

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

Information in these records may be used to:

(1) Provide information or records to any appropriate governmental department or agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order, policy, or license;

(2) Provide the Federal Financial Regulatory Agencies and FinCEN with information relevant to their operations;

(3) Disclose information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(4) Disclose information, when appropriate, to foreign governmental authorities in accordance with law, and formal or informal international agreements;

(5) Disclose certain records, in the event of litigation or enforcement action, to the appropriate court, magistrate, or administrative tribunal; or to counsel or witnesses for the presentation of evidence in the course of discovery, to the extent permitted by law; and

(6) With regard to formal or informal enforcement actions, release information pursuant to 12 U.S.C. 1818(u), which requires the Board to publish and make available to the public final orders and written agreements, and modifications thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

The records will be maintained in electronic data processing systems and in paper and card files.

RETRIEVABILITY:

Computer output, file folders, and card files are retrievable by indexes of data fields, including name of financial institution, Federal Reserve Bank District, and individuals' names.

SAFEGUARDS:

Paper records and word processing discs are stored at the Board in lockable metal file cabinets. The database maintained by FinCEN complies with applicable security requirements of the Department of the Treasury. On-line access to the information in the database is limited to authorized individuals who have been designated by each Federal Financial Regulatory Agency and

FinCEN, and each such individual has been issued a nontransferable identifier or password.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER AND ADDRESS:

Deputy Associate Director (Enforcement and Special Investigations and Examinations Sections), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551, (202) 452-2620.

NOTIFICATION PROCEDURES:

Inquiries should be sent to the Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW, Washington, DC 20551.

RECORD ACCESS PROCEDURES:

Same as "Notification procedure" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification procedure" above.

RECORD SOURCE CATEGORIES:

Information received by the Board from various sources, including, *inter alia*, law enforcement and other agency personnel involved in sending inquiries to the Board, documents received by the Board in the course of executing the Board's supervisory responsibilities, and reports and forms filed by individuals to whom the records pertain. The information maintained by FinCEN is compiled from SAR and related historical and updating forms compiled by financial institutions, the Board, and the other Federal Financial Regulatory Agencies for law enforcement purposes.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

By order of the Board of Governors of the Federal Reserve System, August 22, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95-21178 Filed 8-24-95; 8:45 am]

BILLING CODE 6210-01-P

ACTION: Notice of application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501-3520) for clearance of information collection requirements contained in twenty-four regulations issued or enforced by the Commission. The Commission is also applying to OMB for clearance of information collection requirements imposed during the performance of administrative or procedural tasks.

SUMMARY: The FTC is seeking OMB clearance for provisions of several regulations, issued or enforced by the Commission, that contain or may contain requirements for the collection of information under the Paperwork Reduction Act ("PRA"). The Paperwork Reduction Act has been amended to redefine "collection of information" to include "disclosure to third parties or the public." This amendment serves to overturn the Supreme Court decision in *Dole v. United Steelworkers of America*, 494 U.S. 26 (1990), which held that such disclosures were not subject to the PRA.

In light of the amendment, the FTC is seeking to modify current OMB clearances by revising its estimates of burdens to include provisions requiring disclosures to consumers or other third parties. The FTC is also seeking approval for other disclosure requirements contained in rules that do not have current OMB clearance. Further, some requests for clearance include recordkeeping and reporting requirements.

The FTC is also seeking OMB clearance for information collection requests imposed during the performance of administrative or procedural tasks. This information is submitted voluntarily to the Commission by persons who wish to do business with or receive some benefit from the agency. Because of the limited burden imposed, these requests have been combined into a single item. See item number 25, *infra*.

Expansion of the PRA to include disclosure requirements has substantially increased the reportable burden hours attributable to the regulations enforced by the Commission. Disclosure requirements specifically mandated by Congress account for much of this increase. Of the twenty-four regulations addressed by this notice of application, eleven entail burden estimates associated with statutorily required disclosure provisions. For example, the Truth-in-Lending, Textile Act, and Fair Packaging Regulations all involve large burden estimates, totaling approximately 69 million burden hours.

FEDERAL TRADE COMMISSION

Paperwork Reduction Act Applications

AGENCY: Federal Trade Commission.

Much of this burden reflects statutory provisions that require the disclosure of such basic consumer information as the annual percentage interest rate charged on loans, the composition of clothing and other textile items, and the size and content of packaged products. While the burden imposed on any individual party is often quite small (sometimes measured in seconds), the number of affected parties is often very high (sometimes measured in millions), and the total burden is therefore large. See *e.g.*, the Regulations implementing the Equal Credit Opportunity Act, the Electronic Fund Transfer Act, and the Consumer Leasing Act.

Additionally, the burden estimates in this application are larger than in the past because the Commission is seeking clearance for certain statutory recordkeeping and reporting requirements that were not previously submitted to OMB. Examples include the regulations under the Textile, Wool, and Fur Acts, totaling approximately 1,500,000 burden hours.

At this time, the Commission is seeking clearance for all statutory mandated "collections of information" contained in its rules. Individual Supporting Statements that detail each burden estimate and affected entities have been provided to OMB for review. Copies of these Supporting Statements may be obtained in the Public Reference Section, Room 130, Federal Trade Commission.

DATES: Comments on this application must be submitted on or before September 25, 1995.

