

The FTC's Bureau of Consumer Protection ("BCP") uses various telephone complaint hotlines and, alternatively, three different consumer complaint forms to handle consumer grievances: (1) The general [www.ftc.gov](http://www.ftc.gov)

complaint form (for other than identify theft complaints); (2) the [www.consumer.gov](http://www.consumer.gov) "Know Fraud" complaint form (essentially another way to access complaint form #1); and (3) the "Identity Theft On-Line Complaint

Form."<sup>4</sup> The forms' completion is wholly voluntary.

Burden estimates for these BCP programs is as follows:

*Annual hours burden:*

Activity	No. of respondents	No. of minutes/activity	Total hours
Miscell. and fraud-related consumer complaints (phone)* .....	325,000	4.5	24,375
Miscell. and fraud-related consumer complaints (online)** .....	105,000	5.0	8,750
IDT complaints (phone)* .....	300,000	8	40,000
IDT complaints (online)** .....	32,000	7.5	4,000
Customer Satisfaction Questionnaire .....	9,000	4.0	600
<b>Totals .....</b>	<b>771,000</b>		<b>77,725</b>

\*Number of consumer calls calculated by projecting over the 3-year clearance period sought 5% annual growth and a telephone contractor response rate of 95% (contracted level of service) with regard to consumers who call the toll free lines and opt to talk to a counselor.

\*\*Number of online collections projected from consumers who use the FTC's online complaint forms noted in the text above and in footnote 3. These figures also assume 5% annual growth over the 3-year clearance period requested.

*Annual cost burden:* The cost per respondent should be negligible. Participation is voluntary, and will not require any labor expenditures by respondents. There are no capital, start-up operation, maintenance, or other similar costs to the respondents.

**William E. Kovacic,**  
*General Counsel.*  
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**FEDERAL TRADE COMMISSION**

**Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section

7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of the action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
<b>Transactions Granted Early Termination—04/01/2002</b>			
20020608	SPC Partners II, L.P .....	Santiago Aguerre .....	South Cone, Inc.
20020609	SPC Partners II, L.P .....	Fernando Aguerre .....	South Cone, Inc.
<b>Transactions Granted Early Termination—04/02/2002</b>			
20020560	Biovail Corporation .....	Merck & Co., Inc .....	Merck & Co., Inc.
20020573	Investment Technology Group, Inc .....	Hoenig Group, Inc .....	Hoenig Group, Inc.
20020581	MSC. Software Corporation .....	Mechanical Dynamics, Inc .....	Mechanical Dynamics, Inc.
20020594	Planar Systems, Inc .....	DOME imaging systems, inc .....	DOME imaging systems, inc.
<b>Transactions Granted Early Termination—04/05/2002</b>			
20020525	Andrew Corporation .....	Celiant Corporation .....	Celiant Corporation
20020531	Newell Rubbermaid Inc .....	Allen D. Petersen .....	American Tool Companies, Inc.
20020579	Nucor Corporation .....	The LTV Corporation (Debtor-in-Possession).	Trico Steel Company L.L.C.
20020592	Hubbell Incorporated .....	U.S. Industries, Inc .....	Dual-Lite Inc. LCA Group Inc.
20020607	Intelsat, Ltd .....	Lockheed Martin Corporation .....	COMSAT Corporation. COMSAT Digital Teleport, Inc.
20020611	Cadbury Schweppes plc .....	Ocean Spray Cranberries, Inc .....	Nantucket Allserve, Inc.
20020612	Charlesbank Equity Fund V. Limited Partnership.	Casual Male Corp .....	Casual Male Corp.
20020615	LGB Pike Trust .....	Joe B. Pike .....	Pike Equipment and Supply Company.

<sup>4</sup> The burden calculations for these online options also include related variations, which comprise the same basic "collection of information": (1) Spanish language versions also available at [www.ftc.gov](http://www.ftc.gov), (2)

the [www.econsumer.gov](http://www.econsumer.gov) complaints form, but only with regard to complaints from U.S. or foreign consumers regarding U.S. companies, and (3) the FTC's planned [www.sentinel.mil](http://www.sentinel.mil) link for consumer

complaints from U.S. military personnel as part of a joint initiative with the Department of Defense.

