

*Estimated total annual hours burden:* 3,094,000 hours (rounded up to the nearest thousand).

In its 2000 PRA notice and submission to OMB regarding the Rule, FTC staff estimated that 45,919 established companies each spend an average of 50 hours per year on compliance with the Rule, and that approximately 1,985 new industry entrants spend an average of 230 hours (an industry estimate) for compliance measures associated with start-up.<sup>2</sup> 65 FR 77031 (December 8, 2000). Thus, the total estimated hours burden was 2,753,000 hours, rounded up to the nearest thousand [(45,919 × 50 hours) + (1,985 × 230 hours)].

No provisions in the Rule have been amended or changed since staff's prior submission to OMB. Thus, the Rule's disclosure and notification requirements remain the same. Since then, however, the number of businesses engaged in the sale of merchandise by mail or by telephone has increased. Based on the U.S. Department of Commerce 2002 Statistical Abstract,<sup>3</sup> approximately 53,600 establishments are now subject to the Rule. The staff attributes much of this growth to brick-and-mortar retailers expanding into electronic shopping, and the continued entry of "dot.com" merchants into the retail industry.

Conversely, based on the 2002 Statistical Abstract data, staff is reducing its estimate of new businesses per year from 1,985 to 1,800. Thus, the current total of affected entities is approximately 55,400 (established and new businesses).

Accordingly, staff estimates total industry hours to comply with the MTOR is 3,094,000 hours [(53,600 × 50 hours) + (1,800 × 230 hours)].

This is a conservative estimate. Arguably much of the estimated time burden for disclosure-related compliance would be incurred even absent the Rule. Industry trade associations and individual witnesses have consistently taken the position that compliance with the MTOR is widely regarded by direct marketers as being good business practice. The Rule's notification requirements would be followed in any event by most merchants to meet consumer expectations regarding timely shipment, notification of delay, and prompt and

full refunds. Providing consumers with notice about the status of their orders fosters consumers loyalty and encourages repeat purchases, which are important to direct marketers' success. Thus, it appears that much of the time and expense associated with Rule compliance may not constitute "burden" under the PRA<sup>4</sup> although the above estimates account for it as such.

The mail-order industry has been subject to the basic provisions of the Rule since 1976 and the telephone-order industry since 1994. Thus, businesses have had several years (and some have had decades) to integrate compliance systems into their business procedures. Since staff's preceding PRA submission to OMB for the Rule, many businesses have upgraded the information management systems they need, in part, to comply with the Rule, and to track orders more effectively. These upgrades, however, were needed to deal with growing consumer demand for merchandise resulting, in part, from increased public acceptance of making purchases over the telephone and, more recently, the Internet.

Accordingly, most companies now maintain records and provide updated order information of the kind required by the Rule in their ordinary course of business. Nevertheless, staff continues to conservatively assume that the time devoted to compliance with the Rule by existing and new companies remains unchanged from its preceding estimate.

*Estimated labor costs:* \$51,825,000, rounded to the nearest thousand.

Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. According to the 2002 Statistical Abstract, average payroll for "electronic shipping and mail order houses," "direct selling establishments," and "other direct selling establishments" rose from \$14.41 per hour in 1999 to \$15.19 per hour in 2000, an increase of \$0.78 per hour. Assuming average payroll continued to increase \$0.78 per hour per year, average payroll in 2002 would have reached \$16.75 per hour. Because the bulk of the burden of complying with the MTOR is borne by clerical personnel, staff believes that the average hourly payroll figure for electronic shipping and mail order houses and direct selling establishments is an appropriate measure of a direct marketer's average labor cost to comply with the Rule. Thus, the total annual labor cost to new and established

businesses in 2002 for MTOR compliance is approximately \$51,825,000 (3,094,000 hours × \$16.75/hr.). Relative to direct industry sales, this total is negligible.<sup>5</sup>

*Estimated annual non-labor cost burden:* \$0 or minimal.

