

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 January 22, 1999.

A. Federal Reserve Bank of Dallas
(W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *South Plains Financial, Inc.*, Lubbock, Texas, and South Plains Delaware Financial Corporation, Dover, Delaware; to engage *de novo* through their subsidiary, ARC Check Cashing, Inc., Lubbock, Texas, in check cashing services, see *Board Orders 84 Fed. Reg. Bull. 481 (1998) and 76 Fed. Reg. Bull. 860 (1990)*; in wire transmission services, see *Board Orders 81 Fed. Reg. Bull. 974 (1995) and 81 Fed. Reg. Bull. 1130 (1995)*; in bill payment services, see *Board Order 84 Fed. Reg. Bull. 481 (1998)*; in issuing and selling consumer payment instruments, pursuant to § 225.28(b)(13) of Regulation Y and *Board Order 84 Fed. Reg. Bull. 481 (1998)*; in credit and credit related activities, pursuant to § 225.28(b)(1) of Regulation Y; in government services distribution, see *Board Order 84 Fed. Reg. Bull. 481 (1998) and Board Order 71 Fed. Reg. Bull. 168 (1985) and § 225.28(b)(6) of Regulation Y*; and in incidental activities, see *Board Order 84 Fed. Reg. Bull. 481 (1998)*.

Board of Governors of the Federal Reserve System, January 4, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-336 Filed 1-7-99; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Wednesday, January 13, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202-452-3204.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: January 6, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-484 Filed 1-6-99; 10:36 am]

BILLING CODE 6210-01-P

FEDERAL TRADE COMMISSION

Proposed Collection; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) (PRA), the Federal Trade Commission (FTC) is inviting comments on proposed three year extensions of Paperwork Reduction Act clearance for information collection requirements associated with five Commission rules. The FTC is also inviting comments on the extension of clearance for collections of information associated with FTC administrative or procedural tasks.

This request is solely for extensions of current collections of information; no amendments or changes to these rules or the collection requirements contained therein are being proposed by this notice. Any adjustments to burden hours are due solely to changes in the market-place or the practices of the industries involved.

DATES: Comments must be filed by (60 days from the date of this publication).

ADDRESSES: All comments should be identified as responding to this notice and should be sent to Elaine W. Crockett, Attorney, Office of the General Counsel, Room, 598, 600 Pennsylvania Avenue, N.W., 20580. Telephone: (202) 326-2453. Fax: (202) 326-2477. E-mail: ecrockett@ftc.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed extensions of the information requirements should be addressed to Elaine W. Crockett at the address listed above.

SUPPLEMENTARY INFORMATION: As required by 5 CFR 1320.8(d)(1), the FTC

is seeking comments concerning the proposed extensions in order to: (1) Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the FTC, including whether the information will have practical utility; (2) Evaluate the accuracy of the FTC's estimates of the burdens associated with each proposed collection of information, including the validity of the methodologies and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

1. Title: FTC Hart-Scott-Rodino ("Premerger Notification") Rules and Form, 16 CFR Parts 801-803—(OMB Control Number 3084-0005)—Extension

The Antitrust Improvements Act Notification and Report Form ("Report Form" or "Form") implements the notification requirement contained in the Premerger Notification Rules, 16 CFR parts 801-803 (1998) and section 7A of the Clayton Act, 15 U.S.C. 18a. Under the Act and its associated rules, certain parties contemplating acquisitions of a specified size must notify the FTC and the Antitrust Division of the Department of Justice ("the enforcement agencies") and wait for 30 days (or, in the case of a cash tender offer, 15 days) before consummating the transaction. The FTC has established the Report Form as the means for accomplishing the notification mandated by the Act. The Report Form provides the enforcement agencies with the information needed to make prompt, preliminary determinations of the antitrust implications of the reported transactions.

On June 14, 1994, the FTC published a **Federal Register** Notice in which it proposed certain changes to the Report Form. 59 FR 30545. At that time, the FTC requested comments on any paperwork burdens imposed by those changes. *Id.* at 30588. Based on comments received in response to the Notice, as well as other input from interested parties, the enforcement agencies are continuing their review of the Report Form. Any future proposal to change the Form as a result of this review will include a request for comments on any paperwork burdens imposed by the proposal.

