

1. *Texas Financial Bancorporation, Inc.*, Minneapolis, Minnesota, and Delaware Financial, Inc., Wilmington, Delaware; to acquire 100 percent of the voting shares of CNB Bancshares of Victoria, Victoria, Texas, and thereby indirectly acquire Citizens Bancorp of Delaware, Inc., Wilmington, Delaware, and Citizens National Bank, Victoria, Texas.

Board of Governors of the Federal Reserve System, August 28, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97-23316 Filed 9-2-97; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 26, 1997.

**A. Federal Reserve Bank of Minneapolis** (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480-2171:

1. *Spectrum Bancorporation, Inc.*, Omaha, Nebraska; to acquire First Savings & Loan Association of South Dakota, Inc., Aberdeen, South Dakota, and thereby engage in the operation of a savings association, pursuant to § 225.28(b)(4) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 28, 1997.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 97-23317 Filed 9-2-97; 8:45 am]

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## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

**AGENCY:** Federal Trade Commission.

**ACTION:** None.

**SUMMARY:** The Federal Trade Commission (FTC or Commission) is announcing an opportunity for public comment on the proposed extension of OMB approval under the Paperwork Reduction Act for "collection of information" requirements contained in the Mail or Telephone Order Merchandise Trade Regulation Rule, 16 CFR Part 435.

**DATES:** Submit written comments on the collection of information on or before November 3, 1997.

**ADDRESSES:** Send written comments to Elaine W. Crockett, Attorney, Office of the General Counsel, Room 598, 6th St. and Pennsylvania Ave., N.W. 20580. All comments should be identified as responding to this notice.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that cause members of the public to submit reports, keep records, or provide information to a third party. As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the Mail or Telephone Order Merchandise Rule.

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the FTC's functions, including whether the information will have practical utility; (2) the accuracy of the FTC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information

on respondents through the use of automated collection techniques, when appropriate, and other forms of information technology.

### Mail or Telephone Order Merchandise Trade Regulation Rule, 16 CFR Part 435—(OMB Control Number 3084-0106)—Extension

The Mail Order Merchandise Rule was promulgated in 1975 in response to consumer complaints that many merchants were failing to ship mail order merchandise on time, failing to ship at all, or failing to provide prompt refunds for unshipped merchandise. The Rule took effect on February 2, 1976. A second rulemaking proceeding in 1993 demonstrated that the delayed shipment and refund problems of the mail order industry were being experienced by consumers who ordered merchandise over the telephone. The Commission amended the Rule, effective on March 1, 1994, to include merchandise ordered by telephone, including by FAX or by computer through the use of a modem.

Generally, the Rule requires a merchant to: (1) Have a reasonable basis for any express or implied shipment representation made in soliciting the sale; (2) ship within the time period promised, and if no time period is promised, within 30 days; (3) notify the consumer and obtain the consumer's consent to any delay in shipment; and (4) 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 notice provisions in the Rule require a merchant, who is unable to ship within the promised shipment time or 30 days, to notify the consumer of a revised date and his or her right to cancel the order and obtain a prompt refund. Delays beyond the revised shipment date also trigger a notification requirement to consumers. When the Rule requires the merchant to make a refund and the consumer paid by credit card, it also requires the merchant to notify the consumer either that any charge to the consumer's charge account will be reversed or that the merchant will take no action that will result in a charge.

Burden statement: In its 1995 PRA submission to OMB, the FTC estimated that 1,897 large businesses and 68,663 small businesses are covered by the Rule. As stated in the agency's 1995 submission, the conditional nature of some of the Rule's requirements makes it difficult to quantify the exact PRA burden involved. Nonetheless, the agency estimated that 70,560 businesses spend an average of 229.78 hours per

year on compliance with the Rule, for a total estimate of 16,213,300 burden hours.

No provisions in the Mail or Telephone Order Merchandise Rule have been amended or changed in any manner. All of the requirements relating to disclosure and notification remain the same. We have, however, reduced the 1995 total burden estimate of 16,213,300 hours for the reasons discussed below.

