

poorly or not at all, thus defeating the purpose of the Commission's Order.

These concerns are addressed in Section VI of the proposed Order, which provides that Childs' will not sell the acquired assets within five years of the date of the Order without prior approval of the Commission. While generally I am cautious about including lengthy oversight provisions in such orders, it is appropriate in this case because these provisions ensure that in the event of a resale by Childs, the Commission will be able to assure that the prospective buyer is committed to enhancing the assets in question, thus maintaining the integrity of the Commission's Order.

#### **Concurring Statement of Commissioner Orson Swindle**

The Commission has accepted for public comment a consent agreement to resolve complaint allegations that the effect of Nestle S.A.'s ("Nestle") acquisition of Ralston Purina Co. ("Ralston") may be to substantially lessen competition in the market for the sale of dry cat food in the United States. To remedy these competitive concerns, the merging parties have entered into a consent agreement under which Ralston would divest its Meow Mix and Alley Cat brands to J.W. Childs Equity Partners II, L.P. ("J.W. Childs"), an investment firm that owns the Hartz line of pet care products. Because the divestiture to J.W. Childs is likely to replace the competition in the market for dry cat food that otherwise would have been lost due to the Nestle/Ralston merger, I have voted to accept the consent agreement for public comment.

One provision in the proposed consent agreement is unusual and may raise concerns, however. Paragraph VI of the Proposed Consent Order requires J.W. Childs, for a period of five years, to obtain Commission approval before selling all or substantially all of the assets acquired in the divestiture. The Analysis to Aid Public Comment explains that the Commission does not routinely impose such prior approval requirements, but it is appropriate to do so "where the proposed acquirer's current plans indicate that there is a high probability that the assets will be resold, possibly within 2-5 years." The purpose of the prior approval requirement is to make certain that whoever buys the resold assets from J.W. Childs would be a sufficient competitor to remedy the lessening of competition from the Nestle/Ralston transaction alleged in the complaint. See Paragraph VI.F. of the Proposed Consent Order.

I agree that J.W. Childs warranted a hard look as a prospective buyer

because it might resell the divested assets in the near future. It is possible that this close scrutiny would go for naught if J.W. Childs were promptly to resell the assets to a less qualified buyer. On the other hand, this risk is always present—even had the assets remained in Ralston's hands. I think that our approval of J.W. Childs as the buyer means that we have determined that, in spite of any possible resale plans, the company will develop and employ the assets as vigorously as Ralston would have done. Once we have made this determination, I question the need for imposing a prior approval requirement on J.W. Childs that we would not have imposed on a buyer that was less likely to resell the assets.

I also think that the prior approval requirement may require that the Commission make a difficult determination. For example, assume that J.W. Childs seeks prior approval to resell the assets four years after the Nestle/Ralston merger has been consummated. The Commission presumably will have to determine whether the prospective buyer of the resold assets will compete as effectively as Ralston would have competed in the absence of the Nestle/Ralston merger. Given the passage of four years since the merger and the dynamic nature of markets, it may be difficult for the Commission to make this determination with a high degree of confidence.

I welcome public comments on the prior approval provision included in Paragraph VI of the Proposed Consent Order, including any suggestions for distinguishing between situations where the additional relief may be justified and those where it is not.

[FR Doc. 01-31339 Filed 12-19-01; 8:45 am]

**BILLING CODE 6750-01-P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Office of the Assistant Secretary for Planning and Evaluation**

#### **Secretary's Advisory Committee on Regulatory Reform; Notice of Meeting**

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given of a meeting by the Department of Health and Human Services (HHS) Secretary's Advisory Committee on Regulatory Reform. As governed by the Federal Advisory Committee Act in accordance with section 10(a)(2), the Secretary's Advisory Committee on Regulatory Reform is seeking guidance for the Department's efforts to streamline

regulatory requirements. The Advisory Committee will advise and make recommendations for changes that would be beneficial in four broad areas: health care delivery, health systems operations, biomedical and health research, and the development of pharmaceuticals and other products.

All meetings and hearings of the Committee are open to the general public. During each meeting, invited witnesses will address how regulations affect health-related issues. Meeting agendas will also allow time for public comment. Additional information on each meeting's agenda and list of participating witnesses will be posted on the Committee's Web site prior to the meetings (<http://www.regreform.hhs.gov>).

**DATES:** The first meeting of the Secretary's Advisory Committee on Regulatory Reform will be held on Monday, January 7, 2002, from 9 a.m. to 5:30 p.m. and on Tuesday, January 8, 2002, from 8 a.m. to 1 p.m.