Trans #	Acquiring	Acquired	Entities
20020617	Alltrista Corporation .....	Bligh Limited .....	Tilia Canada, Inc. Tilia International, Inc. Tilia, Inc.
20020620	Fox Paine Capital Fund, L.P .....	Duke Energy Corporation .....	The HENS Companies.
20020621	Duke Energy Corporation .....	Fox Paine Capital Fund, L.P .....	The HENS Companies.
20020622	Launchworks, Inc .....	Viasource Communications, Inc .....	Viasource Communications, Inc.
20020624	On Assignment, Inc .....	Health Personnel Options Corporation .....	Health Personnel Options Corporation.

**Transactions Granted Early Termination—04/08/2002**

20020543	Identix Incorporated .....	Visionics Corporation .....	Visionics Corporation.
20020599	Tricon Global Restaurants, Inc .....	Yorkshire Global Restaurants, Inc .....	Yorkshire Global Restaurants, Inc.
20020623	Avanex Corporation .....	Oplink Communications, Inc .....	Oplink Communications, Inc.

**Transactions Granted Early Termination—04/10/2002**

20020552	Philip F. Anschutz .....	Edison International .....	Southern California Edison Company.
20020613	Cleco Corporation .....	Mirant Corporation .....	Perryville Energy Partners, L.L.C.
20020619	The Reader's Digest Associates, Inc .....	Madison Dearborn Capital Partners II, L.P .....	Reiman Holding Company, LLC.

**Transactions Granted Early Termination—04/12/2002**

20020634	Don Tyson .....	Millard Refrigerated Services, Inc .....	Millard Refrigerated Services, Inc.
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**FOR FURTHER INFORMATION CONTACT:**  
Sandra M. Peay, or Chandra L. Kennedy,  
Contact Representatives.

Federal Trade Commission, Premerger  
Notification Office, Bureau of  
Competition, Room 303, Washington,  
DC 20580. (202) 326-3100.

By Direction of the Commission.

**Donald S. Clark,**  
Secretary.

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**FEDERAL TRADE COMMISSION**

[File No. 011 0094]

**Biovail Corporation; Analysis To Aid  
Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before May 23, 2002.

**ADDRESSES:** Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW, Washington, DC 20580. Comments filed in electronic form should be directed to:

*consentagreement@ftc.gov*, as prescribed below.

**FOR FURTHER INFORMATION CONTACT:**  
Joseph Simons or Bradley Albert,  
Bureau of Competition, 600  
Pennsylvania Avenue, NW, Washington,  
DC 20580, (202) 326-3300 or 326-3670.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and Section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC home page (for April 23, 2002), on the World Wide Web, at "<http://www.ftc.gov/os/2002/04/index.htm>." A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW, Washington, DC 20580. If a comment contains nonpublic information, it must be filed in paper form, and the first page

of the document must be clearly labeled "confidential." Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to email messages directed to the following e-mail box: *consentagreement@ftc.gov*. Such comments will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 CFR 4.9(b)(6)(ii).

**Analysis To Aid Public Comment**

The Federal Trade Commission has accepted for public comment an agreement and proposed consent order with Biovail Corporation, settling charges that Biovail illegally acquired an exclusive patent license and wrongfully listed that patent with the U.S. Food and Drug Administration. The Commission has placed the proposed consent order on the public record for thirty days in order to receive comments by interested persons. The proposed consent order has been entered into for settlement purposes only and does not constitute an admission by Biovail Corporation that it violated the law or that the facts alleged in the complaint, other than the jurisdictional facts, are true.

**Background**

Biovail Corporation is a Canadian manufacturer of branded and generic pharmaceutical products, including Tiazac. Tiazac, a once-a-day diltiazem-based prescription drug that is at issue in this case, is used to treat high blood pressure and to decrease the occurrence