The applicable requirements impose minimal start-up costs, as businesses subject to the Rule generally have or obtain necessary equipment for other business purposes, *i.e.*, inventory and order management, and customer relations. For the same reason, staff anticipates printing and copying costs to be minimal, especially given that telephone order merchants have increasingly turned to electronic communications to notify consumers of delay and to provide cancellation options. Staff believes that the above requirements necessitate ongoing, regular training so that covered entities stay current and have a clear understanding of federal mandates, but that this would be a small portion of and subsumed within the ordinary training that employees receive apart from that associated with the information collected under the Rule.

**William E. Kovacic,**

*General Counsel.*

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## FEDERAL TRADE COMMISSION

### Granting of Request for Early Termination of the Waiting period Under Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, is added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give 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 this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the

<sup>2</sup> Most of the estimated start-up time relates to the development and installation of computer systems geared to more efficiently handle customer orders.

<sup>3</sup> Statistical Abstract of the United States, 122nd edition, 2002, U.S. Department of Commerce, Economics and Statistics Administration, Table 1000, "Retail Trade—Establishments, Employees and Payroll: 1999 and 2000." This is the most recent edition currently available.

<sup>4</sup> Under the OMB regulation implementing the PRA, burden is defined to exclude any effort that would be expended regardless of any regulatory requirements. 5 CFR 1320.3(b)(2).

<sup>5</sup> Projecting sales for "electronic shopping and mail-order houses," "direct selling establishments," and "other direct selling establishments" (according to the 2002 Statistical Abstract) to all merchants subject to the MTOR, staff estimates that total direct sales to consumers in 2002 to have been \$124.88 billion. Thus, the labor cost for compliance by existing and new businesses in 2002 would have amounted to .042% of sales.

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.

## TRANSACTION GRANTED EARLY TERMINATION

ET date	Trans No.	ET req status	Party name
25-AUG-03 .....	20030875	G	Euro-Pro Holdings LLC
		G	Mark Rosenzweig
		G	Euro-Pro Corporation
		G	Omega Sewmac, Inc.
		G	Stanro-EP Corp.
	20030878	G	Fast Retailing Co., Ltd.
		G	Andrew Rosen
		G	Theory California Holding Inc.
		G	R&T LLC
		G	Theory Retail Holding LLC
		G	Theory International, LLC
		G	Theory LLC
	20030879	G	Fast Retailing Co., Ltd.
		G	Elie Tahari
		G	Theory California Holding Inc.
		G	R&T LLC
		G	Theory International, LLC
		G	Theory Retail Holding LLC
		G	Theory LLC
	20030880	G	Contech Holdings Corporation
		G	Kirtland Capital Partners III L.P.
		G	PDM Bridge, LLC
	20030891	G	Jarden Corporation
		G	American Manufacturing Corporation
		G	Lehigh Consumer Products Corporation
	20030892	G	Alloy, Inc.
		G	dELiA*s Corp.
		G	dELiA*s Corp.
	20030894	G	Tellium, Inc.
		G	Zhone Technologies, Inc.
		G	Zhone Technologies, Inc.
26-AUG-03 .....	20030708	G	KAP Global Publishers, S.A.
		G	Mr. Reinhard Mohn.
		G	City Data GmbH.
	20030866	G	Clay M. Biddinger.
		G	Comidisco Holding Company, Inc.
		G	Comidisco, Inc.
	20030889	G	Arsenal Capital Partners Qualified Purchaser Fund LP.
		G	Cambrex Corporation.
		G	CasChem, Inc.
		G	Heico Chemicals, Inc.
		G	Nepera, Inc.
		G	Nepcam, Inc.
		G	Zeeland Chemicals, Inc.
27-AUG-03 .....	20030843	G	UniFirst Corporation.
		G	Textilease Corporation.
		G	Textilease Corporation.
28-AUG-03 .....	20030872	G	Eastman Kodak Company.
		G	PracticeWorks, Inc.
		G	PracticeWorks, Inc.
29-AUG-03 .....	20030882	G	Thomson, S.A.
		G	Thomson, S.A.
		G	Technicolor Digital Cinema, LLC.
	20030893	G	Interwoven, Inc.
		G	iManage, Inc.
		G	iManage, Inc.
	20030899	G	Michael Watts and Cynthia Watts.
		G	Michael Watts and Cynthia Watts.
		G	Sunstate Equipment Co., LLC.
	20030901	G	Vestar-AIV Holdings A L.P.
		G	FL Selenia S.a.r.l.
		G	FL Selenia S.p.A.
03-SEP-03 .....	20030796	G	Bain Capital Fund VII, L.P.
		G	Linsalata Capital Partners Fund III, L.P.
		G	Alpha Shirt Holdings, Inc.
	20030888	G	Patterson Dental Company
		G	AbilityOne Products Corporation

## TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
09-SEP-03 .....	20030897	G	AbilityOne Products Corporation
		G	Mr. Robert Mathys, Jr.
		G	Synthes-Stratec, Inc.
03-SEP-03 .....	20030900	G	Synthes-Stratec, Inc.
		G	New SAC
		G	Business Objects, S.A.
03-SEP-03 .....	20030902	G	Business Objects, S.A.
		G	Amcor Limited
		G	Rexam PLC
03-SEP-03 .....	20030910	G	Rexam Healthcare Flexibles, Inc.
		G	Cascades, Inc.
		G	Edward P. Fitts, Jr.
03-SEP-03 .....	20030911	G	Dopaco, Inc.
		G	Susquehanna Pfaltzgraff Co.
		G	RCN Corporation
03-SEP-03 .....	20030912	G	RCN Telecom Services, Inc.
		G	Delta Apparel, Inc.
		G	M.J. Soffe Co.
03-SEP-03 .....	20030914	G	M.J. Soffe Co.
		G	Rayovac Corporation
		G	Ellen Kiam
03-SEP-03 .....	20030915	G	Remington Products Company, LLC
		G	Leucadia National Corporation
		G	WilTel Communications Group, Inc.
03-SEP-03 .....	20030924	G	WilTel Communications Group, Inc.
		G	FMR Corp.
		G	International Business Machines Corporation
03-SEP-03 .....	20030925	G	International Business Machines Corporation
		G	Koyo Seiko Co., Ltd.
		G	Northrop Grumman Corporation
03-SEP-03 .....	20030929	G	TRW Koyo Steering Systems Company
		G	RFE Investment Partners VI, L.P.
		G	MSP Holding LLC
11-SEP-03 .....	20030903	G	McKenzie Sports Products, Inc.
		G	Crunch Equity Holding, LLC
		G	Hicks, Muse, Tate & Furst Equity Fund V, L.P.
11-SEP-03 .....	20030926	G	Pinnacle Foods Holdings Corporation
		G	McDATA Corporation
		G	Sanera Systems, Inc.
11-SEP-03 .....	20030928	G	Sanera Systems, Inc.
		G	Nabco Ltd.
		G	Teijin Limited
15-SEP-03 .....	20030913	G	Teijin Seiki Co., Ltd.
		G	TECO Energy, Inc.
		G	TECO Energy, Inc.
15-SEP-03 .....	20030918	G	Panda Development Corporation
		G	PLC Development Holdings, LLC
		G	GTCR Fund VIII, L.P.
15-SEP-03 .....	20030931	G	TECO Energy, Inc.
		G	Hardee Power Partners, Limited
		G	Wendy's International, Inc.
15-SEP-03 .....	20030933	G	Orlando Foods, Ltd.
		G	Orlando Foods, Ltd.
		G	LandAmerica Financial Group, Inc.
15-SEP-03 .....	20030934	G	Lereta Corp.
		G	Lereta Corp.
		G	H&R Block, Inc.
15-SEP-03 .....	20030939	G	Monte C. and Viola S. Nelson, Husband and Wife
		G	Block Mountain West, Inc.
		G	DLJ Merchant Banking Partners, III L.P.
15-SEP-03 .....	20030940	G	Kenneth R. Thomson
		G	Thomson Healthcare, Inc.
		G	Fiserv, Inc.
15-SEP-03 .....	20030943	G	Mason Wells Leveraged Buyout Fund I, Limited Partnership
		G	GAC Holdings Corporation
		G	SKM Equity Fund III, L.P.
15-SEP-03 .....	20030945	G	Pfingsten Executive Fund II, L.P.
		G	Norcraft Companies, L.L.C.
		G	CAR Acquisition Company LLC
		G	ANC Rental Corporation
		G	ANC Rental Corporation

