

testimonials. Under Part II, respondents may make such representations if they possess and rely upon competent and reliable evidence that substantiates the representations; or the respondents must disclose either what the generally expected results would be for users of the advertised products, or the limited applicability of the endorser's experience to what consumers may generally expect to achieve. The proposed order's treatment of testimonial claims is in accordance with the Commission's "Guides Concerning Use of Endorsements and Testimonials in Advertising," 16 CFR 255.2(a).

Part III of the proposed order prohibits respondents from making unsubstantiated claims about the safety of any food, drug or dietary supplement, or about the ability of such product to treat, cure, alleviate the symptoms of, prevent, or reduce the risk of developing any disease or disorder. Part IV of the proposed order contains language permitting New Vision to make drug claims that have been approved by the FDA pursuant to either a new drug application or a tentative final or final standard. Part V states that New Vision would be permitted to make claims that the FDA has approved pursuant to the Nutrition Labeling and Education Act of 1990.

Part VI of the proposed order requires New Vision to retain, and make available to the Commission upon request, all advertisements and promotional materials containing any representation covered by the order, as well as any materials that it relied upon in disseminating the representation and any materials that contradict, qualify, or call into question the representation.

Parts VII and VIII of the proposed order require New Vision to distribute the order to relevant parties. Part VII requires New Vision to distribute a copy of the order to all current and future principals, officers, directors, and managers, and to any employee, agent or representative with responsibilities under the order. Part VIII.A requires the company to distribute a letter, attached to the order as Appendix A, to each current active distributor. Part VIII.B requires the company to distribute a letter, attached to the order as Appendix B, to future distributors for a period of five years. These substantially similar letters state that no distributor may make any claim regarding the therapeutic or curative properties of New Vision products unless she has received prior approval from New Vision. The letters also state that all distributor advertising must either be obtained from New Vision or pre-approved by New Vision. In addition,

the letters state that failure to conform to these requirements will be grounds for suspension or termination.

Part IX of the proposed New Vision order contains some additional requirements in recognition of the fact that, as a multi-level marketing company, New Vision's contact with consumers is made almost exclusively through a network of distributors who are not covered by the order. For example, Part IX.A.1 would require the company to compel its distributors to submit all advertising to the company for pre-approval. Part IX.A.2 would require New Vision to establish a mechanism for suspending or terminating business dealings with any distributor who fails to submit advertising for pre-approval. Part IX.A.3 would require New Vision to send to each active distributor a notice, every six months, reminding them of the pre-approval requirement. To ensure that the company remains abreast of its distributor's marketing efforts over the Internet, Part IX.A.4 would require New Vision to conduct a monthly search of the World Wide Web for independent distributor advertising.

Part IX.B of the proposed order would require New Vision to police to distributors and investigate complaints that any distributor may be violating the order. Part IX.C would require New Vision to discontinue dealing with any distributor once respondents obtain actual knowledge, or knowledge fairly implied on the basis of objective circumstances, that the distributor is making a representation that is prohibited by the order, unless that person immediately ceases such activity. If New Vision learns that the distributor has not permanently ceased making representations prohibited by the order, New Vision must immediately discontinue its dealings with the distributor.

The remainder of the proposed New Vision order contains standard requirements that the corporate respondents notify the Commission of any changes in corporate structure that might affect compliance with the order, that the individual respondents notify the Commission of changes in their employment status, and that New Vision file one or more reports detailing their compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order, or to modify in any way their terms.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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## GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0260]

### Submission for OMB Review; Comment Request Entitled Questionnaire: Catalog of Federal Domestic Assistance

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Notice of request for an extension to a previously approved OMB Clearance (3090-0260).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement entitled Questionnaire: Catalog of Federal Domestic Assistance. The information collection was previously published in the **Federal Register** on October 6, 1998 at 63 FR 53672-53673, allowing for a 60-day public comment period. No comments were received.

