

15. Public Comments and Participation
(5 minutes per speaker)
16. Other Business
Adjourn no later than 5 p.m.
Next Meeting: Tuesday, May 18, 2004.
*The Agenda may be modified at the discretion of the NANC Chairman with the approval of the DFO.

Federal Communications Commission.

Cheryl L. Callahan,

Assistant Chief, Telecommunications Access Policy Division, Wireline Competition Bureau.
[FR Doc. 04-3237 Filed 2-12-04; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at <http://www.ffiec.gov/nic/>.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 2004.

A. Federal Reserve Bank of Atlanta
(Sue Costello, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30303:

1. *New Horizons Bancshares, Inc.*, East Ellijay, Georgia; to become a bank

holding company by acquiring 100 percent of the voting shares of New Horizons Bank, East Ellijay, Georgia (in organization).

Board of Governors of the Federal Reserve System, February 9, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E4-269 Filed 2-12-04; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL TRADE COMMISSION

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

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget ("OMB") for review, as required by the Paperwork Reduction Act ("PRA"). The Federal Trade Commission ("FTC") is soliciting public comments on its proposal to extend through May 31, 2007 the current PRA clearance for information collection requirements contained in 16 CFR parts 801-803 ("the HSR rules"). That clearance expires on May 31, 2004.

DATES: Comments must be filed by April 13, 2004.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to "HSR Rules: Paperwork Comment" to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and 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. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. 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, Microsoft Word, or PDF), as part of or as an attachment to an email message sent to the following email box: hsr-rules@ftc.gov.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at www.ftc.gov. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be addressed to B. Michael Verne, 600 Pennsylvania Ave., NW., Room 301, Washington, DC 20580. Telephone: (202) 326-3100.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. "Collection of information" means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). 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 HSR Rules.

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency'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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

All persons are hereby given notice of the opportunity to submit written data, views, facts, and arguments addressing the issues raised by this Notice. Written comments must be submitted on or before April 13, 2004. Comments should

refer to "HSR Rules: Paperwork Comment" to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and 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."¹ The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. 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, Microsoft Word, or PDF), as part of or as an attachment to an email message sent to the following email box: hsr-rules@ftc.gov.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at www.ftc.gov. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

Background Information

Section 7A of the Clayton Act ("the Act"), 15 U.S.C. 18a, as added by the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94-435, 90 Stat. 1390, requires all persons contemplating certain mergers or acquisitions to file notification with the

Commission and the Assistant Attorney General and to wait a designated period of time before consummating such transactions. Congress empowered the Commission, with the concurrence of the Assistant Attorney General, to require "that the notification * * * be in such form and contain such documentary material and information * * * as is necessary and appropriate" to enable the agencies "to determine whether such acquisitions may, if consummated, violate the antitrust laws." 15 U.S.C. 18a(d). Congress similarly granted rulemaking authority to, *inter alia*, "prescribe such other rules as may be necessary and appropriate to carry out the purposes of this section." *Id.*

Pursuant to that section, the Commission, with the concurrence of the Assistant Attorney General, developed the Antitrust Improvements Act Rules ("the HSR rules") and Notification and Report Form for Certain Mergers and Acquisitions ("the Form"). Changes of a substantive nature have been made in the HSR rules or the Form on a number of occasions.

Burden Statement

Estimated total annual hours burden: 86,828 hours.

In its 2001 PRA submission to OMB regarding the HSR rules, FTC staff estimated that there are 30 "index filings" under Clayton Act Sections 7A(c)(6) and 7A(c)(8) that require 2 hours per filing, and 4,811 non-index filings that require an average of 39 hours per filing.² Staff also estimated that a total of 110 transactions would require an additional 40 hours of burden associated with the more precise determination of transaction value as a result of the introduction of a tiered filing fee system.³ Thus, the total estimated hours burden was 192,089 hours [(30 index-filings × 2 hours) + (4,811 non-index filings × 39 hours) + (110 transactions × 40 hours)].

The one amendment to the HSR rules since staff's 2001 PRA submission to OMB did not "affect the information collection requirements of the premerger notification program" and

did not require OMB review. See 67 FR 11904, 11906 (Mar. 18, 2002). Thus, the disclosure and notification requirements in the HSR rules remain the same since staff's prior submission to OMB.

Although there has been no change in disclosure and notification requirements, staff estimates that there will be a reduced number of filings in FY 2004 from the number of filings estimated in staff's 2001 PRA submission to OMB.⁴ Using the same percentage as the 2001 submission, staff estimates that 50 of the total non-index transactions will require the additional 40 hours of burden associated with a more precise valuation. Accordingly staff estimates total hours to comply with the HSR rules is 86,828 hours [(21 filings × 2 hours) + (2,174 filings × 39 hours) + (50 transactions × 40 hours)].