This request is for an extension of the Rules and the Form as they currently exist. This notice proposes no amendments or changes to the Rules of the Form, nor does it address any of the changes proposed in 1994. The purpose of this notice is simply to comply with those PRA requirements that will allow the Report Form to be used in its current format pending any amendments to the Rules or Form.

Estimated Annual Burden Hours: The total estimated burden associated with completing and filing the Form is 260,443 hours (based on fiscal year 1997 figures). We have estimated that, depending on a number of different factors, it takes anywhere from 8 to 160 hours to complete and file the Form.¹ The average, based on historical experience, is approximately 39 hours. In certain circumstances, only an index or copies of filings made with another regulatory agency are required to be submitted to the FTC in lieu of the Form ("index filing"). We have estimated that 2 hours is needed to comply with the filing requirement in these instances. The enforcement agencies received notice of 3622 transactions in 1997, of which 59 were reported to other regulatory agencies. Thus the total 1997 burden was (3517 transactions × 39 hours) + (59 transactions × 2 hours), or 260,443 hours. The increase from the 1994 estimated burden of 107,985 hours (when OMB clearance was last sought regarding the Form and regulations) is solely a function of the increase in filings since 1994. Although the number of reported transactions totaled 3,622 in 1997, because of variations in the number of filings required for each transaction, the total number of filings received for these transactions is approximately 6,734.²

¹ These factors include the extent of the filing person's United States operations; the number of different industries in which the filing person is engaged; the firm's prior experience and familiarity with the premerger notification program; the existence of horizontal overlaps or vertical relationships in the businesses in which the parties to the transaction derive revenue; and the organizational structure and recordkeeping system of the reporting entities.

² For example, of the 3622 transactions reported, 164 were joint ventures, (c)(6) transactions or (c)(8) transactions; only one filing is required for each transaction. Of the remaining 3458, approximately 80 percent, or 2766, require two filings per transaction: one each from the acquiring person and the acquired person. The other 20 percent (692) represent certain transactions for which the consideration given is voting stock. A typical example of these transactions is the acquisition of company B's voting stock by company A. As payment for the B stock, A will give the B shareholders certain shares of company A stock. A shareholder of B will acquire an amount of company A stock that will require the B shareholder to submit a separate filing as an acquiring person. For HSR purposes, the company

Estimated Labor Costs: Using the burden hours estimated above, the total cost associated with the Rule and Form would be approximately \$78,132,000 (260,443 hours × \$300 hour). To verify this cost estimate, staff conducted an informal survey of actual billings by several antitrust practitioners for preparation of the Form.³ These estimates, based on the type and complexity of each filing⁴ closely approximated our estimate, based on burden hours. This information is summarized below. Only the first category, the index filing, has been determined on an hourly fee basis. The remaining figures are calculated on the following basis: 6734 filings minus 59 index filings=6675.
 Index filing: 59×\$600 (2 hours @ \$300/hr)= \$35,400
 Simple filings ([35%×6675] × \$2000)=4,672,000
 Moderately complex filings ([60%×6675] × \$15,000) = 60,075,000
 Very complex filings ([5%×6675]×\$50,000) = 16,700,000
 Total: \$81,482,400

This estimate is comparable to, although slightly higher than, our estimate of \$78,132,000. We conservatively have adopted the \$81,482,400 estimate as the total annual labor cost.

Estimated Capital or Other Non-Labor Costs: The rule imposes no current start-up costs and minimal capital costs. The Rule first took effect in 1979, so law firms and companies already have incurred any necessary start-up costs associated with filing the Form. Moreover, law firms already have

A/company B filings make up one transaction, and the B shareholder/company A filings comprise a second transaction. However, company A generally needs to submit only one filing for the two transactions. Therefore the two transactions require three filings, computed as 1.5 filings per transaction (The 1.5 figure is a slight overestimation, since in some cases more than one shareholder of company B has a filing obligation as an acquiring person. Each shareholder's notification is treated as a separate transaction, and company A's filing as an acquiring person serves as the acquired party's filing for each of the shareholder transactions. Thus, for example, four transactions—a primary transaction with three related shareholder transactions—may have a total of only five filings.)