**DATES:** Comment Due Date: January 15, 1999.

**ADDRESSES:** Additional comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Edward Springer, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503 and also may be submitted to Marjorie Ashby, General Services Administration (MVP), 1800 F Street NW, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Jackie Garrett, Governmentwide Information Systems Division on (202) 401-8336.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090-0260, concerning Questionnaire: Catalog of Federal Domestic Assistance. Catalog users are not required to respond to the questionnaire. The questionnaire is voluntary to solicit customer satisfaction and opinions on ways to improve the Catalog.

**B. Annual Reporting Burden**

Respondents: 200; annual responses: 200; average hours per response: .10; burden hours: 20.

*Copy of proposal:* A copy of this proposal may be obtained from the GSA Acquisition Policy Division (MVP), Room 4011, GSA Building, 1800 F Street NW, Washington, DC 20405, or by telephoning (202) 501-3822, or by faxing your request to (202) 501-3341.

Dated: December 10, 1998.

**Ida M. Ustad,**

*Deputy Associate Administrator, Office of Acquisition Policy.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families****Proposed Information Collection Activity; Comment Request****Proposed Project**

*Title:* Title IV-B Five Year Plan, Annual Progress and Services Report and CFS-101.

*OMB No.:* 0980-0047.

*Description:* Under title IV-B, subparts 1 and 2, of the Social Security Act States and Indian Tribes are to submit a five year Child and Family Services Plan, an annual progress and

services report, and an annual budget request and estimated expenditure report (CFS-101). The plan is used by States and Indian Tribes to develop and implement services and describe coordination efforts with other federal, state and local programs. The annual Progress and Services Report is used to provide updates and changes in the goals and services under the five year plan. The CFS-101 will be submitted annually with the Annual Progress and Services Report to apply for appropriated funds for the next fiscal year.

*Respondents:* State, Local or Tribal Government.

**ANNUAL BURDEN ESTIMATES**

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CFSP .....	300	1	250	75,000
Annual Progress and Services Report .....	300	1	120	36,000
CFS-101 .....	300	1	5	1,500

Estimated Total Annual Burden Hours: 112,500.

In compliance with the requirements of Section 3506(c)(2)(A) the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: December 10, 1998.

**Bob Sargis,**

*Acting Reports Clearance Officer.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families****Proposed Information Collection Activity; Comment Request****Proposed Project**

*Title:* Runaway and Homeless Youth Management Information System (RHYMIS).

*OMB No.:* 0970-0123.

*Description:* The Family and Youth Services Bureau manages the Runaway and Homeless Youth Management Information System (RHYMIS) which is used by youth service agencies funded by FYSB for Basic Center and Transitional Living Programs. This information management system is used by all FYSB-funded RHY grantees. The RHYMIS helps youth services agencies manage their programs, assess service delivery, and plan for future service needs. When aggregated, these data provide critical planning, administrative, and evaluation information for FYSB.

RHYMIS is an automated data management system designed to capture

and store information at each grantee site, facilitate all FYSB/DHHS reporting requirements, and produce a variety of standardized reports for other Federal, local, regional, and national purposes. The information gathered by each grantee forms the basis of the RHYMIS national database. The data collected consists of standardized definitions which allow for a variety of statistical analyses beyond simple aggregation, and gives national, as well as regional and state profiles of youth being served by FYSB-funded programs. The RHYMIS allows individual grantees to generate agency-specific reports based on their own data and reflecting the youth served in their own programs.

The data collection process is designed to collect various information about runaway and homeless youth, the programs that serve them, and other area services that are available to them. The information in RHYMIS addresses a broad range of issues to assure that situations relevant to the Basic Center and Transitional Living Programs will be addressed. RHYMIS is designed to collect information on:

- Youth characteristics and issues presented.
- Services provided to youth by agency.
- Educational events and promotional/instructional materials available.

*Respondents:* State, Local or Tribal Government.