

thus are covered by the Informal Dispute Settlement Rule. Therefore, staff assumes that virtually all of the 22,996 disputes handled by the BBB fall within Rule 703. Apart from the BBB audit report, 2002 reports were also submitted by the mechanisms that handle dispute resolution for Toyota, Chrysler, Ford, and Mitsubishi, all of which are covered by the Rule. The Ford IDSM states that it handled 5,295 total disputes. The National Center for Dispute Settlement handles disputes for Mitsubishi, Toyota and Daimler-Chrysler. The 2002 audits of the Center's operations show 154 in-jurisdiction Mitsubishi disputes were filed; it handled 2,353 in-jurisdiction cases on behalf of Toyota; and closed 1,833 cases involving Daimler-Chrysler. Based on these figures, staff estimates that the total number of disputes handled by Rule 703 mechanisms is approximately 32,631. Thus, staff estimates the total burden to be approximately 21,754 hours ( $32,631 \text{ disputes} \times 40 \text{ minutes} \div 60$ ).

**Disclosure:** The Rule requires that information about the mechanism be disclosed in the written warranty. Any incremental costs to the warrantor of including this additional information in the warranty are negligible. The majority of such costs would be borne by the IDSM, which is required to provide to interested consumers upon request copies of the various types of information the IDSM possesses, including annual audits. Consumers who have dealt with the IDSM also have a right to copies of their records. (IDSMs are permitted to charge for providing both types of information.) Given the small number of entities that have operated programs over the years, staff estimates that the burden imposed by the disclosure requirements is approximately 8,157 hours per year for the existing IDSMs to provide copies of this information. This estimate draws from the estimated number of consumers who file claims each year with the IDSMs (32,631) and the assumption that each consumer individually requests copies of the records relating to their dispute. Staff estimates that the copying would require approximately 15 minutes per consumer, including copies of the annual audit.<sup>9</sup> Thus, the IDSMs currently operating under the Rule have an estimated total disclosure burden of 8,157 hours ( $32,631 \text{ claims} \times 15 \text{ min.} \div 60$ ).

**Total annual labor cost:** \$438,000.

Staff assumes that IDSMs use skilled clerical or technical support staff to compile and maintain the records required by the Rule at an hourly rate of \$16; thus, the labor cost associated with the 21,754 recordkeeping burden hours is \$348,064. Staff further assumes that IDSMs use clerical support at an hourly rate of \$11 to reproduce records, and therefore that the labor costs of the 8,157 disclosure burden hours is approximately \$89,727. Accordingly, the combined total labor cost for recordkeeping and disclosures is \$437,791, rounded to 438,000.

**Total annual capital or other non-labor costs:** \$300,000.

**Total capital and start-up costs:** The Rule imposes no appreciable current capital or start-up costs. The vast majority of warrantors have already developed systems to retain the records and provide the disclosures required by the Rule. Rule compliance does not require the use of any capital goods, other than ordinary office equipment, to which providers would already have access.

The only additional cost imposed on IDSMs operating under the Rule that would not be incurred for other IDSMs is the annual audit requirement. One of the IDSMs currently operating under the Rule estimates the total annual costs of this requirement to be under \$100,000. Because there are three IDSMs operating under the Rule (Toyota, Mitsubishi, and Chrysler share the same IDSM, though each company is reported separately), staff estimates the total non-labor costs associated with the Rule to be three times that amount, or \$300,000.<sup>10</sup> This extrapolated total, however, also reflects an estimated \$120,000 for copying costs, which is accounted for separately under the category below. Thus, estimated costs attributable solely to capital or start-up expenditures is \$180,000.