³ The \$45,000 Hart-Scott-Rodino filing fee is not included in these cost estimates because the fee does not fall within either of the two cost categories defined by OMB: (1) Total hour burden and annualized costs of hour burden (labor), and (2) non-labor costs, consisting of total capital and start-up costs and total operation and maintenance costs. See OMB Instructions for Completing OMB Form 83-1.

⁴ The survey was based on number of filings because each side to a transaction is represented by a different law firm. Therefore, practitioners do not have cost information relating to an entire transaction.

access, for other business purposes, to the ordinary office equipment needed for compliance, and the Rule has no consequential effect on the cost of operating and maintaining that equipment.

2. Title—Negative Option Plans by Sellers in Commerce ("Negative Option Rule") 16 CFR Part 425—(OMB Control Number 3084-0104)—Extension

The Negative Option Rule protects consumers who participate in negative option plans (e.g., record or book "clubs"), contractual arrangements whereby a seller periodically ships merchandise to subscribers without an affirmative order by the subscriber. The Rule requires sellers to send an advance notice to subscribers describing merchandise offered for sale. The subscriber may instruct the seller, in accordance with the terms of the plan, to refrain from shipping the merchandise. The Rule also requires that promotional materials disclose the terms of membership clearly and conspicuously, and establish procedures for the administration of such "negative option" plans.

Estimated Annual Burden Hours: The Rule's estimated annual burden is approximately 14,375 hours per year. We estimate that approximately 175 existing clubs spend about 75 hours each to comply with the Rule's disclosure requirements, for a total of 13,125 per year (175 clubs × 75 hours).

We have revised the number of hours from 125 to 75 hours per year for each existing club to comply with the information collection requirements contained in the Rule. These clubs should be familiar with the Rule, which has been in effect since 1974, so their "burden" of compliance has diminished over the years. Also, comments provided to the FTC indicate that a substantial portion of the existing clubs likely would now make these disclosures absent any regulatory requirement because the Rule has assisted in fostering long-term relationships with consumers.

In addition, approximately 10 new clubs come into existence each year. These clubs spend about 125 hours complying with the Rule, making the total hours that new clubs spend per year 1,250 (10 new clubs × 125 hours). For new clubs, we have retained the estimate of approximately 125 hours to comply with the rule (including start-up time). The total of 14,375 hours per year for both existing and new clubs is a reduction from 15,500 burden hours that the FTC estimated in 1995.

Estimated Labor Costs: Total labor costs are approximately \$367,697 per

year. According to the Bureau of Labor Statistics, the average compensation for advertising managers is \$27.88 per hour. Compensation for clerical personnel is approximately \$10.00 per hour. Assuming that managers perform the bulk of the work, while clerical personnel perform some associated tasks, such as placing advertisements and responding to inquiries about offerings or prices, the total cost to the industry for the Rule's paperwork requirements would be approximately \$367,697 (65 hours managerial time \times 175 existing negative options plans \times \$27.88 per hour = \$317,135) plus (10 hours clerical time \times 175 existing negative options plans \times \$10.00 per hour = \$17,500) plus (115 hours managerial time \times 10 new negative options plans \times \$27.88 per hour = \$32,062) plus (10 hours clerical time \times 10 new negative options plans \times \$10.00 per hour = \$1,000).

Estimated Capital or Other Non-Labor Costs: Because the Rule has been in effect since 1974, the vast majority of the negative option clubs have no current start-up costs. For the few new clubs that enter the market each year, the capital and start-up costs associated with the Rule's disclosure requirements, beyond the additional labor costs discussed above, are *de minimis*. Negative option clubs already have access to the ordinary office equipment necessary for compliance with the Rule.

Similarly, the Rule imposes few, if any, printing and distribution costs. The required disclosures generally constitute only a small addition to the materials that a prospective subscriber sends to the seller to solicit enrollment in a negative option plan. Because printing and distribution costs are incurred anyway to market the product, inserting the required disclosures constitutes only a *de minimis* incremental expense.