ADDRESSES: Send comments both to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, ATTN: Desk Officer for the Federal Trade Commission, and to the Office of the General Counsel, Federal Trade Commission, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Elaine W. Crockett, Attorney, Office of General Counsel, Federal Trade Commission, Washington, DC 20580 (202)-326-2453.

SUPPLEMENTARY INFORMATION:

The following rules will be affected:

1. The Games of Chance Rule, 16 CFR part 419, establishes both recordkeeping and disclosure requirements for food and gasoline retailers in conducting and advertising games of chance. The Rule requires that games promoters retain records showing compliance with certain provisions, and identify winners, prizes, and number of game

pieces. The recordkeeping requirements assist in the enforcement of the Rule.

The Rule also requires that games promoters disclose the odds-of-winning and other prize information in broadcast and print advertisements. Promoters must also post a winners' list, containing the names and addresses of winners, the prizes won, and the number of game pieces. The disclosure requirements assist customers in determining both the likelihood of winning prizes and the legitimacy of the game.

Estimate of Information Collection Burden. The FTC has current OMB approval of 4,500 hours relating to the Rule's recordkeeping provisions (control number 3084-0067). The FTC is seeking approval to add 3,750 burden hours relating to disclosure requirements, for a total burden of 8,250 hours.

Approximately 30 independent firms contract to conduct an average of 50 promotions per year. Most of these firms already calculate the information required by the Rule in the ordinary course of business in order to determine the contract price to charge the client for the game and to protect the integrity of the game if it is challenged by a private legal action. Accordingly, the FTC estimates that the additional burden of disclosing this information to third parties is approximately 2.5 hours per promotion, for an additional total burden of 3,750 hours.

Disclosures: Approximately 30 game promoters conduct an average of 50 games per year at an average burden of 2.5 hours.

2. The Funeral Rule, 16 CFR part 453, prohibits as unfair or deceptive acts or practices a variety of misrepresentations and other practices in the sale of funeral goods and services. The Rule requires funeral providers to give to consumers lists that display prices for individual funeral goods and services (such as the price for embalming or the price for use of funeral home facilities during the funeral ceremony) and a statement showing the items that were actually purchased by the consumer. The price lists and statements also contain several disclosures about basic funeral-related legal requirements. The disclosure requirements enable consumers to make reasoned purchasing decisions.

Funeral providers must also retain copies of the price lists and the "statements of goods and services selected" for a one-year period. These recordkeeping requirements assist the Commission in the enforcement of the Rule.

Estimate of Information Collection Burden. The FTC has current OMB approval for 21,000 hours relating to

recordkeeping provisions (control number 3084-0025). The FTC seeks to modestly adjust the recordkeeping burden estimate to 22,300 hours and to add 54,050 burden hours relating to disclosure requirements, for a total burden of 76,350 hours.

The recordkeeping estimate is consistent with the 1988 estimate for recordkeeping hours. Much of this information is already kept during the ordinary course of business for tax purposes or other business reasons. While the precise amount of time needed to retain the records required by the Rule would vary from one funeral provider to another, the incremental time attributed to the Rule should not exceed an average of one hour per funeral provider per year.

The disclosure estimate is based on the amount of time required to update price lists as services or prices change. This amount of time would also vary from one funeral provider to another; however, the FTC estimates that an average of 2 hours per funeral provider per year would be necessary to comply with these disclosure requirements.

Recordkeeping: Approximately 22,300 funeral providers retain required records at an average burden of 1 hour per year. **Disclosures:** Funeral providers disclose required information to customers at an average burden of 2 hours per year.

3. The Equal Credit Opportunity Act ("ECOA"), 15 U.S.C. 1691 *et seq.*, prohibits discrimination in the extension of credit on the basis of sex, marital status, race, color, religion, national origin, age, derivation of income from a public assistance program, or good faith exercise of any right under the Consumer Credit Protection Act. Regulation B, 12 CFR part 202, promulgated by the Board of Governors of the Federal Reserve System, implements the ECOA. Among other things, § 202.12 of Regulation B requires creditors to retain records relating to consumer credit applications for 25 months, and records of business credit applications for 12 months. Section 202.13 of Regulation B requires creditors that receive mortgage credit applications to record the applicant's race or national origin, sex, marital status, and age. These requirements assist in enforcement of the Act and implementing Regulation.

Regulation B also has two primary disclosure provisions, both of which are statutorily required. First, creditors are required to provide applicants with information about adverse credit actions. 15 U.S.C. 1691(d). Second, creditors are required to provide notification to mortgage credit

applicants concerning appraisal reports. 15 U.S.C. 1691(e). These disclosure requirements assist consumers in understanding their rights under the ECOA. They also assist the Commission in detecting unlawful discrimination.

Estimate of Information Collection Burden. The FTC has current OMB approval for 1,004,000 hours relating to recordkeeping provisions and requirements to collect information about an applicant's race/national origin, sex, age, and marital status (control number 3084-0087). The FTC is seeking approval to add 13,400,000 hours relating to disclosure requirements, for a total burden of 14,400,000 hours.

In 1988, the FTC estimated Regulation B's recordkeeping burden to be 1,000,000 hours. At that time, the FTC also allocated 4,000 hours to collecting information about race/national origin, sex, age, and marital status. The FTC is now recalculating the burden estimate for this requirement. The credit industry has experienced significant growth in recent years and the FTC now estimates that approximately 4,000 creditors are subject to this requirement and that approximately 4 million credit applications are affected by this requirement. Because Regulation B contains a model form that creditors may use to collect the information, staff estimates that the burden associated with this recordkeeping requirement is no more than one minute for each application for a burden total of 66,700 hours.