This is a conservative estimate. In estimating PRA burden, staff 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 OMB regulation implementing the PRA, the definition of burden arguably includes upgrading and maintaining computer and other systems used to comply with a rule's requirements. Conversely, to the extent that these systems are used in the ordinary course of business independent of the Rule, their associated upkeep would fall outside the realm of PRA "burden."

Industry has been subject to the basic provisions of the HSR Rules since 1978. Thus, businesses have had several years (and some have had decades) to integrate compliance systems into their business procedures. Accordingly, most companies now maintain records and provide updated order information of the kind required by the HSR Rules in their ordinary course of business. Nevertheless, staff conservatively assumes that the time devoted to compliance with the Rule by existing

¹ Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must 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).

² Clayton Act Sections 7A(c)(6) and (c)(8) exempt from the requirements of the premerger notification program certain transactions that are subject to the approval of other agencies, but only if copies of the information submitted to these other agencies are also submitted to the FTC and the Assistant Attorney General. Thus, parties must submit copies of these filings, which are included in the totals shown, but completing the task requires significantly less time than non-exempt transactions.

³ This represents approx. 4.6% of the total estimated non-index transactions for 2001. Only the acquiring person is required to determine the value of the transaction.

⁴ Filings have dropped significantly in recent years, although staff expects the total number of filings for FY 2004 to increase from the FY 2003 total (1,995) in light of the improving economy and increasing merger activity. Staff expects a 10% increase over the FY 2003 total to 2,195 [1995 filings × (1.00 + .10)]. Staff similarly expects the number of index filings to increase by 10% over the FY 2003 total to 21 [19 index filings × (1.00 + .10)], leaving a total of 2,174 non-index filings. The estimated level of filings for FY 2004 is still lower than the estimated number of filings in staff's 2001 PRA submission to OMB.

and new companies remains unchanged from its preceding estimate.

Estimated labor costs: \$36,902,000 (rounded to the nearest thousand).

Using the burden hours estimated above, the total labor cost associated with the HSR Rules, based on a conservative estimated average of \$425/hour for executives' and attorneys' wages, would be approximately \$36.9 million (86,828 hours × \$425/hour).

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

The applicable requirements impose minimal start-up costs, as businesses subject to the HSR Rules generally have or obtain necessary equipment for other business purposes. 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 HSR Rules.

John D. Graubert,

Acting General Counsel.

[FR Doc. 04-3288 Filed 2-12-04; 8:45 am]

BILLING CODE 6750-01-P

FEDERAL TRADE COMMISSION

Sunshine Act Meeting Notice

AGENCY: Federal Trade Commission.

TIME AND DATE: 2 p.m., Wednesday, March 10, 2004.

PLACE: Federal Trade Commission Building, Room 532, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion Open to Public: (1) Oral Argument in the matter of Union Oil Company of California, Docket 9305.

Portion Closed to the Public: (2) Executive Session to follow Oral Argument in Union Oil Company of California, Docket 9305.

FOR FURTHER INFORMATION CONTACT: Mitch Katz.

Office of Public Affairs: (202) 326-2180.

Recorded Message: (202) 326-2711.

Donald S. Clark,

Secretary, (202) 326-2514.

[FR Doc. 04-3376 Filed 2-11-04; 12:39 pm]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OS-0990-New]

Agency Information Collection Activities: Proposed Collection; Comment Request

Agency: Office of the Secretary, HHS.
In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

#1 Type of Information Collection Request: New collection;

Title of Information Collection: Assessment Study of the Uses of HealthierUS and Healthy People 2010; *Form/OMB No.:* OS-0990-New;

Use: The goal of this assessment is to create a comprehensive picture of how and by whom, the Federal health promotion and disease prevention initiatives, HealthierUS and Healthy People 2010 contribute to state or local disease prevention and health promotion planning.

Frequency: Recordkeeping;
Affected Public: State, local, or tribal governments;

Annual Number of Respondents: 300;
Total Annual Responses: 300;
Average Burden Per Response: 15 minutes;

Total Annual Hours: 2,280.75.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access the HHS Web site address at <http://www.hhs.gov/oirm/infocollect/pending/> or e-mail your request, including your address, phone number, OMB number, and OS document identifier, to naomi.cook@hhs.gov, or call the Reports Clearance Office on (202) 690-6162. Written comments and recommendations for the proposed

information collections must be mailed within 60 days of this notice directly to the OS Paperwork Clearance Officer designated at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Budget, Technology, and Finance, Office of Information and Resource Management, Attention: Naomi Cook (0990-New), Room 531-H, 200 Independence Avenue, SW., Washington DC 20201.

Dated: February 6, 2004.

Robert E. Polson,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 04-3159 Filed 2-12-04; 8:45 am]

BILLING CODE 4168-17-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-04-27]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 498-1210.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-E11, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: Health Alert Network—National Survey of Public Health Agencies—New—Public Health