3. Title: Power Output Claims for Amplifiers Utilized in Home Entertainment Products, 16 CFR Part 432—(OMB Control Number 3084-0105)—Extension

The Amplifier Rule assists consumers by requiring disclosure of four performance characteristics whenever representations are made concerning power output, power band or power frequency, and distortion characteristics of home audio equipment. The Rule also specifies the test conditions to be used to obtain the FTC disclosures.

Estimated Burden Hours: The annual burden is approximately 1,500 hours. The Rule's provisions require affected entities to test the power output of amplifiers in accordance with specified FTC protocol. Approximately 300 new

amplifiers and receivers come on the market each year. Since high fidelity manufacturers routinely conduct performance tests as part of any new product development, the Rule imposes incremental costs only to the extent that the FTC protocol is more time-consuming than alternative testing procedures. Specifically, a warm up ("precondition") period that the Rule requires before measurements are taken may add approximately one hour to the testing entails. Thus, we estimate that the Rule imposes approximately 300 hours (1 hour \times 300 mew products) of added testing burden annually.

The Rule requires disclosures if an advertisement makes a power output claim. Assuming that ten advertisements per magazine are placed each month in ten existing magazines carrying audio equipment advertisements, we estimate that approximately 1,200 magazine advertisements annually would be required to carry the FTC disclosures. The cost of these disclosures is limited to the time needed to draft and review the language pertaining to power output specifications.

Because this Rule became effective in 1974, and because members of the industry are familiar with its requirements, compliance is less burdensome today. Accordingly, we estimate the time involved for this task to be a maximum of 1 hour per advertisement, for a total burden of 1,200 hours. The total annual burden imposed by the Rule is therefore approximately 1,500 burden hours. (300 testing hours + 1,200 disclosure hours). This is a reduction from 2,700 burden hours estimated in 1995.

Estimated Labor Costs: According to staff at the Bureau of Labor Statistics, the average hourly compensation for electronics engineers in the industry is \$28.73, and the average hourly compensation for marketing, advertising and public relations managers is \$27.88. Generally, electronics engineers perform the testing of amplifiers and receivers (300 hours \times \$28.73 = \$8,619.00), and marketing, advertising or public relations managers prepare advertisements (including required disclosures) (1,200 hours \times \$27.88 = \$33,456.00). Based on this information, we estimate the cost to the industry for the Rule's paperwork requirements to be \$42,075.00 per year (\$8,619.00 + \$33,456.00).

Estimated Capital or Other Non-Labor Costs: The Rule imposes no capital or other non-labor costs because its requirements are incidental to testing and advertising done in the ordinary course of business.

4. Title: Disclosure Requirements and Prohibition Concerning Franchising and Business Opportunity Ventures ("Franchise Rule"), 16 CFR Part 436—(OMB Control Number 3084-0107)—Extension

The Franchise Rule requires franchisors and franchise brokers to furnish to prospective investors a disclosure document that provides information relating to the franchisor, the franchisor's business, and the nature of the proposed franchise relationship, as well as additional information about any claims concerning actual or potential sales, income, or profits for a prospective franchisee ("earnings claims"). Franchisors must also preserve the information that forms a reasonable basis for such claims. The Rule is designed to help potential investors protect themselves from fraudulent claims.

Estimated Annual Burden Hours: The estimated annual burden imposed by the Rule is 33,500 hours. Based upon our review of trade publications and information from state regulatory authorities, we estimate there are approximately 5,000 American franchise systems, consisting of 3,500 business format franchises and 1,500 business opportunity sellers.

Approximately 10% of all franchisors, or 500 franchisors, sell exclusively in states that do not impose franchise disclosure requirements comparable to those of the Rule. These firms are subject to compliance burdens imposed solely by the Commission's Rule. These firms may spend anywhere from 3-100 hours to comply with the Rule's disclosure requirements, which require, among other things, the disclosure of information about the business experience of the franchisor and the franchisor's directors and key executives; the litigation history of the franchisor and its directors and key executives; and the money required to be paid by the franchisee to obtain or start the franchise. We estimate the Rule compliance requires an average of 30 hours annually for each of these 500 franchisors, resulting in a total burden of approximately 15,000 hours.

