

bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 24, 1998.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. *Alabama National BanCorporation*, Birmingham, Alabama; to merge with Community Financial Corporation, Mableton, Georgia, and thereby indirectly acquire Georgia State Bank, Mableton, Georgia.

Board of Governors of the Federal Reserve System, July 27, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98-20380 Filed 7-29-98; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The FTC has submitted to OMB for review and clearance under the Paperwork Reduction Act information collection requirements stemming from (1) a regulation that the Commission enforces and (2) a study to assess the effectiveness of Commission divestiture orders in merger cases. On May 13, 1998, the FTC solicited comments concerning these information collection requirements. No comments were received. The current Office of Management and Budget (OMB) clearances expire on July 31, 1998. The FTC proposes that OMB extend its

approval for the regulation an additional three years from clearance expiration and that approval for the divestiture order study be extended through December 31, 1999.

DATES: Comments must be submitted on or before August 31, 1998.

EFFECTIVE DATE: Send written comments to the Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10202, Washington, D.C. 20503, ATTN: Edward Clarke, Desk Officer for the Federal Trade Commission, and to Gary M. Greenfield, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 326-2753. All comments should be identified as responding to this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection requirements should be addressed to Gary M. Greenfield at the address listed above.

SUPPLEMENTARY INFORMATION: The FTC has submitted requests for OMB review of the two items described below. Further information concerning the entities subject to, and the burden estimates for, these requirements can be found at 63 FR 26607 (May 13, 1998). The relevant information collection requirements are as follows.

1. **The Telemarketing Sales Rule, 16 CFR Part 310 (OMB Control Number 3084-0097).**

Description of the information collection and proposed use: The Telemarketing Sales Rule implements the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101-6108 ("Telemarketing Act" or "the Act"). The Act seeks to prevent deceptive or abusive telemarketing practices. As specified by the Act, the Telemarketing Rule mandates certain disclosures regarding telephone sales and requires telemarketers to retain certain records regarding advertising, sales, and employees. The disclosures provide consumers with information necessary to make informed purchasing decisions. The records are to be made available for inspection by the Commission and other law enforcement personnel to determine compliance with the Rule.

Estimate of information collection annual hours burden: 2,301,000 hours.

The estimated recordkeeping burden is 50,000 hours for all industry members affected by the Rule. The estimated burden related to the disclosures that the Rule requires is 2,251,000 hours (rounded to nearest thousand) for all

affected industry members, for a total of 2,301,000 burden hours.

Recordkeeping: At the time the Commission issued the Rule, it estimated that during the initial and subsequent years after the Rule took effect, 100 new telemarketing entities per year would find it necessary to revise their practices to conform with the Rule and that it would take each such entity approximately 100 hours to develop a compliant recordkeeping system, for a total of 10,000 burden hours a year. The Commission received no comments of any kind in connection with this estimate when it was issued and this estimate continues to be appropriate. There is no reason to believe that the number of new entrants into the telemarketing field who find it necessary to revise their recordkeeping system as a result of the Rule's recordkeeping requirements has increased. Of the estimated 39,900 industry members who have already assembled and retained the required records in their recordkeeping systems, staff estimates that each member requires only one hour per year to file and store records required by the Rule. This estimate was rounded up to 40,000 hours. Therefore, the total yearly burden hours associated with the Rule's recordkeeping requirements is 50,000.

Disclosure: Staff previously calculated the burden associated with the Rule's disclosure requirements based primarily on the total number of telemarketing calls and the amount of time needed to make the required basic disclosures, as well as the number of calls resulting in sales and the amount of time needed to make the additional disclosures required before a customer pays for goods or services. While this methodology remains appropriate in large part, staff has determined that the resulting burden estimate substantially overstates the impact of the Rule unless the analysis is refined to take into account the number of firms that would make the required disclosures even in the absence of the Rule.

As noted above, the purpose of the Rule's disclosure provisions is to help prevent consumer injury from deceptive or abusive telemarketing practices by ensuring that telemarketers provide consumers with information they need to avoid being misled. In fact, however, the vast majority of telemarketing firms are legitimate businesses. Although telemarketing fraud causes significant harm to consumers—Congress has estimated that misrepresentations or material omissions in telemarketing sales presentations result in \$3 billion to \$40 billion annually in consumer injury—the harm caused by

telemarketing fraud remains a small fraction of the \$400 billion in total annual sales through telemarketing.