## TRANSACTION GRANTED EARLY TERMINATION—Continued

ET date	Trans No.	ET req status	Party name
15-SEP-03 .....	20030948	G	His Highness General Sheikh Mohammed bin Rashid Al Maktoum
		G	Mariner Health Care, Inc.
		G	MHC/LCA Florida, Inc.
		G	Mariner Health Care of Palm City, Inc.
		G	Mariner Health Care of Pinellas Point, Inc.
		G	Mariner Health of Orlando, Inc.
		G	Tampa Medical Associates, Inc.
		G	Mariner Health of Jacksonville, Inc.
		G	Mariner Health of Florida, Inc.
		G	Mariner Health at Bonifay, Inc.
		G	Mariner Health Properties IV, Ltd.
		G	Mariner Health of Palmetto, Inc.
		G	Mariner Health Care of Atlantic Shores, Inc.
		G	Mariner Health Care of MacClenny, Inc.
		G	Mariner Health Care of Inverness, Inc.
16-SEP-03 .....	20030908	G	Mariner Health Care of Metrowest, Inc.
		G	Mariner Health Care of Tuskawilla, Inc.
		G	MHC/CSI Florida, Inc.
		G	Mariner Health Care of Lake Worth, Inc.
		G	Mariner Health Care of Port Orange, Inc.
		G	Mariner Health Care of Orange City, Inc.
		G	Getinge AB
		G	Siemens Aktiengesellschaft
		G	ServoCare Systems AB
		G	SBA Life Supporting Systems S.p.A.

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay, Contact Representative, or Renee Hallman, Legal Technician, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day-04-02]

#### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and

instruments, call the CDC Reports Clearance Officer on (404) 498-1210.

Comments are invited 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) ways to enhance 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. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

*Proposed Project:* Childhood Lead Poisoning Prevention Program Quarterly Report (OMB No. 0920-0282)—Renewal—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Lead poisoning is the most common and societally devastating environmental disease of young children in the United States. The adverse health effects of lead on young children can be profound. Severe lead

exposure can cause coma, convulsions, and even death. Lower levels of lead, which rarely cause symptoms, can result in decreased intelligence, developmental disabilities, behavioral disturbances, and disorders of blood production. In 1992, the Centers for Disease Control and Prevention (CDC) began the National Childhood Lead Surveillance Program at the National Center for Environmental Health (NCEH). The goals of the childhood lead surveillance program are to: (1) Establish childhood lead surveillance systems at the state and national levels; (2) use surveillance data to estimate the extent of elevated blood-lead levels among children; (3) assess the follow-up of children with elevated blood-lead levels; (4) examine potential sources of lead exposure; and (5) help allocate resources for lead poisoning prevention activities.

The quarterly report is designed to collect blood lead screening and test confirmation data from CDC-funded programs. The quarterly report consists of four data tables requiring the following information: (1) The number of children screened by age and Medicaid enrollment status; (2) the number of children screened and confirmed by blood lead level; (3) the number of children screened by ethnicity; and (4) the number of children screened by race.