The disclosures which account for the additional hours are all specifically mandated by the ECOA. Approximately 1 million creditors are subject to the requirement to provide notice of adverse credit action and 200 million accounts are covered by this requirement. Because the Regulation provides model forms for these notices, the burden of providing notice of adverse action is estimated to be 4 minutes for each application, for a burden total of 13.3 million hours.

The other disclosure requirement under Regulation B involves providing appraisal reports to consumers. The FTC estimates that 4,000 creditors and 4 million mortgage credit applications are subject to this requirement. Because creditors have the option to include the required notice on other forms that would be provided to the consumer during the ordinary course of business, the additional burden of making this disclosure is estimated to be 15 seconds for each application, for a total burden estimate of 16,666 hours.

Disclosures: Approximately 4,000 mortgage credit firms collect

information about approximately 4 million credit applications at a burden estimate of 1 minute per collection. Approximately 1 million credit firms provide notices of adverse action to approximately 200 million accounts per year at an average burden estimate of 15 seconds per notice. Approximately 4,000 mortgage credit firms provide notices concerning approximately 4 million applications at an average burden of 15 seconds per notice.

4. The Electronic Fund Transfer Act, 15 U.S.C. 1693 *et seq.* ("EFTA"), requires accurate disclosure of the costs, terms and rights relating to electronic fund transfer (EFT) services to consumers. Regulation E, promulgated by the Board of Governors of the Federal Reserve System, implements the EFTA. Regulation E contains several disclosure requirements relating to the terms and conditions of electronic fund transfers services. For example, among other disclosures, Regulation E requires financial institutions to (1) make initial disclosures to a customer about the terms and conditions of electronic fund transfer accounts; (2) deliver written notices concerning changes in certain terms or conditions in the customer's account; and (3) send periodic statements to customers concerning any account to or from which electronic fund transfers can be made. The disclosure requirements of Regulation E assist consumers in assessing the costs and terms of EFT services.

The vast majority of Regulation E's disclosure requirements are expressly mandated by the EFTA. See, *e.g.*, consumer liability for unauthorized use, 15 U.S.C. 1693g; initial disclosures, 15 U.S.C. 1693c(a); and documentation of transfers and receipts.

Estimate of Information Collection Burden. The FTC has current OMB approval for 500,000 hours relating to recordkeeping provisions (control number 3084-0085). The FTC is seeking approval to add 20,000,000 burden hours relating to disclosure requirements, for a total new burden of 20,500,000 hours.

Regulation E contains a wide variety of disclosure requirements. The number of regulated entities and the estimated amount of time necessary to comply with each requirement varies widely according to the specific provisions of each requirement. As stated above, the majority of these disclosures are statutorily required. It is also extremely difficult to quantify precisely the number of entities and the number of transactions affected by these requirements. In recent years a large number of additional entities subject to Regulation E have entered the market.

Thus, the burden hours discussed below reflect the increase in additional entities covered by the Regulation.

Disclosures: Approximately 500,000 firms offer EFT services to consumers. However, the average burden hours vary significantly according to the type of transaction involved and related disclosures. For example, EFT initial account disclosures are sent to approximately 1 million new accounts per year at an average burden of 1 second per account, whereas investigations and resolutions of account errors average 10 minutes per complaint per year.

5. The Consumer Leasing Act, 15 U.S.C. 1667 *et seq.*, requires accurate disclosure of the costs and terms of leases to consumers. Regulation M, promulgated by the Board of Governors of the Federal Reserve System, implements the Consumer Leasing Act ("CLA"). Regulation M imposes disclosure requirements on all types of lessors, including leasing companies, finance companies, auto dealers, and some furniture, appliance, radio and television dealers. The written disclosures required by Regulation M are specifically required by the CLA. See 15 U.S.C. 1667a. Similarly, the advertising disclosures required by Regulation M are also specifically required by the CLA. See 15 U.S.C. 1667c. These disclosures assist consumers in understanding the terms of leases prior to entering into a lease agreement. Regulation M implements the disclosure provisions which are mandated by statute.

Estimate of Information Collection Burden. The FTC has current OMB approval for 100,000 hours relating to recordkeeping provisions (control number 3084-0086). The FTC is seeking approval to add 433,400 burden hours relating to disclosure requirements, for a total burden of 533,400 hours.

The number of consumer automobile leases (the largest category of consumer leases) has increased considerably in recent years and the current burden estimate reflects this growth. The FTC estimates that approximately 2,500,000 lease transactions are now subject to the written disclosure requirements and that providing the required disclosures takes an average of 10 minutes per lease for a total burden estimate of 416,000 hours. With respect to lease advertising disclosures, most (although certainly not all) lease promotions offer automobile transactions. The FTC estimates that approximately 1 million lease advertisements per year are affected by the Rule at 1 minute per advertisement for a total burden estimate of 16,666 burden hours.

Disclosures: Firms leasing products to consumers make disclosures for approximately 2,500,000 lease transactions per year at an average burden of 10 minutes per lease. Approximately 1 million lease advertisements are placed per year at an average burden of 1 minute per advertisement.