**Other non-labor costs:** \$127,500 in copying costs. This total is based on estimated copying costs of 5 cents per page and several conservative assumptions or estimates. Staff estimates that the "average" dispute-related file is about 25 pages long and that a typical annual audit file is about 200 pages in length. For purposes of estimating copying costs, staff assumes that every consumer complainant (or approximately 32,631 consumers) requests a copy of the file relating to his or her dispute. Staff also assumes that, for about 6,526 (20%) of the estimated 32,631 disputes each year, consumers

request copies of warrantors' annual audit reports (although, based on requests for audit reports made directly to the FTC, the indications are that considerably fewer requests are actually made). Thus, the estimated total annual copying costs for average-sized files is approximately \$40,788 ( $25 \text{ pages/file} \times .05 \times 32,631 \text{ requests}$ ) and \$65,260 for copies of annual audits ( $200 \text{ pages/audit report} \times .05 \times 6,526 \text{ requests}$ ), for total copying costs of \$106,048, rounded to \$106,050. Beginning with the 2002 audits, the FTC staff requested that the audits also be submitted in electronic format so they can be posted on the FTC web site. This new procedure will likely reduce the number of hours and costs of copying the audits, because the IDSMs will be able to refer consumers to the FTC web site, where they can download and/or print out the information needed. Because this process has only recently begun (and because not all consumers have access to a computer), it is too soon to estimate the decrease in hours and costs that may result from the public posting of the audits.

**William E. Kovacic,**

*General Counsel.*

[FR Doc. 04-22931 Filed 10-12-04; 8:45 am]

**BILLING CODE 6750-01-P**

## FEDERAL TRADE COMMISSION

### Granting of Request For Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency

<sup>9</sup> This estimate incorporates any additional time needed to reproduce copies of audit reports for consumers upon their request. Inasmuch as

consumers request such copies in only a minority of cases, this estimate is likely an overstatement.

<sup>10</sup> The industry source did not break down this estimate by cost item. Staff conservatively included

the entire \$100,000 in its estimate of capital and other non-labor costs, even though some of this burden is likely already accounted for as labor costs.

intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
<b>TRANSACTIONS GRANTED EARLY TERMINATION—09/14/2004</b>			
20041328 .....	Seiko Epson Corporation .....	Sanyo Epson Imaging Devices Corporation.	Sanyo Epson Imaging Devices Corporation.
20041335 .....	J.P. Morgan Chase & Co. ....	TruSecure Corporation .....	TruSecure Corporation.
20041342 .....	Ricoh Company, Ltd. ....	Hitachi, Ltd. ....	Hitachi Printing Solutions, Ltd.
20041353 .....	Trevor Lloyd .....	Robert (and wife, Elsa) Eustace .....	Applied Systems, Inc.
20041354 .....	Cox Enterprises, Inc. ....	Cox Enterprises, Inc. ....	TCA Cable Partners.
20041357 .....	Kenneth R. Thomson .....	KnowledgeNet.com, Inc. ....	KnowledgeNet.com, Inc.
20041369 .....	Cisco Systems, Inc. ....	P-Cube, Inc. ....	P-Cube, Inc.
20041371 .....	J.W. Childs Equity Partners III, L.P.	Fitness Quest, Inc. ....	Fitness Quest, Inc.
20041376 .....	CCG Investments BVI, L.P. ....	Richard T. Lilly .....	Lilly Software Associates, Inc.
20041377 .....	UICI .....	HealthMarket Inc. ....	HealthMarket Administrative Services, Inc.
20041378 .....	Lincoln Insurance Group, Inc. ....	Security Mutual Life Nebraska Holding Company.	SML Holdings Co.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—09/15/2004</b>			
20041364 .....	Collins Stewart Tullett plc .....	Arthur Hughes .....	FPG Holdings Limited
<b>TRANSACTIONS GRANTED EARLY TERMINATION—09/16/2004</b>			
20041367 .....	The Hearst Trust .....	White Directory Publishers, Inc. ....	White Directory of Carolina, Inc., White Directory of Florida, Inc., White Directory of New England, Inc., White Directory of Pennsylvania, Inc., White Directory of Virginia, LLC, White Directory Publishers, Inc.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—09/17/2004</b>			
20040710 .....	General Electric Company .....	InVision Technologies, Inc. ....	InVision Technologies, Inc.
20041356 .....	GC Power Acquisition LLC .....	Centerpoint Energy, Inc. ....	Texas Genco Holdings, Inc., Texas Genco II LP, Texas Genco Services, LP
20041382 .....	International Power plc .....	Edison International .....	EME del Caribe Holding GmbH
20041383 .....	MGI Pharma, Inc. ....	SuperGen, Inc. ....	SuperGen, Inc.
20041392 .....	Austin Ventures VIII, L.P. ....	Mr. Russell B. Insera .....	Orion Marine Group Holdings, Inc.
20041393 .....	George David .....	United Technologies Corporation .....	United Technologies Corporation
20041400 .....	QUALCOMM Incorporated .....	Iridigm Display Corporation .....	Iridigm Display Corporation.
<b>TRANSACTIONS GRANTED EARLY TERMINATION—09/20/2004</b>			
20041314 .....	ConMed Corporation .....	C.R. Bard, Inc. ....	C.R. Bard, Inc.
20041370 .....	UBS AG .....	The Charles Schwab Corporation .....	Schwab Capital Markets L.P., SoundView Technology Group, Inc.