Staff believes that a substantial majority of telemarketers now make the disclosures required by the Rule in the ordinary course of business because doing so constitutes good business practice. To the extent this is so, the time and financial resources needed to comply with disclosure requirements do not constitute "burden." 16 CFR 1320.3(b)(2). Moreover, many state laws require the same or similar disclosures mandated by the Rule. Thus, the disclosure hours burden attributable solely to the Rule is far less than the total number of hours associated with the disclosure. Staff estimated that the disclosures required by the Rule would occur in at least 75 percent of telemarketing presentations even in the absence of the Rule. Accordingly, staff has determined that the hours burden estimate for the Rule's disclosure requirements is 25 percent of the total amount of hours associated with disclosures of the type required by the Rule. Staff previously estimated this total to be 9,003,000 hours. No comments were received refuting this estimate. The portion attributable to the Rule is accordingly 2,250,750 hours ($.25 \times 9,003,000$). For present purposes, this amount was rounded up to 2,251,000 hours.

Staff's basis for its underlying estimate of 9,003,000 total disclosure hours was derived as follows. In connection with issuing the Rule and obtaining OMB clearance, staff previously estimated that the 39,900 (rounded to 40,000) industry members make approximately 9 billion calls per year, or 225,000 calls per year per company. The Telemarketing Sales Rule provides that if an industry member chooses to solicit inbound calls from consumers by advertising media other than direct mail or by using direct mail solicitations that make certain required disclosures, that member is exempted from complying with other disclosures required by the Rule. Because the burden of complying with written disclosures is less than the burden of complying with the Rule's oral disclosure requirements, staff estimated that at least 9,000 firms will choose to adopt marketing methods that exempt them from the oral disclosure requirements.

In connection with issuing the Rule, staff estimated that it takes 7 seconds for telemarketers to disclose the required outbound call information orally. Staff also estimated that at least 60 percent of calls result in "hang-ups" before the seller or telemarketer can make all the

required disclosures. Staff estimated that "hang-up" calls last for only 2 seconds. Accordingly, staff estimated that the total amount of time associated with these initial disclosure requirements is approximately 250 hours per firm ($90,000$ non-hang up calls $(.40 \times 225,000) \times 7$ seconds per call + $135,000$ hang-up calls $(.60 \times 225,000) \times 2$ seconds per call). Thus, the total time expenditure for the 31,000 firms choosing marketing methods that require these oral disclosures is 7.75 million hours. When the Commission initially published this estimate, it received no comments and staff believes the estimate remains appropriate. Based on the assumption that no more than 25 percent of this time constitutes "burden" imposed solely by the Rules (as opposed to the normal business practices of most affected entities apart from the Rule's requirements), the burden subtotal attributable to the basis disclosure is 1,937,500 hours.

The Rule also requires additional disclosures before the customers pay for goods or services. Specifically, telemarketers must disclose the total cost of the offered goods or services; all material restrictions; and all material terms and conditions of the seller's refund, cancellation, exchange, or repurchase policies (if a representation about such a policy is a part of the sales offer). If a prize promotion is involved in connection with the sales of goods or services, the telemarketer must also disclose information about the non-purchase entry method for the prize promotion. Staff estimated that these disclosures take approximately 10 seconds. However, these disclosures are required only where a call results in a sale. Staff estimated that sales occur in the approximately 6 percent of telemarketing calls. Accordingly, the estimated amount of time for the disclosures is 17.5 hours per firm ($13,500$ calls resulting in a sale— $.06 \times 225,000$ — $\times 10$ seconds) or 1.163 million hours for the 31,000 firms choosing marketing methods that require oral disclosure. When the Commission initially published this estimate, it received no comments and staff believes the estimate remains appropriate. Based on the assumption that no more than 25 percent of this time constitutes "burden" imposed solely by the Rule, the burden subtotal attributable to these additional disclosures is 290,750 hours.