6. The Truth-in-Lending Act, 15 U.S.C. 1601 *et seq.* ("TILA"), was enacted to foster comparison credit shopping and informed credit decisionmaking by requiring accurate disclosure of the costs and terms of credit to consumers. Regulation Z, promulgated by the Board of Governors of the Federal Reserve System, implements the TILA. Regulation Z requires creditors to calculate and disclose terms that apply to both open-end credit (*e.g.*, revolving credit or credit lines) and closed-end credit (*e.g.*, installment financing). Regulation Z imposes disclosure requirements on all types of creditors in connection with consumer credit, including mortgage companies, finance companies, retailers, and credit card issuers, to ensure that consumers are fully apprised of the terms of financing prior to consummation of the transaction and, in some instances, during the loan term. It also imposes advertising disclosure requirements on advertisers of consumer credit. Among other things, Regulation Z also establishes billing error resolution procedures and limits consumer liability for the unauthorized use of credit cards. The vast majority of Regulation Z's disclosure requirements are expressly mandated by the TILA. See *e.g.*, open-end initial disclosures, 15 U.S.C. 1637(a); and open-end periodic disclosures, 15 U.S.C. 1637(b). In most instances, the disclosure and other requirements of Regulation Z form the basis both for administrative enforcement of the TILA by the FTC and other agencies and for private rights of action by private litigants.

Estimate of Information Collection Burden. The FTC has OMB approval for 1,000,000 hours relating to recordkeeping provisions (control number 3084-0088). The FTC is seeking approval to add 40,600,000 burden hours relating to disclosure requirements, for a total burden estimate of 41,600,000 hours.

As stated above, the majority of these disclosure provisions are statutorily required. In recent years Congress has amended the TILA to include additional requirements. In addition, the various types of credit accounts affected by the Regulation have greatly increased.

Disclosures: Regulation Z contains a wide variety of disclosure requirements.

It is extremely difficult to quantify the number of entities and the number of transactions affected by these requirements. Further, the number of regulated entities and the estimated amount of time necessary to comply with each requirement varies widely according to the specific provisions of each requirement. For example, businesses place approximately 200,000 open-end home equity line of credit advertisements per year at an average burden of 5 minutes per advertisement. On the other hand, 4 million residential loan originations are made per year at 10 minutes per loan.

7. Textile Fiber Products Identification Act. The Textile Fiber Products Identification Act, 15 U.S.C. 70 *et seq.* ("Textile Act"), prohibits misbranding and false advertising of textile fiber products. The Textile Act Regulations, 16 CFR part 303, which implement the Textile Act, require accurate disclosure of material product information in a standardized format. Many of these disclosures are required by the Textile Act. See 15 U.S.C. 70(b). The disclosure requirements assist consumers in making informed purchasing decisions.

The Regulations also require manufacturers and marketers who substitute labels (*e.g.*, resellers) to maintain records, invoices, and other documents which reflect the bases relied upon in making fiber content and country of origin disclosures. These recordkeeping requirements are specifically mandated by the Textile Act. See 15 U.S.C. 70d. The recordkeeping requirements assist the Commission in enforcing the Regulations.

The Regulations also contain a petition procedure for requesting the establishment of generic names for textile fibers. The information submitted is used by the FTC to determine whether the petition should be granted.

Estimate of Information Collection Burden. The FTC has current OMB approval for 50 hours relating to procedures for requesting the establishment of generic names for textile fibers (control number 3084-0047). The FTC is seeking approval to add 1,291,000 hours for recordkeeping requirements, which are statutorily required. The FTC is also seeking to add 14,209,000 hours relating to disclosure requirements, for a total burden estimate of 15,500,000 hours.

Recordkeeping: Approximately 30,000 textile firms retain required records at an average burden of 43 hours per year. *Disclosures:* Approximately 40,000 textile firms make disclosures for 9,300,000,000 covered products at an

average burden of 5.5 seconds per item. *Petitions:* Approximately 1 textile firm submits 1 petition per year at an average burden of 50 hours.

8. Wool Products Labeling Act. The Wool Products Labeling Act, 15 U.S.C. 68 *et seq.* ("Wool Act"), prohibits misbranding of wool products. The Wool Act Regulations, 16 CFR part 300, require accurate disclosure of material information about wool products, including fiber content and country of origin disclosures. Many of these disclosures are mandated by the Wool Act. See 15 U.S.C. 68b. The disclosure requirements assist consumers in making informed purchasing decisions.

The Regulations also require manufacturers and other marketers of covered products to maintain records that support both claims made on labels and invoices and savings representations. These recordkeeping requirements are specifically mandated by the Wool Act, see 15 U.S.C. 68d, and assist the Commission in enforcing the Regulations.

The Regulations also contain a procedure for filing a petition concerning whether or not representations of the fiber content of a class of articles are commonly made, or whether or not the textile content of certain products is insignificant or inconsequential. The information submitted is used by the FTC to determine whether the petition should be granted.

Estimate of Information Collection Burden. The FTC has current OMB approval for 50 hours relating to recordkeeping provisions (control number 3084-0047). The FTC is seeking to adjust its current recordkeeping burden estimate to 191,000 hours for these requirements, which are statutorily required, and to add 2,100,000 hours relating to disclosure requirements, for a new burden estimate of 2,291,000 hours.