Trans #	Acquiring	Acquired	Entities
20041396 .....	Sumitomo Corporation .....	PG&E Corporation .....	Hermiston Generating Company, L.P., Airport Ale House and Raw Bar, Inc., Alafaya Ale House and Raw Bar, Ltd., Ale House Management, Inc., Alpharetta Ale House and Raw Bar, Inc., Altamonte Ale House and Raw Bar, Inc., Boca Ale House and Raw Bar, Inc., Boynton Ale House, Inc., Bradenton Ale House and Raw Bar, Inc., Brandon Ale House and Raw Bar, Ltd., Buena Vista Ale House Raw Bar, Inc., Coral Springs Ale House and Raw Bar, Ltd., Davie Ale House and Raw Bar, Ltd., Daytona Ale House and Raw Bar, Ltd., Doral Ale House and Raw Bar, Inc., Florida Mall Ale House and Raw Bar, Inc., Fort Lauderdale Ale House and Raw Bar, Inc., Ft Myers Ale House and Raw Bar Eas, Inc., Gardens Ale House and Raw Bar, Inc., Hiawassee Ale House and Raw Bar, Inc., Hollywood Ale House and Raw Bar, Inc., Jupiter Ale House, Inc., Kendall Ale House and Raw Bar, Inc., Kirkman Road Ale House and Raw Bar, Inc., Lakeland Ale House and Raw Bar, Inc., Mandarin Ale House and Raw Bar, Inc., North Miami Ale House and Raw Bar, Inc., Ocala Ale House and Raw Bar, Inc., Orlando Ale House and Raw Bar, Inc., Palm Harbor Ale House and Raw Bar, Inc., Pembroke Pines Ale House and Raw Bar, Ltd., Regency Ale House and Raw Bar, Ltd., Sanford Ale House and Raw Bar, Inc., Sarasota Ale House and Raw Bar, Inc., Southside Ale House and Raw Bar, Inc., St. Petersburg Ale House and Raw Bar, Inc., Tampa Ale House and Raw Bar, Inc., UNCC Charlotte Ale House and Raw Bar Limited Partnership.
20041399 .....	SKM Equity Fund III, L.P. ....	John W. Miller.	

**TRANSACTIONS GRANTED EARLY TERMINATION—09/21/2004**

20041263 .....	Morton Manus and Iris Manus .....	WMG Parent Corporation .....	CPP/Belwin, Inc., International Music Publications Limited, Warner Bros, Publications U.S. Inc.
20041391 .....	SCF-IV, L.P. ....	Mr. Harold Hamm .....	Hamm Co., Rental Tools, Inc.

**TRANSACTIONS GRANTED EARLY TERMINATION—09/23/2004**

20041394 .....	ArcLight Energy Partners Fund II, L.P..	General Electric Company .....	TIFD III-C, Inc.
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**TRANSACTIONS GRANTED EARLY TERMINATION—09/24/2004**

20041333 .....	Kenneth R. Thomson .....	Educational Testing Service .....	iLearning, Inc., The Chauncey Group Holdings Inc.
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**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay, Contact Representative or Renee Hallman, Case Management Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H-303, Washington, DC 20580 (202) 326-3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 04-22930 Filed 10-12-04; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### Privacy Act of 1974; Renewal of Computer Matching Program (Match No. 2001-06)

**AGENCY:** Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

**ACTION:** Notice of renewal of computer matching program (CMP).

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the renewal of a CMP that CMS plans to conduct with the State of California Department of Health Services (DHS). We have provided background information about the proposed matching program in the "Supplementary Information" section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the proposed matching program, CMS invites comments on all portions of this notice. See "Effective Dates" section below for comment period.

