accounts and terminals.

All systems in support of this database are under the control of CDRH and meet the same security standards as the application.

5. *Implementation guidelines:* Safeguards are established in accordance with Chapter 45-13 and PHS hf:45-13 of the Department's General Administration Manual and the Department's Automated Information Systems Security Handbook.

### RETENTION AND DISPOSAL:

Records are retained for five years after the certified MQSA Inspector leaves government service. At the end of five years, in individual's paper records are shredded and automated records are erased.

### SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Mammography Quality and Radiation Programs (HFZ-240), Center for Devices and Radiological Health, 1350 Piccard Drive, Rockville, Maryland 20850.

### NOTIFICATION PROCEDURE:

An individual may learn if a record exists about him or her upon written request, with notarized signature if request is made by mail, or with identification if request is made in person, directed to:

FDA Privacy Act Coordinator (HFI-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

### RECORD ACCESS PROCEDURES:

Same as notification procedure. Requests should also reasonably specify the record contents being sought. You may also request an accounting of disclosures that have been made of your record, if any.

### CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under notification procedure above and reasonably identify the record, specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

**RECORD SOURCE CATEGORIES:**

Individual on whom the record is maintained and training records pertaining to that individual. Information about certification renewal or withdrawal is generated in-house by the Division of Mammography Quality and Radiation Programs. Sources of information about field performance could include the inspector's supervisor, as well as any investigation of an inspector's performance as a result of complaints by a mammography facility.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistance Secretary for Policy Development and Research**

[Docket No. FR-3917-N-24]

**Notice of Proposed Information Collection for Public Comment**

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments due:* December 11, 1995.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Reports Liaison Officer, Office of Policy Development and Research,

Department of Housing and Urban Development, 451 Seventh Street, SW, Room 8226, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Ruth Alahydoian at 202-708-0574 (this is not a toll-free number) for copies of the proposed data collection instruments and other available documents.

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Evaluation of the HOME Program, Round Three Data Collection.

Description of the need for the information and proposed use: The information collected is part of an evaluation that will help the Department assess the outcomes created by the HOME Investment Partnerships Program. Interviews with program administrators, project owners, and the homeowners and renters who are the beneficiaries of the program will be used to determine program costs,

benefits, and overall program implementation. Evaluation results will be used by program designers and regulators at HUD and elsewhere interested in improving the effectiveness of the program, and by program administrators in State and local governments.

In-person interviews will be conducted with a sample of 40 local program administrators. As this is the third round of data collection for this evaluation, program administration information will be updated from previous interviews. The administrators will be asked about specific projects and programs they have funded with HOME funds. In addition, program administrators for every State will be interviewed by telephone. These interviews will also ask about program administration, but will not go into details on specific projects.

To supplement information gathered from files on-site at the 40 local government offices, interviews will be conducted with project developers, who may be for-profit or non-profit organizations. The purpose of this data collection effort is to estimate the costs of projects funded by HOME.

To estimate the benefits associated with the HOME program, telephone interviews will be conducted with a sample of 300 renters in HOME-funded rental projects, 200 homebuyers from HOME-funded homeownership projects, 150 homeowners from HOME-funded owner-occupied rehabilitation projects, and 150 renters receiving rental assistance through HOME.

Members of affected public: Individuals and households, businesses, not-for-profit institutions, and State and local governments will be interviewed as part of this data collection effort.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:

Interview respondents	Number of respondents	Responses per respondent	Minutes per respondent	Total burden hours
Local Program Officials .....	40	1	120	80
State Program Officials .....	50	1	120	100
Property Owners (For-profits and non-profits) .....	300	1	75	375
Residents (Owners and Renters) .....	800	1	15	200