As noted, staff estimated that approximately 9,000 telemarketing firms will choose to use the written disclosure option. Firms choosing this option are likely to be those using written advertising materials. Thus, the burden of adding the required disclosures

should be minimal. Staff estimated that a typical firm will spend approximately 10 hours per year engaged in activities ensuring compliance with this provision of the Rule, for an estimated total burden of 90,000 hours for all 9,000 firms using written disclosure. When the Commission initially published this estimate, it received no comments and staff believes the estimate remains appropriate. Based on the assumption that no more than 25 percent of this time constitutes "burden" imposed solely by the Rule, the burden subtotal attributable to these written disclosures is 22,500 hours.

Estimate of information collection annual labor cost burden: \$34,361,250.

The estimated labor cost for recordkeeping is \$600,000. Assuming a cumulative burden of 10,000 hours/year to set up compliant recordkeeping systems, and applying to that a skilled labor rate of \$20/hour, set up costs would approximate \$200,000 annually for all new telemarketing entities. Staff also estimated that existing industry members require 40,000 hours to maintain compliance with the Rule's recordkeeping provisions. Using a clerical cost rate of \$10/hour, cumulative recordkeeping maintenance would cost approximately \$400,000 annually. The estimated labor cost for disclosure is \$33,761,250, based on an estimate of 2,250,750 disclosure burden hours and a wage rate of \$15/hour.

Estimate of information collection annual capital and operating cost burden: \$10,022,000.

Total capital and start up costs: Staff estimates that the capital and start up costs associated with the Telemarketing Sales Rule's information collection requirements are *de minimis*. The Rule's recordkeeping requirements mandate that companies maintain records but not in any particular form. While the recordkeeping requirements necessitate that the affected entity have some storage device, virtually every entity is likely already to possess the means to store the required records. Most entities keep the type of records required by the Rule in the ordinary course of business. Even assuming that an entity found it necessary to purchase a storage device, which could be as inexpensive as a cardboard box, the annual expenditure is likely to be very small when the cost of the device is annualized over its useful life. The Rule's disclosure requirements require no capital expenditures.

Total operation/maintenance/purchase of services costs: Affected entities need some storage media such as file folders, computer diskettes, or paper in order to comply with the Rule's

recordkeeping requirements. Although staff believes that most affected entities would maintain the required records in the ordinary course of business, staff estimated that the approximately 40,000 industry members affected by the Rules spend an annual amount of \$50 each on office supplies as a result of the Rule's recordkeeping requirements, for a total recordkeeping cost burden of \$2,000,000.

In connection with the Rule's disclosure requirements, telemarketing firms likely incur additional costs for telephone service, assuming that the firms spend more time on the telephone with customers as a result of the required disclosures. Staff believes that the hour burdens relating to the required oral disclosures amount to 8,913,000 hours (7.75 million initial disclosure hours + 1.163 million hours regarding sales). Assuming all calls to customers are long distance, at a commercial calling rate of 6 cents per minute (\$3.60 per hour), affected entities as a whole may incur up to \$32,086,800 in telecommunications costs as a result of the Rule's disclosure requirements. However, as noted above, only 25 percent of such disclosures constitute "burden." Accordingly, the adjusted oral disclosure cost burden is \$8,021,700, rounded to \$8,022,000.

As indicated previously, staff estimated that approximately 9,000 entities will choose to comply with the Rule through written disclosures. However, staff estimated that those companies incur no additional capital or operating expenses as a result of the Rule's requirements because they are likely to provide written information to prospective customers in the ordinary course of business and adding the required disclosures to that written information requires no supplemental expenditures.

Thus, the total estimated operating cost burdens associated with the Rule is \$10,022,000 (rounded to nearest thousand).

2. Study of the Effectiveness of Commission Divestiture Orders in Merger Cases (OMB Control Number 3084-0115)

Description of the information collection and proposed use: The Commission is directed to prevent "unfair methods of competition" under Section 5 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. 45, and is authorized to enforce the Clayton Act's proscriptions against anticompetitive mergers. 15 U.S.C. 18, 21. Under these authorities, the Commission examines proposed transactions to determine whether

anticompetitive effects are likely. If it has reason to believe that a transaction is unlawful, the Commission either seeks to enjoin the transaction or seeks a remedy that it believes will alleviate the likely anticompetitive effects.