**DATES:** CMS filed a report of the CMP with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on October 1, 2004. We will not disclose any information under a matching agreement until 40 days after filing a report to OMB and Congress or 30 days after publication. We may defer implementation of this matching program if we receive comments that persuade us to defer implementation.

**ADDRESSES:** The public should address comments to: Director, Division of Privacy Compliance Data Development, Enterprise Databases Group, Office of

Information Services, CMS, Mail stop N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.-3 p.m., eastern daylight time.

**FOR FURTHER INFORMATION CONTACT:**

Douglass Brown, Health Insurance Specialist, Division of Methods and Strategy, Program Integrity Group, Office of Financial Management, CMS, Mail-stop C3-02-16, 7500 Security Boulevard, Baltimore Maryland 21244-1850. The telephone number is (410) 786-0028 and e-mail is [dbrown4@cms.hhs.gov](mailto:dbrown4@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:****I. Description of the Matching Program****A. General**

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), amended the Privacy Act (5 U.S.C. § 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 100-508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

1. Negotiate written agreements with the other agencies participating in the matching programs;
2. Obtain the Data Integrity Board approval of the match agreements;
3. Furnish detailed reports about matching programs to Congress and OMB;
4. Notify applicants and beneficiaries that the records are subject to matching; and,
5. Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

**B. CMS Computer Matches Subject to the Privacy Act**

CMS has taken action to ensure that all CMPs that this Agency participates in comply with the requirements of the Privacy Act of 1974, as amended.

Dated: October 1, 2004.

**Mark B. McClellan,**  
*Administrator.*

**Computer Match No. 2001-06****NAME:**

"Computer Matching Agreement Between the Centers for Medicare & Medicaid Services (CMS) and the State of California Department of Health Services (DHS) for Disclosure of Medicare and Medicaid Information".

**SECURITY CLASSIFICATION:**

Level Three Privacy Act Sensitive.

**PARTICIPATING AGENCIES:**

The Centers for Medicare & Medicaid Services, and State of California Department of Health Services.

**AUTHORITY FOR CONDUCTING MATCHING PROGRAM:**

This Computer Matching Program (CMP) is executed to comply with the Privacy Act of 1974 (Title 5 United States Code (U.S.C.) section 552a), as amended, the Office of Management and Budget (OMB) Circular A-130, titled "Management of Federal Information Resources" at 65 FR 77677 (December 12, 2000), and OMB guidelines pertaining to computer matching (54 FR 25818, June 19, 1989).

Authority for this matching program is given under the matching provisions of §§ 1816, 1842, and 1874(b) of the Social Security Act (42 U.S.C. 1395h, 1395u, and 1395kk(b)). Authority for DHS to participate in this computer-matching program is given under the provisions of §§ 10740, 10748, 10750, 14000, and 14000.3. 14000.4, 14005, 14005.4, 14100.1, 14200 of the California Welfare and Institutions Code, and 42 CFR 431.300 through 431.307. DHS is charged with administration of the Medicaid program in California and is the single state agency for such purpose. DHS may act as an agent or representative of the Federal government for any purpose in furtherance of DHS's functions or administration of the Federal funds granted to the state. In California, the Medi-Cal Act provides qualifying individuals with health care and related remedial or preventive services, including both Medicaid services and services authorized under state law that are not provided under Federal law. The program to provide all such services is known as the Medi-Cal program.

**PURPOSE(S) OF THE MATCHING PROGRAM:**

The purpose of this Agreement is to establish the conditions, safeguards, and procedures under which CMS will conduct a computer matching program