On the other hand, a number of states impose requirements similar to those of the Rule. In these instances, the Commission's Rule creates little additional regulatory burden on most major franchisors. The Rule requires that such firms need only provide an "FTC" cover sheet that identifies the franchisor, the date the document is issued, a table of contents, and a notice that tracks language specifically provided in the Rule. This additional

compliance burden is *de minimis*. Language supplied by the government for the purpose of disclosure to the public is excluded from the definition of "collection of information" under the PRA. 5 CFR 1320.3(c)(2). Nonetheless, we estimate that any additional time imposed by the remaining required disclosures can be handled by clerical staff and would be no more than 3 hours per year, for a total of 13,500 burden hours (4,500 franchisors \times 3 hours = 13,500).

The Rule also contains some recordkeeping provisions. Any recordkeeping effort that would be incurred in the ordinary course of business does not constitute "burden" under the PRA. 5 CFR 1320.3(b)(2). This would usually be the case; however, there may be some recordkeeping effort that is incurred solely because of the Rule. We estimate that firms would spend no more than 1 hour per year on any additional compliance burden, for a recordkeeping burden of 5,000 hours. The total burden for the Rule, therefore, is 33,500 hours.

Estimated Annual Labor Costs: The estimated annual labor cost is approximately \$3,935,000, consisting of \$3,885,000 for disclosure requirements (\$250 per hour attorney time \times 15,000 hours); \$135,000 for the FTC cover sheet (13,500 hours per year \times \$10.00 per hour clerical time); and \$50,000 for recordkeeping costs (5,000 hours per year \times \$10.00 per hour clerical time).

Estimated Capital and Other Non-Labor Costs: The estimated capital and other non-labor costs are approximately \$1,500,000, consisting entirely of printing costs (\$25.00 per document \times 100 copies \times 500 franchisors = \$1,250,000) + (\$.50 per FTC cover sheet \times 100 copies \times 4,500 firms = \$250,000). Besides these costs, compliance with the Rule imposes few or no additional non-labor cost burdens beyond what franchisors ordinarily spend in the course of operating their business (such as purchasing computer equipment) or to comply with state disclosure laws (such as the costs to prepare audited financial statements).

In 1995, the agency requested a burden estimate of 36,000 burden hours. We have revised that figure to 33,500 hours because a review of the 1995 submission revealed that some hours were inadvertently assigned to burden solely attributable to state requirements.

5. Title: Labeling and Advertising of Home Insulation ("R-Value Rule"), 16 CFR Part 460—(OMB Control Number 3084-0109)—Extension

The R-Value Rule establishes uniform standards for the substantiation and

disclosure of accurate, material product information about the thermal performance characteristics of home insulation products. The R-value of an insulation product signifies the insulation's degree of resistance to the flow of heat. This information tells consumers how well a product is likely to perform as an insulator and allows consumers to determine whether the cost of the insulation is justified.

Estimated Annual Burden Hours: The Rule's requirements include product testing, recordkeeping, and third-party disclosures on labels, fact sheets, advertisements and other promotional materials. These requirements apply to certain manufacturers and their testing laboratories; home insulation installers; new home sellers who make energy savings claims; and retailers who sell home insulation for do-it-yourself installation by consumers.

Based on information provided by members of the insulation industry, staff estimate that the Rule affects: (1) 150 insulation manufacturers and their testing laboratories; (2) 1,500 installers who sell home insulation; (3) 130,000 new home builders/sellers of site-built home and approximately 7,000 dealers who sell manufactured housing; and (4) 25,000 retail sellers who sell home insulation for installation by consumers.

Manufacturers and Testing Laboratories: Under the Rule's testing requirements, manufacturers must test each insulation product for its R-value. The test takes approximately 2 hours. Approximately 15 of the 150 insulation manufacturers in existence introduce one new product each year. The total annual testing burden is therefore approximately 30 hours (15 manufacturers \times 2 hours per test).

