

*Agreement No.:* 011867.

*Title:* Norasia/GSL Round the World Service Agreement.

*Parties:* Norasia Container Lines Limited and Gold Star Line Ltd.

*Synopsis:* The agreement would authorize the carriers to share vessel space in an around the world service between the United States, on the one hand, and Europe, Asia, Indian Sub-continent, the Middle East, and the Caribbean, on the other hand.

*Agreement No.:* 201140-001.

*Title:* NYSA-ILA Assessment Agreement.

*Parties:* New York Shipping Association, Inc. and the International Longshoremen's Association, AFL-CIO.

*Synopsis:* The amendment clarifies certain definitions and revises assessments on Bermuda and Puerto Rican trade cargo.

By Order of the Federal Maritime Commission.

Dated: December 19, 2003.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 03-31763 Filed 12-23-03; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License; Correction

In the **Federal Register** Notice published December 11, 2003 (68 FR 69083) the reference to Colonial Trade Co., Inc. is corrected to read:

*License Number:* 4527F.

*Name:* Colonial Trade Co., Inc.

*Address:* 8319 Lages Lane, Baltimore, MD 21244.

*Date Revoked:* November 27, 2003.

*Reason:* Surrendered license voluntarily.

Dated: December 19, 2003.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 03-31764 Filed 12-23-03; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 7, 2004.

**A. Federal Reserve Bank of Chicago** (Patrick Wilder, Managing Examiner) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Steven Joseph Bonnett*, Dubuque, Iowa, to acquire voting shares of East Dubuque Bancshares, Inc., Dubuque, Iowa, and thereby indirectly acquire voting shares of East Dubuque Savings Bank, Dubuque, Iowa.

Board of Governors of the Federal Reserve System, December 18, 2003.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E3-00632 Filed 12-23-03; 8:45 am]

**BILLING CODE 6210-01-S**

## FEDERAL TRADE COMMISSION

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

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Federal Trade Commission (FTC) has submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (PRA) information collection requirements contained in its Mail or Telephone Order Merchandise Trade Regulation Rule (MTOR or "Rule"). The FTC is soliciting public comments on the proposal to extend through January 31, 2007 the current PRA clearance for information collection requirements contained in the Rule. That clearance expires on January 31, 2004.

**DATES:** Comments must be filed by January 23, 2004.

**ADDRESSES:** Send written comments to Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, NW., Washington, DC 20580, or by e-mail to [PRA-30-MailOrderRule@FTC.gov](mailto:PRA-30-MailOrderRule@FTC.gov), as prescribed below, and to: Records Management Center, ATTN: Desk Officer for the FTC, OMB, Room 10102 NEOB, fax#: 202/395-6566. The submissions should include the submitter's name, address, telephone number and, if available, FAX number and e-mail address. All

comments should be captioned "Mail or Telephone Order Merchandise Trade Regulation Rule: Paperwork comment."

### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be addressed to Joel N. Brewer, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room 2207, 601 New Jersey Ave., NW., Washington, DC 20580.

### SUPPLEMENTARY INFORMATION:

On October 10, 2003, the FTC sought comment on the information collection requirements associated with MTOR, 16 CFR Part 435 (Control Number: 3084-0106). See 68 FR 58683. No comments were received. Pursuant to the OMB regulations that implement the PRA (5 CFR Part 1320), the FTC is providing this second opportunity for public comment while seeking OMB approval to extend the existing paperwork clearance for the Rule.

Comments from members of the public are invited, and may be filed with the Commission in either paper or electronic form. A public comment filed in paper form should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled "Confidential."<sup>1</sup> A public comment that does not contain any material for which confidential treatment is requested may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word), as part of or as an attachment to an e-mail message sent to the following e-mail box: [PRA-30-MailOrderRule@FTC.gov](mailto:PRA-30-MailOrderRule@FTC.gov). Regardless of the form in which they are filed, all timely comments will be considered by the Commission, and will be available (with confidential material redacted) for public inspection and copying at the Commission's principal office and on the Commission Web site at [www.ftc.gov](http://www.ftc.gov). As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it

<sup>1</sup> FTC Rule 4.2(d), 16 CFR 4.2(d). The comment must also be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

receives, before placing those comments on the FTC Web site.

The Rule was promulgated in 1975 in response to consumer complaints that many merchants were failing to ship merchandise ordered by mail 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 also 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 telefax or by computer through the use of a modem (e.g., Internet sales), and the Rule was then renamed the "Mail or Telephone Order Merchandise Rule."

Generally, the MTOR 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 has paid by credit card, the Rule 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:*

*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 consumer 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.