In the OMB regulation implementing the PRA, *burden* is defined to exclude any effort that would be expended regardless of any regulatory requirement. 5 CFR 1320.3(b)(2). In past rulemaking proceedings, industry trade associations and individual witnesses have testified that compliance with the Rule is now 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 with respect to timely shipment, notification of delay, and prompt and full refunds. Providing consumers with notice about the status of their orders fosters consumer loyalty and encourages repeat purchases that are important to the success of direct marketers. Thus, much of the time and expense associated with Rule compliance is not properly treated as burden under the PRA.

In estimating any remaining burden, the agency has considered "the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency." 5 CFR 1320.3(b)(1). This includes "developing, acquiring, installing, and utilizing technology and systems for the purpose of disclosing and providing information." 5 CFR 1320.3(b)(1)(iv). Although not expressly stated in the regulation, it seems reasonable to infer that the definition of *burden* would include upgrading and maintaining computer systems used to comply with the Rule's requirements.

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. Nonetheless, staff has allocated some hours, estimated at 150 hours annually per company, toward the maintenance of computer systems by the affected companies, even though maintenance and upkeep arguably would also be part of ordinary business practice in the industry.

Further, in our best judgment (more accurate data from the industry is not currently available), approximately 1,000 new companies have entered the market since 1995. Thus, the current total affected firms would consist of approximately 71,560 companies. Additionally, staff estimates that the approximately 1,000 new companies enter the covered market each year. Further, we estimate that new companies entering the market would need 230 hours per year (1995 figure of 229.78 rounded to 230) for compliance measures associated with system start-up, although again, it could be argued that such efforts would be undertaken even absent the Rule. We have therefore estimated that the total burden for compliance with the Rule would be approximately 10,964,000 hours.  $(1,000 \times 230 = 230,000) + (71,560 \times 150 = 10,734,000.)$

To emphasize, the FTC has not amended, nor is it in the process of amending, the Mail or Telephone Order Merchandise Rule. The burden hours associated with the Rule have been recalculated because the originally-estimated hours included one-time start up tasks (i.e., implementing systems and processes to meet the Rule's requirements) that have now been completed by most of the affected companies.

**FOR FURTHER INFORMATION CONTACT:** Elaine W. Crockett (202) 326-2453; FAX (202) 326-2447; E-mail: [ecrockett@ftc.gov](mailto:ecrockett@ftc.gov).

**Jay C. Shaffer,**

*Acting General Counsel.*

[FR Doc. 97-23311 Filed 9-2-97; 8:45 am]

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## FEDERAL TRADE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 62 F.R., Friday, August 22, 1997, Page No. 44698.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10:00 a.m., Wednesday, September 4, 1997.

**CHANGES IN THE AGENDA:** The Federal Trade Commission has canceled its previously scheduled Oral Argument meeting for September 4, 1997, at 10:00 a.m.

**Benjamin I. Berman,**

*Acting Secretary.*

[FR Doc. 97-23385 Filed 8-28-97; 4:11 pm]

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## FEDERAL TRADE COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 62 F.R., Friday, August 22, 1997, Page No. 44698.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 2:00 p.m., Wednesday, September 3, 1997.

**CHANGES IN THE AGENDA:** The Federal Trade Commission has cancelled its previously scheduled Oral Argument meeting for September 3, 1997, at 2:00 p.m.

**Benjamin I. Berman,**

*Acting Secretary.*

[FR Doc. 97-23527 Filed 8-29-97; 3:28 pm]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. Information Collection Requirements Contained in 42 CFR part 1004 (Revised Peer Review Organization Sanctions for Failing to Meet Statutory Obligations)—This information collection requirement is necessary to enable a Peer Review Organization (PRO) to submit a report and recommendation to the OIG if PRO-identified violations have not been resolved. In addition, an alternative sanctions notification process provides sanctioned practitioners or other persons the option of informing patients directly to the sanction action taken against them.—*Respondents:* Individuals, Business or other for-profit; Not-for-profit institutions—Burden Information for the PRO Report—*Annual Responses:* 7; *Annual Burden per Response:* 4 hours; *Annual Burden for PRO Report:* 28 hours—Burden Information for the Sanction Notification—*Annual Responses:* 5; *Annual Burden per Response:* 2 hours; *Annual Burden for Sanction Notification:* 10 hours—*Total Burden:* 38 hours.

OMB Desk Officer: Allison Eydt.