Recordkeeping: Approximately 15,000 wool firms retain records at an average burden of 12.73 hours per firm.

Disclosures: Approximately 20,000 wool firms make disclosures on 1,375,000,000 covered products at an average burden of 5.5 seconds per item. *Petitions:* Approximately 1 wool firm submits 1 petition per year at an average burden of 50 hours.

9. Fur Products Labeling Act. The Fur Products Labeling Act, 15 U.S.C. 69 ("Fur Act"), prohibits misbranding and false advertising of fur products. The Fur Products Regulations, 16 CFR part 301, which implement the Fur Products Labeling Act, require accurate disclosure of material information about fur products, including the fur content

and the country of origin. Many of these disclosures are mandated by the Fur Act. See 15 U.S.C. 69b. The disclosure requirements assist consumers in making informed purchasing decisions.

The Regulations also require manufacturers and dealers in fur products to retain records to support claims made on labels and to support representations made in advertisements. The recordkeeping requirements are specifically mandated by the Fur Act, see 15 U.S.C. 69e, and assist the Commission in enforcing the Regulations.

The Regulations also provide a procedure for exemption from certain disclosure provisions under the Act.

Estimate of Information Collection Burden. The FTC has current OMB approval for 50 hours relating to recordkeeping provisions (control number 3084-0047). The Commission is seeking approval to adjust its current recordkeeping burden for these requirements, which are statutorily required, to 59,000 hours and to add 78,500 hours relating to disclosure requirements, for a total burden estimate of 137,600 hours.

Recordkeeping: Approximately 7,500 manufacturers and retailers retain records at an average burden of 48 hours for manufacturers and 12 hours for retailers. **Disclosures:** Approximately 1,600 fur firms disclose information at an average burden of 1 hour per firm. **Petitions:** Approximately 1 fur firm submits 1 petition per year at an average burden of 50 hours.

10. The Appliance Labeling Rule, 16 CFR part 305, establishes testing, reporting, recordkeeping, and labeling requirements, for manufacturers of certain appliances in disclosing and advertising information relating to energy consumption of water usage. The Rule's testing and disclosure requirements assist consumers in comparing the energy efficiency or consumption of competing products. The Rule also requires manufacturers to submit relevant data regarding energy or water usage in connection with the products they manufacture. The Commission uses this data to compile the ranges of comparability for covered appliances for publication in the **Federal Register**. In addition, the submissions may be used for comparison purposes in enforcement actions involving alleged misstatements on labels or in advertisements.

The Rule also requires manufacturers to keep records of test data to derive information included on the labels. The records may be requested and used by the Commission for enforcement purposes.

All of the requirements discussed above are specifically imposed by the Energy Policy and Conservation Act of 1995. See, e.g., 42 U.S.C. 6296(a); 42 U.S.C. 6294(c)(1)(A); 42 U.S.C. 6296(b)(4); and 42 U.S.C. 6296(b)(2).

Estimate of Information Collection Burden. The FTC seeks approval of 2,600 hours for these recordkeeping and reporting provisions, which are statutorily imposed, and 923,400 hours for these disclosure provisions, which are also statutorily imposed, for a total burden estimate of 926,000 hours.

The Rule contains a wide variety of recordkeeping and disclosure requirements. The number of regulated entities and the estimated amount of time necessary to comply with each requirement varies widely according to the specific provisions of each requirement. For example, the test procedure for dishwashers requires an estimated 2 hours for each of 70 basic models for a total burden of 140 hours. On the other hand, the test procedure for central air conditioners requires an estimated burden of 24 hours multiplied by 2 units tested for each of 1,500 basic models for a total burden of 72,000 hours.

11. The Fuel Rating Rule, 16 CFR part 306, establishes standard procedures for determining, certifying and disclosing the octane rating of automotive gasoline and the automotive fuel rating of alternative liquid automotive fuel. These requirements are specifically mandated by the Petroleum Marketing Practices Act. See 15 U.S.C. 2822(a)-(c). The fuel rating determination, certification and labeling requirements establish a framework that provides consumers with reliable, comparable, and readily available information about the fuel ratings of similar types of fuel.

The Rule also requires refiners, producers, importers, distributors and retailers to retain records of delivery tickets, letters of certification or tests upon which automotive fuel ratings are based. The primary purpose of the Rule's recordkeeping requirements is to preserve evidence of automotive fuel rating certification for enforcement purposes.

Estimate of Information Collection Burden. The FTC has current OMB approval for 19,000 hours relating to recordkeeping provisions (control number 3084-0068). The FTC is seeking approval to add 24,000 burden hours for disclosure requirements, which are specifically required by statute, for a total burden of 43,000 hours.

Recordkeeping: Approximately 24,000 automotive fuel industry members retain records at an average annual burden of 6 minutes per industry

member. **Disclosures:** Approximately 190,000 automotive fuel industry members make required disclosures at an average annual burden of 1 hour per industry member.

12. The Alternative Fuel Rule, 16 CFR part 309, establishes uniform labeling requirements for alternative fuels and alternative fueled vehicles. These disclosures provide consumers with reliable and comparable information about the fuel ratings of similar types of fuel and alternative fueled vehicles. The Rule also requires affected entities to retain records relating to representations made about fuel ratings for non-liquid alternative fuels and estimated cruising ranges and emission certification standards for alternative fueled vehicles. The primary purpose of these recordkeeping requirements is to preserve evidence of compliance with the Rule.