<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

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>

would be expended regardless of any regulatory requirement. 5 CFR 1320.3(b)(2).

<sup>5</sup> Projecting sales for "electronic shipping 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

*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.*

[FR Doc. 03-31714 Filed 12-23-03; 8:45 am]

**BILLING CODE 6750-01-P**

## FEDERAL TRADE COMMISSION

### Charges for Certain Disclosures

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice regarding charges for certain disclosures.

**SUMMARY:** The Federal Trade Commission announces that the current \$9.00 ceiling on allowable charges under Section 612(f) of the Fair Credit Reporting Act ("FCRA") will remain unchanged for 2003. Under 1996 amendments to the FCRA, the Federal Trade Commission is required to increase the \$8.00 amount referred to in paragraph (1)(A)(i) of Section 612(f) on January 1 of each year, based proportionally on changes in the Consumer Price Index ("CPI"), with fractional changes rounded to the nearest fifty cents. The CPI increased 14.89 percent between September 1997, the date the FCRA amendments took effect, and September 2003. This increase in the CPI and the requirement that any increase be rounded to the nearest fifty cents results in no change in the current maximum allowable charge of \$9.00.

**EFFECTIVE DATE:** January 1, 2004.

**ADDRESSES:** Federal Trade Commission, Washington, DC 20580.

existing and new businesses in 2002 would have amounted to .042% of sales.

### FOR FURTHER INFORMATION CONTACT:

Keith B. Anderson, Bureau of Economics, Federal Trade Commission, Washington, DC 20580, 202-326-3428.

### SUPPLEMENTARY INFORMATION:

Section 612(f)(1)(A) of the Fair Credit Reporting Act, which became effective in 1997, provides that a consumer reporting agency may charge a consumer a reasonable amount for making a disclosure to the consumer pursuant to section 609 of the Act, in those cases where the FCRA does not require the disclosure to be made without charge.<sup>1</sup> The law states that, where a consumer reporting agency is permitted to impose a reasonable charge on a consumer for making a disclosure to the consumer pursuant to Section 609, the charge shall not exceed \$8 and shall be indicated to the consumer before making the disclosure. Section 612(f)(2) goes on to state that the Federal Trade Commission ("the Commission") shall increase the \$8.00 maximum amount on January 1 of each year, based proportionally on changes in the Consumer Price Index, with fractional changes rounded to the nearest fifty cents.

The Commission considers the \$8 amount referred to in paragraph (1)(A)(i) of Section 612(f) to be the baseline for the effective ceiling on reasonable charges dating from the effective date of the amended FCRA, *i.e.*, September 30, 1997. Each year the Commission calculates the proportional increase in the Consumer Price Index (using the most general CPI, which is for all urban consumers, all items) from September 1997 to September of the current year. The Commission then determines what modification, if any, from the original base of \$8 should be made effective on January 1 of the subsequent year, given the requirement that fractional changes be rounded to the nearest fifty cents.

Between September 1997 and September 2003, the Consumer Price Index for all urban consumers and all items increased by 14.89 percent—from an index value of 161.2 in September 1997 to a value of 185.2 in September 2003. An increase of 14.89 percent in

<sup>1</sup> This provision, originally Section 612(a), was added to the FCRA in September 1996 and became effective in September 1997. It was relabeled Section 612(f) by Section 211(a) of the Fair and Accurate Credit Transactions Act of 2003 ("FACT Act"), Public Law 108-159, which was signed into law on December 4, 2003. Because Section 211(a) of the FACT Act provides for free annual disclosures, assessment of this charge will be less frequent, but will still apply to a consumer who has already received a free annual disclosure and doesn't otherwise qualify for an additional free disclosure. The charge will also be permitted until the free annual disclosure requirement becomes effective.

the \$8.00 base figure would lead to a new figure of \$9.19. However, because the statute directs that the resulting figure be rounded to the nearest \$0.50, the allowable charge should be \$9.00.

The Commission therefore determines that the allowable charge for the year 2004 will remain unchanged at \$9.00.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 03-31715 Filed 12-23-03; 8:45 am]

**BILLING CODE 6750-01-M**

## FEDERAL TRADE COMMISSION

[File No. 031 0097]

### General Electric Company; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

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

**DATES:** Comments must be received on or before January 20, 2004.

**ADDRESSES:** Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: [consentagreement@ftc.gov](mailto:consentagreement@ftc.gov), as prescribed in the Supplementary Information section.

### FOR FURTHER INFORMATION CONTACT:

Joanne Lewers, FTC, Bureau of Competition, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-2667.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the