As for third-party disclosure requirements in advertising and other promotional materials, staff estimate that most manufacturers spend an average of approximately 20 hours per year to comply with this requirement. Only the five or six largest manufacturers require additional time (approximately 80 hours each). Thus, the annual third-party disclosure burden for manufacturers is approximately 3,360 hours (144 manufacturers \times 20 hours + 6 manufacturers \times 80 hours).

While the Rule imposes recordkeeping requirements, most manufacturers and their testing laboratories keep these records of testing in the ordinary course of business. Staff estimate that no more than one additional hour per year per manufacturer is necessary to comply with this requirement, for an annual

recordkeeping burden of approximately 150 hours (150 manufacturers \times 1 hour).

Installers: Installers are required to show the manufacturers' insulation fact sheet to retail consumers prior to purchase. Installers must also disclose information in contracts or receipts concerning the R-value and the amount of insulation to be installed. Staff estimate that two minutes per sales transaction is sufficient for complying with these requirements. Approximately 835,000 retrofit insulations are installed by approximately 1,500 installers per year, and therefore, the annual burden is approximately 27,833 hours (835,000 sales transactions \times 2 minutes). Staff also estimate that one hour per year per installer is sufficient for including required disclosures in advertisements and other promotional materials. The burden for their requirement is approximately 1,500 hours per year (1,500 installers \times 1 hour).

Also, installers must keep records that indicate substantiation relied upon for savings claims. The addition time for complying with this requirement is minimal, approximately 5 minutes per year per installer, for a total of approximately 125 hours (1,500 installers \times 5 minutes).

New Home Sellers: New home sellers must make contract disclosures concerning the type, thickness and R-value of the insulation they install in each part of a new home. Staff estimate that no more than one minute per sales transaction is required to comply with this requirement, for a total annual burden of approximately 283,333 hours (1.7 million new home sales \times 1 minute).

New home sellers who make energy savings claims must also keep records regarding the substantiation relied upon for those claims. Because few new home sellers make these claims, and the ones that do would likely keep these records anyway in the ordinary course of business, staff estimate that one minute burden for disclosures would be more than adequate to cover this recordkeeping requirement, as well.

Retailers: The Rule requires that the approximately 25,000 retailers who sell home insulation make fact sheets available to consumers prior to purchase. This can be accomplished by *i.e.*, placing copies in a display rack, or keeping copies in a binder on a service desk with an appropriate notice. Replenishing or replacing fact sheets takes approximately one hour per year per retailer, for a burden estimate of approximately 25,000 annual hours (25,000 retailers \times 1 hour).

The Rule also requires specific disclosures in advertisements or other promotional materials to ensure that the claims are fair and not deceptive. This burden is extremely small because retailers typically use advertising copy provided by the insulation manufacturer, and even when retailers prepare their own advertising copy, the Rule provides some of the language to be used. Accordingly, approximately one hour per year per retailer is sufficient for compliance with this requirement, for a total annual burden of approximately 25,000 hours.

Retailers who make energy savings claims in advertisements or other promotional materials must keep records that indicate the substantiation they are relying upon. Because few retailers make these types of promotional claims and because the Rule permits retailers to rely on the insulation manufacturer's substantiation data for any claims that are made, the additional recordkeeping burden is *de minimis*. The time calculated for disclosures, above, would be more than adequate to cover any burden imposed by this recordkeeping requirement.

To summarize, staff estimates that the Rule impose a total of 366,331 burden hours, as follows: 150 recordkeeping and 3,390 testing and disclosure hours for manufacturers; 125 recordkeeping and 29,333 disclosure hours for installers; 283,333 disclosure hours for new home sellers; and 50,000 disclosure hours for retailers. This figure has been rounded to 366,400 burden hours.

Estimated Annual Labor Costs: The total annual labor costs for the Rule's information collection requirements is \$7,290,030, derived as follows: \$600 for testing, based on 30 hours for manufacturers (30 hours × \$20 per hour for skilled technical personnel); \$2,750 for complying with the recordkeeping requirements of the Rule, based on 275 (275 hours × \$10 per hour for clerical personnel); \$33,360 for manufacturers' compliance with third-party disclosure requirements, based on 3,360 hours (3,360 hours × \$10 per hour for clerical personnel); and \$7,253,350 for compliance by installers, new home sellers, and retailers with third-party disclosure requirements, based on 362,666 hours (362,666 hours × \$20 per hour for sales persons).