Estimate of Information Collection Burden. The Commission has current OMB approval for 159 hours relating to recordkeeping provisions (control number 3084-0094). The Commission is revising its recordkeeping burden from 159 to 189 burden hours. The Commission is also seeking approval to add 22,167 burden hours relating to *disclosure* requirements, for a new burden total of 22,400 hours.

Recordkeeping: Approximately 1,658 automotive fuel industry members retain records at an average annual burden of 6 minutes per industry member. **Disclosures:** These requirements vary according to the type of disclosure required and the members of the automotive fuel industry affected. For example, approximately 350 industry members are affected by the fuel rating certification requirements for non-liquid alternative fuels at an estimated annual burden of 24 hours per industry member for a total burden of 8,400 hours. The burden for the same industry members to make a fuel rating determination is estimated at 2 hours per industry member for a total burden of 700 hours.

13. The "900" Number Rule, 16 CFR part 308, establishes requirements for advertising and operating pay-per-call services. The Rule also establishes procedures for billing and collecting charges for these services. The primary purpose of the Rule is to assist in preventing unfair and deceptive acts or practices by ensuring that consumers are informed of cost and other material information prior to calling 900 numbers; to provide consumers with adequate billing information subsequent to calling 900 numbers; and to establish a mechanism for disputing charges for

900 number calls. The advertising, preamble, and billing statement disclosures are specifically mandated by the Telephone Disclosure and Dispute Resolution Act. 15 U.S.C. 5701 *et seq.* ("TDDRA"). The TDDRA also requires the rules under the billing dispute resolution portion of the Rule to be substantially similar to the requirements imposed under the Truth-in-Lending Act and Fair Credit Billing Acts. 15 U.S.C. 5721(a)(2).

In addition, any common carrier who provides telecommunication services to a provider of pay-per-call services is required to provide the Commission with financial information and other records relating to the arrangement. This requirement assists in the enforcement of the Rule by permitting the Commission to obtain information from telephone companies that provide transmission services to 900 number providers.

Estimate of Information Collection Burden. The FTC seeks approval for 125 burden hours relating to reporting requirements and 3,241,000 burden hours relating to disclosure requirements, for a total burden estimate of 3,241,200.

Reporting: Approximately 25 common carriers make records available to the Commission at an average burden of 5 hours per submission. **Disclosures:** Approximately 20,000 information providers place approximately 3 advertisements per year at an average burden of 1 hour per provider. Approximately 60,000 pay-per-call services are required to make disclosures in the preamble at an average burden of 10 hours for each preamble. Approximately 20,000 information providers are required to ensure that disclosures appear on each billing statement at an average burden estimate of 12 hours per provider.

14. The Care Labeling Rule, 16 CFR part 423, requires manufacturers and importers to attach a permanent care label to all covered textile clothing. Also, manufacturers and importers of piece goods used to make textile clothing must provide the same care information on the end of each bolt or roll of fabric. These labels disclose information about washing or dry cleaning the apparel or fabric. These requirements assist consumers in making purchasing decisions and in deciding what method to use to clean their apparel. Professional cleaners also use this information to clean apparel in a manner that avoids damage to the garment. The Rule also provides a procedure whereby a member of the industry may petition the Commission for an exemption for products that are

claimed to be harmed in appearance by the requirement for a permanent label.

Estimate of Information Collection Burden. The FTC is seeking approval for a burden estimate of 3,985,000 hours relating to disclosure requirements.

Disclosures: Approximately 25,000 apparel manufacturers and importers make disclosures at an average burden of 159 hours per company per year. **Petitions:** Only 1 petition, subsequently withdrawn, has been filed in recent years. An estimated 50 hours for preparing a petition has been incorporated into the hours calculated for disclosure requirements.

15. The Negative Option Rule, 16 CFR part 425, establishes disclosure requirements for sellers who use negative option plans. Negative option plans require the consumer to affirmatively decline an offer of merchandise or else have the merchandise shipped automatically. The Rule requires sellers of these plans to disclose the material terms of the plan and cancellation procedures in promotional materials. This information allows consumers to weigh the benefits and burdens of negative option plans.

Estimate of Information Collection Burden. The FTC is seeking approval for a burden estimate of 15,500 hours relating to disclosure requirements.

Disclosures: Approximately 124 negative option plan providers comply with disclosure requirements at an average burden of 125 hours per company.

16. The Amplifier Rule, 16 CFR part 432, establishes requirements for disclosing power output specifications in advertising. The Rule also specifies test conditions to be used to obtain this information. Consumers use the information to make comparisons among the types and brands of audio equipment.

Estimate of Information Collection Burden. The FTC is seeking approval for a burden estimate of 2,700 hours relating to disclosure requirements.

Disclosures: Approximately 300 new products must be tested annually at an average burden of 1 hour per product. Approximately 1200 magazine advertisements appear each year for an average burden of 2 hours per advertisement.

17. The Mail Order or Telephone Merchandise Rule, 16 CFR part 435, requires mail or telephone order merchants to substantiate any shipment representation; to notify the consumer of, and obtain consent for, any shipment delay; and to make prompt and full refunds when the consumer exercises a cancellation option or the merchant is unable to meet the Rule's other

requirements. The disclosure requirements ensure that consumers are provided with reliable shipment information in the solicitation of mail or telephone order sales and in notifications of delays in shipment.