When a proposed merger raises competitive concerns, it is sometimes the case that the problem arises in only a limited number of markets in which the parties compete, while the remainder of the proposed transaction poses no competitive harm. Thus, in 1978, the Commission began requiring respondents in certain merger cases with likely anticompetitive effects, as a condition for the Commission's decision not to oppose a transaction, to divest certain assets of business(es) in order to cure the competitive problem. The Commission requires that the divested assets or business(es) be commercially viable, and that the buyer of the assets or business(es) have the capability of competing effectively in the applicable market(s).

In 1995, the FTC's Bureau of Competition and Bureau of Economics undertook a pilot study to determine whether a more comprehensive study of these Commission divestiture orders would be feasible and productive. The staff concluded that further study is necessary to draw more general conclusions about the effectiveness of the Commission's divestiture process, as the circumstances surrounding the orders vary widely. OMB subsequently granted clearance of such an expanded study. Pursuant to that authority, FTC staff has interviewed numerous parties subject to divestiture orders ("respondents") and buyers of divested assets or businesses ("buyers"). As with the pilot study, the information that staff has obtained continues to offer important insights into the effectiveness of the divestiture process.

Accordingly, the Commission's Bureau of Competition and Bureau of Economics intend to continue to conduct interviews with respondents and buyers in order to complete their review of the 36 sample orders comprising the study. Thereafter, staff will interview third parties and solicit sales data from respondents and buyers. The objectives of the study continue to be to determine: (1) The effectiveness of Commission orders that seek to preserve or reestablish competition where the Commission required divestiture of certain assets; (2) the effect of certain provisions in Commission orders (e.g., length of time permitted for divestiture, "crown jewels" provisions, etc.) on the timeliness of divestitures and on the success of the business or assets divested; (3) the effect of the procedures

that respondents use to find a buyer on the timeliness of the divestitures and on the success of the business or assets divested; (4) the effect of the divestiture contract on the success of the divested business or assets; (5) the effect of the type of assets divested on the success of the divested business; (6) the effect of the type of buyer on the success of the divested business; and (7) the extent to which respondents fully complied with the requirements under the order.

Securing information about the success of divested businesses (or businesses that have acquired divested assets) will provide a better understanding of the kind of order provisions most likely to lead to successful divestitures in merger transactions. The survey is designed to expand the Commission's knowledge by eliciting information across a broad spectrum of industries. Such information will be used to enhance the effectiveness of Commission divestiture orders.

Estimate of information collection annual hours burden: 1,000 hours (rounded).

The information to be collected will be obtained by telephone interviews, document requests, and a questionnaire. Staff will conduct telephone interviews with respondents, buyers, and third parties (such as competitors, customers, and suppliers). The divestiture study includes a total of 51 divestitures arising out of 36 orders. Staff has already interviewed 32 buyers and 6 respondents; thus it will contact another 19 buyers and 30 respondents. It will also contact 153 third-parties (on average, three per divestiture) for a total of 202 remaining telephone interviews. All of the remaining interviews, like those already conducted, should take about 1.5 hours to complete, for a total burden estimate of approximately 303 hours.

After interviewing respondents and buyers, staff will ask them to submit certain existing financial documents for a five-year period beginning the year before the divestiture occurred. Staff will not request that any new documents be created. Because only documents already in existence will be requested, the anticipated burden of producing these documents will be minimal, approximately two hours per participant, for a total of 174 hours (51 buyers + 36 respondents = 87, $87 \times 2 = 174$).

Staff is also asking respondents and buyers to complete a two-question chart that requests sales in dollars and units of each product or asset that was the subject of the Commission's competitive concern in the case over a five-year

period beginning the year before the divestiture. Staff estimates that the burden on each participant to provide this information will be 4 hours, for a total of 348 hours (51 buyers + 36 respondents = 87, $87 \times 4 = 348$). The total cumulative burden of the document production and chart completion will be 522 hours (174+348). The estimated total burden for the entire study is therefore calculated to be 825 hours (303+522), which has been rounded to 1,000 hours to allow for small additions such as interviews with and follow-up document requests of subsequent buyers.

Estimate of information collection annual labor cost burden: \$75,000.