Estimate of Capital and Other Non-Labor Costs: There are no significant current capital or other non-labor costs associated with this Rule. Because the Rule has been in effect since 1980, members of the industry are familiar with its requirements and already have in place the equipment for conducting tests and storing records. New products

are introduced infrequently. Because the required disclosures are placed on packaging or on the product itself, the Rule's additional disclosure requirements do not cause industry members to incur any significant additional non-labor associated costs.

6. Title: FTC Administrative Activities (OMB Control Number 3084-0047)—Extension

Currently, the FTC has OMB clearance for certain administrative and/or procedural activities relating to: (1) FTC procurement activities; (2) the document order form used by the FTC public reference branch; (3) applications to the Commission, including applications and notices contained in the Commission's Rules of Practice (primarily Parts I, II, and IV); and (4) rules governing claims against the FTC under the Equal Access to Justice Act.

The FTC seeks to delete items (1), (2), and (4). With respect to item (1), OMB has advised the FTC that it must seek clearance only for any agency-unique information collections that have been published as a supplement to the Federal Acquisition Regulations. The FTC has no such supplement and accordingly, there is no requirements to obtain OMB approval. Deleting this item eliminates 1,000 of 2,300 hours estimated in the FTC's 1995 submission for OMB Control No. 3084-0047.

With respect to item (2), FTC Form 14 is excluded from the PRA's definition of "information" because the form asks only for the respondent's name, address, a description of the records and the number of copies requested. See 5 CFR 1320.3(h)(1) (the definition of "information" excludes an "affidavit" or "certification" that asks the respondent for identifying information such as his or her name, address, the date, and the nature of the instrument); OMB Implementing Guidance to the Paperwork Reduction Act of 1995 (Preliminary Draft), February 3, 1997 (certain other information, such as quantity, quality, or location, may also be excluded). Deleting this item eliminates another 1,000 or 2,300 hours.

With respect to item (4), the "law enforcement" exception of the PRA excludes this category, because it involves collecting information during the conduct of a Federal investigation, civil action, administrative action, investigation, or audit with respect to a specific party, or subsequent adjudicative or judicial proceeding designed to determine fines or other penalties. See 5 CFR 1320.4(a)(1)-(3). Deleting this item eliminates another 200 hours of the 2,300 hours previously estimated for this submission.

With respect to item (3), the FTC is requesting an extension for those provisions covered by that category. Several of the Commission's rules contain provisions that allow certain modifications to, or exemptions from, a rule. For example, part 901 of the Commission's rules, 16 CFR part 901, implementing the Fair Debt Collection Practices Act, 15 U.S.C. 1692, sets forth the procedures and standards for approving petitions received from a state that is requesting permission to apply state law in lieu of federal standards.

Estimated Annual Burden Hours: Most applications to the Commission generally fall within the "law enforcement exception" discussed above, and those that are not rare and burden associated with them is *de minimis*. For example, over the last decade, the Commission has received only one application for an exemption under the Fair Debt Collection Practices Act provisions. Staff has estimated that such a submission can be completed well within 50 hours. Applications and notices to the Commission contained in other rules (generally in Parts I, II, and IV of the Commission's Rules of Practice) are also infrequent and difficult to quantify. An example is a request for a waiver of costs for obtaining Commission records. See 16 CFR 4.8(e). Nonetheless, in order to cover any potential "collections of information" for which we have not otherwise requested clearance, we are requesting a total of 100 burden hours as an estimate of the time needed to submit any relevant responses.

Estimated Annual Labor Costs: Based on 100 burden hours, and an hourly rate of \$250 for attorney time, we estimate the annual cost burden to be no more than \$25,000.

Estimated Capital and Start-Up Costs/Operation and Maintenance: Not applicable.

Debra A. Valentine,
General Counsel.

[FR Doc. 99-384 Filed 1-7-99; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 92D-0077]

Compliance Policy Guide, Section 460.200 (CPG 7132.16); Rescinded

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.