Estimate of Information Collection Burden. The FTC is seeking approval for a burden estimate of 16,213,300 burden hours relating to disclosure requirements.

Disclosures: Approximately 70,560 mail and telephone order merchants make required disclosures at an average burden of 230 hours per merchant per year.

18. The Franchise Rule, 16 CFR part 436, requires franchisors and franchise brokers to furnish a disclosure document to prospective franchisees prior to sale. This document contains information on 20 subjects relating to the franchisor, the franchisor's business, and the nature of the proposed franchise relationship. Franchisors must also disclose additional information if they make any claim about actual or potential sales, income, or profits for a prospective franchisee. These disclosures assist consumers in making informed investment decisions and otherwise verifying the representations of the franchisor.

Estimate of Information Collection Burden. The FTC is requesting approval for an estimated burden of 36,200 hours relating to disclosure requirements.

Disclosures: Approximately 3,613 franchisors and franchise brokers make required disclosures at an average burden of 10 hours per firm.

19. The Used Car Rule, 16 CFR part 455, requires used car dealers to disclose information about warranty coverage, if any, and the mechanical condition of used cars on a one page, two-sided Buyers Guide, which must be placed in the window of the car. This information allows consumers to make informed purchasing decisions by evaluating whether a warranty is offered, the terms of the warranty, and the condition of the car.

Estimate of Information Collection Burden. The FTC is requesting approval for an estimated burden of 2,304,100 hours relating to disclosure requirements.

Disclosures: Approximately 80,000 used car dealers make required disclosures at an average burden of 29 hours per dealer.

20. The R-Value Rule, 16 CFR part 460, requires that manufacturers and sellers disclose the R-value (degree of resistance to the flow of heat) of a home insulation product prior to sale. This information is a measure of how well

the product will perform as an insulator and allows consumers to compare products and make cost-effective decisions about purchasing home insulation products.

The Rule also requires home insulation manufacturers and laboratories to maintain records of tests conducted to determine the R-value of each insulation product. Sellers who make representations concerning fuel or energy cost savings are required to maintain records to substantiate these claims. These recordkeeping requirements assist the Commission in enforcing the Rule.

Estimate of Information Collection Burden. The FTC is requesting approval for an estimated burden of 366,056 hours relating to disclosure requirements and 275 hours relating to recordkeeping requirements, for a total estimated burden of 366,400 hours (rounded).

Disclosures: 150 manufacturers, 1,500 installers, 137,000 new home sellers, and 25,000 retailers make disclosures at an average burden of 23 hours for manufacturers, 20 hours for installers, 2 hours for new home sellers, and 2 hours for retailers. **Recordkeeping:** 150 manufacturers and 1,500 installers keep records at an annual average burden of 1 hour per manufacturer and 5 minutes per installer.

21. The Fair Packaging and Labeling Act, 15 U.S.C. 1450, ("FPLA") was enacted to eliminate consumer deception concerning product size representations and package content information. The Regulations which implement the FPLA, 16 CFR part 500, establish requirements for the manner and form of labeling consumer commodities. Section 4 of the FPLA specifically requires packages or labels to be marked with: (1) A statement of identity, (2) a new quantity of contents disclosure, and (3) the name and place of business of a company that is responsible for the product.

Estimate of Information Collection Burden. The FTC is seeking approval for an estimated burden of 12,000,000 hours relating to disclosure requirements.

Recordkeeping: Most of the records that manufacturers, packagers, distributors, and retailers of consumer commodities are required to retain would otherwise be kept in the normal course of business. **Disclosures:** Approximately 1,200,000 manufacturers, packagers, distributors, and retailers of consumer commodities make disclosures, most of which are statutorily required, at an average burden of 10 hours per company.

22. The Consumer Product Warranty Rule, 16 CFR part 701, provides that, where written warranties are provided, the warranties must disclose certain material facts regarding their terms and conditions. The purpose of the Rule is to prevent deception by providing consumers with information to assess written warranty terms.

Estimate of Information Collection Burden. The FTC is seeking approval for an estimated burden of 34,000 burden hours associated with these disclosure requirements.

Disclosures: Approximately 4,241 warrantors of products make required disclosures at an average burden of 8 hours.

23. The Pre-Sale Availability Rule, 16 CFR part 702, requires that the terms of written warranties for consumer products be made available to consumers prior to purchase. Manufacturers are required to provide materials sufficient for retailers to meet their obligations. The Rule also contains requirements for disclosing the availability of warranty information in catalogues and door-to-door sales.

Estimate of Information Collection Burden. The FTC is seeking approval for an estimated burden of 2,759,700 hours associated with these disclosure requirements.

Disclosures: Approximately 422,100 small retailers, 6,552 large retailers, 4,095 small manufacturers, and 146 large manufacturers make required disclosures at an average burden of 6 hours for small retailers, 26 hours for large retailers, 12 hours for small manufacturers, and 52 hours for large manufacturers.

24. The Informal Dispute Settlement Procedures Rule, 16 CFR part 703, provides for disclosures in warranties when warrantors offer dispute settlement resolution procedures in a written consumer product warranty. The Rule also provides for dispute resolution information to be provided to consumers upon request. The disclosure requirements allow consumers to be fully informed regarding the warranty's dispute settlement procedures.