It is difficult to calculate reliably the costs associated with this information collection, as they entail varying compensation levels of executives, management, and/or support staff among many companies and various industries. Individuals among some or all of those labor categories may be involved in the information collection process. Nonetheless, assuming that responses to interviews, the questionnaire, and the document request are handled by executive and mid-management level personnel alone, and applying a blended average hourly compensation rate of \$75/hour for their labor, the total cost should not exceed \$75,000 (based on the upward rounding of estimated total hourly burden for the study).

Estimate of information collection annual capital and operating cost burden: None.

The data for the study are being collected in two principal ways. Staff is conducting telephone interviews and asking respondents and buyers to respond to a brief questionnaire and produce existing documents. None of these means of collecting information requires any capital expenditure. Interviews solely involve respondents and buyers making available one or more company officials for approximately 1½ hours. The questionnaires and document requests seek only information that the respondents and buyers maintain in the ordinary and usual course of their business. No additional cost burden is imposed.

Debra A. Valentine,
General Counsel.

[FR Doc. 98-20298 Filed 7-29-98; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Fleet Management Division; Cancellation of Standard Forms

AGENCY: Federal Supply Service,
General Services Administration.

ACTION: Notice.

SUMMARY: This notice announces the General Services Administration's intent to cancel the following Standard forms:

SF 149, U.S. Government National Credit Card, and SF 149A, U.S. Government Fleet Credit Card.

Both of these forms were replaced with a bank credit card.

DATES: Effective July 30, 1998.

FOR FURTHER INFORMATION CONTACT:

Mr. William Webster, Environmental and Legislation Branch (703) 305-6276. This contact is for information on the new fleet services credit card only.

Dated: July 20, 1998.

Barbara M. Williams,

*Deputy Standard and Optional Forms
Management Officer.*

[FR Doc. 98-20334 Filed 7-29-98; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

President's Committee on Mental Retardation; Meeting

AGENCY: President's Committee on
Mental Retardation.

TIME AND DATE: August 28, 1998, 8 a.m.-
2 p.m.

PLACE: Renaissance Mayflower Hotel,
1127 Connecticut Avenue, NW.,
Washington, DC. 20036.

STATUS: Full Committee Meetings are
open to the public. An interpreter for
the deaf will be available upon advance
request. All meeting sites are barrier
free.

MATTERS TO BE CONSIDERED: The
Committee plans to discuss critical
issues concerning Federal Policy,
Federal Research and Demonstration,
State Policy Collaboration, Minority and
Cultural Diversity and Mission and
Public Awareness, relating to
individuals with mental retardation.

The PCMR acts in an advisory
capacity to the President and the
Secretary of the U.S. Department of
Health and Human Services on a broad
range of topics relating to programs,
services, and supports for persons with

mental retardation. The Committee, by
Executive Order, is responsible for
evaluating the adequacy of current
practices in programs and supports for
persons with mental retardation, and for
reviewing legislative proposals that
impact the quality of life that is
experienced by citizens with mental
retardation and their families.

CONTACT PERSON FOR MORE INFORMATION:
Gary H. Blumenthal, 352-G Hubert H.
Humphrey Building, 200 Independence
Avenue, SW., Washington, DC. 20201-
0001; (202) 619-0634.

Dated: July 24, 1998.

John L. Pride,

Deputy Executive Director, PCMR.

[FR Doc. 98-20420 Filed 7-29-98; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N-0572]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Food and Drug Administration,
HHS.

ACTION: Notice.

SUMMARY: The Food and Drug
Administration (FDA) is announcing an
opportunity for public comment on the
proposed collection of certain
information by the agency. Under the
Paperwork Reduction Act of 1995 (the
PRA), Federal agencies are required to
publish notice in the **Federal Register**
concerning each proposed collection of
information and to allow 60 days for
public comment in response to the
notice. This notice solicits comments on
the proposed collection of information
concerning a pilot program in which
volunteers from the retail food industry
will use Hazard Analysis Critical
Control Point (HACCP) principles and
partner with interested regulatory
authorities in the program
implementation.

DATES: Submit written comments on the
collection of information by September
28, 1998.

ADDRESSES: Submit written comments
on the collection of information to the
Dockets Management Branch (HFA-
305), Food and Drug Administration,
5630 Fishers Lane, rm. 1061, Rockville,
MD 20852. All comments should be
identified with the docket number
found in brackets in the heading of this
document.