**ADDRESSES:** The Secretary's Advisory Committee on Regulatory Reform will meet on Monday, January 7, in the Ross Auditorium at Providence Hospital, 1150 Varnum Street NE., Washington, DC 20017. On Tuesday, January 8, the Committee will meet in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Christy Schmidt, Executive Coordinator, Secretary's Advisory Committee on Regulatory Reform, Office of the Assistant Secretary for Planning and Evaluation, 200 Independence Avenue, SW., Room 801, Washington, DC 20201, (202) 401-5182.

**SUPPLEMENTARY INFORMATION:** Providence Hospital and the Hubert H. Humphrey Building are in compliance with the Americans with Disabilities Act. Anyone planning to attend the meeting who requires special disability-related arrangements such as sign-language interpretation should provide notice of their need by Friday, December 31, 2001. Please make any request to Michael Starkweather "phone: 301-628-3141; fax: 301-628-3101; email: [mstarkweather@s-3.com](mailto:mstarkweather@s-3.com)."

On June 8, 2001, HHS Secretary Thompson announced a Department-wide initiative to reduce regulatory burdens in health care, to improve patient care, and to respond to the concerns of health care providers and industry, State and local Governments, and individual Americans who are affected by HHS rules. As part of this initiative, the Department is establishing the Secretary's Advisory Committee on

Regulatory Reform to provide findings and recommendations regarding potential regulatory changes. These changes would enable HHS to reduce burdens and costs associated with departmental regulations and paperwork, while at the same time maintaining or enhancing the effectiveness, efficiency, impact, and access of HHS programs.

Dated: December 13, 2001.

**Dr. William F. Raub,**

*Deputy Assistant Secretary for Planning and Evaluation.*

[FR Doc. 01-31319 Filed 12-19-01; 8:45 am]

**BILLING CODE 4151-05-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Proposed Information Collection Activity; Comment Request**

**Proposed Projects**

*Title:* Child Care and Development Fund Tribal Plan (Form ACF-118-A).

*OMB No.:* 0970-0198.

*Description:* The Child Care and Development fund (CCDF) Tribal Plan serves as the agreement between the applicant (Indian Tribes, tribal consortia and tribal organizations) and the Federal

government that describes how tribal applicants will operate CCDF Block Grant programs. The Tribal Plan provides assurances that the CCDF funds will be administered in conformance with legislative requirements, federal regulations at 45 CFR parts 98 and 99 and other applicable instructions or guidelines issued by the Administration for Children and Families (ACF). Tribes must submit a new CCDF Tribal plan every two years in accordance with 45 CFR 98.17.

*Respondents:* Tribal CCDF Programs (262 in total).

**ANNUAL BURDEN ESTIMATES**

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CCDF Tribal Plan .....	262	1	17.5	4,585
CCDF Tribal Plan Amendments .....	262	1	1.5	393

*Estimated Total Annual Burden Hours: 4,978.*

**Note:** CCDF Tribal Plans are submitted biannually. This collection burden has been calculated to reflect an annual burden.

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the

collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: December 14, 2001.

**Bob Sargis,**

*Reports Clearance Officer.*

[FR Doc. 01-31376 Filed 12-19-01; 8:45 am]

**BILLING CODE 4184-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**[Program Announcement No. OCS 02-03]**

**Fiscal Year 2002 Family Violence Prevention and Services Discretionary Funds Program, Availability of Funds and Request for Applications**

**AGENCY:** Office of Community Services (OCS), ACF, DHHS.

**ACTION:** Notice; correction.

**SUMMARY:** This notice corrects the announcement of Family Violence Prevention and Service Program, Availability of Funds and Request for

Applications published on December 13, 2001 (66 FR 64437).

**FOR FURTHER INFORMATION CONTACT:** Administration for Children and Families, Office of Community Services, Division of State Assistance, 370 L'Enfant Promenade, SW., Washington DC 20447. Telephone William Riley, (202) 401-5529, James Gray, (202) 401-5705, Sunni Knight, (202) 401-5319 or Shena Williams, (202) 205-5932.

**Correction**

In the **Federal Register** issued December 13, 2001 (66 FR 64437), make the following correction. On page 64444, in the second column, under Lists of Attachments, please add the following language:

“Attachment F-1-SF 424 Application for Federal Assistance”

“Attachment F-2-SF 424 Budget Information—Non-Construction Programs”

Also, please add the attachments.

(Catalog of Federal Domestic Assistance number 93.592, Family Violence Prevention and Services)

Dated: December 13, 2001.

**Robert Mott,**

*Deputy Director.*

**BILLING CODE 4184-01-M**