The Rule also requires affected entities to retain individual records for each dispute; indexes that categorize disputes by product model, and show the extent to which the warrantor has abided by decisions of the resolution process; and statistical summaries that classify disputes according to various status and final disposition categories.

Affected entities must conduct an annual audit of their dispute resolution procedures and submit a report to the Commission. These requirements assist the Commission in enforcing the Rule.

Estimate of Information Collection Burden. The FTC is requesting approval for an estimated burden of 500 disclosure hours and 6,456 recordkeeping hours, for a total burden estimate of 7,000 hours (rounded).

Disclosures: Approximately 2 warrantors who offer informal dispute settlement procedures make required disclosures at an average burden of 250 hours. **Recordkeeping:** Approximately 2 warrantors who offer informal dispute settlement procedures make required disclosures at an average burden of 3,228 hours.

25. FTC Administrative Activities. These information collection requests constitute administrative or procedural matters. Each specifies information to be submitted voluntarily to the Commission by persons who wish to do business with or receive some benefit from the agency. Because of the limited burden imposed, these requests for OMB approval have been combined into a single item. These requests relate to: (1) FTC procurement activities; (2) the document order form used by the FTC public reference branch; (3) applications and notices to the Commission; and (4) rules governing claims under the Equal Access to Justice Act.

The FTC seeks to modify item (3) to include applications and notices to the Commission contained in other rules (generally in Parts I, II, and IV of the Commission's rules of practice) that may, or may not, constitute the "collection of information." See, e.g., 16 CFR 4.8(e) (requests for a waiver of costs for obtaining Commission records). Because these provisions are generally imposed during the conduct of federal criminal, civil, or administrative action with respect to a specific party they would normally not be covered by the PRA. See 5 CFR 1320.22. Any requirements that are not imposed in this context are extremely rare, and the *de minimis* burden associated with them can be easily incorporated into the 50 burden hours already requested in this section.

The FTC is also requesting approval to delete three currently approved requests from item (3)—the procedure for establishing generic names under the Textile Act Regulations and the procedures for certain exemptions under the Wool and Fur Act Regulations. The FTC has prepared separate submissions for these regulations. See item numbers 7, 8 & 9, *infra*. In 1993, the total burden estimate for the Textile, Wool, and Fur Act Regulations was approximately 50 hours. Even though the FTC has deleted these hours, the total burden associated with item (3) has not changed because

of the additional hours associated with the new request for clearance of notices and applications to the Commission.

Estimate of Information Collection Burden. The FTC is requesting an estimated burden of 2,300 hours (rounded) relating to administrative activities. This figure is unchanged from the Commission's current approval (control number 3084-0047). Various states, companies, and individuals make requests pursuant to this item for a total burden of 2,300 hours.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95-21165 Filed 8-24-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3589]

David Green, M.D.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an individual doing business as The Varicose Vein Center from making various representations about any vein treatment or cosmetic surgery procedure he markets in the future unless he possesses competent and reliable scientific evidence to substantiate the claims.

DATES: Complaint and Order issued June 23, 1995.¹

FOR FURTHER INFORMATION CONTACT: Richard Kelly or Sondra Mills, FTC/H-200, Washington, D.C. 20580. (202) 326-3304 or 326-2673.

SUPPLEMENTARY INFORMATION: On Friday, April 14, 1995, there was published in the **Federal Register**, 60 FR 19065, a proposed consent agreement with analysis in the Matter of David Green, M.D., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth

¹ Copies of the complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95-21164 Filed 8-24-95; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3590]

European Body Concepts, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, the corporation and its president from making false and unsubstantiated claims that their body wrap causes weight-loss; eliminates cellulite; and is completely safe for all users. In addition, it requires that prominent safety warnings be given to customers.

DATES: Complaint and Order issued June 23, 1995.¹

FOR FURTHER INFORMATION CONTACT: Nancy Warder, FTC/S-4002, Washington, DC 20580. (202) 326-3048.

SUPPLEMENTARY INFORMATION: On Tuesday, April 11, 1995, there was published in the **Federal Register**, 60 FR 18406, a proposed consent agreement with analysis in the Matter of European Body Concepts, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95-21163 Filed 8-24-95; 8:45 am]

BILLING CODE 6750-01-M

¹ Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, DC 20580.

[Dkt. C-3592]

Reebok International Ltd., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Massachusetts corporation and its subsidiary from fixing, controlling or maintaining the resale prices at which any dealer may advertise, promote, offer for sale or sell any Reebok or Rockport product. The consent order also prohibits, for a period of ten years, the respondents from enforcing or threatening suspension or termination of a dealer that sells or advertises a product below a resale price designated by Reebok or Rockport.

DATES: Complaint and Order issued July 18, 1995.¹

FOR FURTHER INFORMATION CONTACT: William Baer, FTC/H-374, Washington, D.C. 20580. (202) 326-2555 or Michael Bloom, New York Regional Office, Federal Trade Commission, 150 William St., Suite 1300, New York, N.Y. 10038. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Thursday, May 11, 1995, there was published in the **Federal Register**, 60 FR 25227, a proposed consent agreement with analysis in the Matter of Reebok International Ltd., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 95-21162 Filed 8-24-95; 8:45 am]

BILLING CODE 6750-01-M

¹ Copies of the Complaint, the Decision and Order, and Commissioner Starek's statement are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.