

TABLE 9.—SCHEDULE (ESTIMATED DATES BY FISCAL YEAR) FOR COMPLETING REDS AND TOLERANCE REASSESSMENTS FOR CARCINOGENIC PESTICIDES IN GROUP 1—Continued

Chemical	RED	Tolerance Reassessment
Triadimenol .....	(post-84)	2001**
Triallate .....	2000	2000
Trifluralin .....	Completed *	2002*
Vinclozolin .....	1999	Completed

\* RED completed before FQPA—needs FQPA reassessment.

\*\* Registered after 1984. No RED needed; however, tolerances must be reassessed.

### H. Projected Year of Completion of Reregistrations

EPA is now conducting reregistration in conjunction with tolerance reassessment, which FQPA mandates be completed by 2006. EPA plans to complete reregistration of pesticide active ingredients and products prior to the statutory deadline for completing tolerance reassessment.

#### List of Subjects

Environmental protection.

Dated: November 2, 1999.

**Susan H. Wayland,**

*Acting Assistant Administrator for Prevention, Pesticides, and Toxic Substances.*

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BILLING CODE 6560-50-F

withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region 4, Program Services Branch, Waste Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Ms. Batchelor at the above address on or before December 20, 1999.

Dated: November 4, 1999.

**Anita Davis,**

*Acting Chief, CERCLA Program Services Branch, Waste Management Division.*

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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.

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 December 13, 1999.

**A. Federal Reserve Bank of Richmond** (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:  
1. *F&M National Corporation*, Winchester, Virginia; to acquire 100 percent of the voting shares of The State Bank of the Alleghenies, Covington, Virginia.

**B. Federal Reserve Bank of Chicago** (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. *Iowa State Financial Services Corporation*, Fairfield, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Iowa State Bank & Trust Company, Fairfield, Iowa.

2. *Iowa State Financial Services Corporation*, Fairfield, Iowa; to merge with North Linn Corporation, Coggon, Iowa, and thereby indirectly acquire Linn County State Bank, Coggon, Iowa.

Board of Governors of the Federal Reserve System, November 12, 1999.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6477-2]

### Peach Metal Industries, Inc. Superfund Site, Byron, Peach County, Georgia, Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** Under section 122(h) (1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Environmental Protection Agency (EPA) proposes to settle claims for response costs at the Peach Metal Industries, Inc. Site ("Site") located in Byron, Peach County, Georgia. Briggs & Stratton Corporation ("B&S") is liable for EPA costs under Section 107(a) of CERCLA, 42 U.S.C. 9607(a). EPA and B&S have reached an agreement wherein EPA will not pursue its past costs against B&S, provided that B&S seeks to dismiss its section 106(b) Petition for Reimbursement currently pending before the Environmental Appeals Board. EPA will consider public comments on the proposed settlement for thirty days. EPA may

## 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

## FEDERAL TRADE COMMISSION

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

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Notice.

**SUMMARY:** The FTC has submitted to the Office of Management and Budget

(OMB) for review and clearance under the Paperwork Reduction Act (PRA) information collection requests contained in its study of the marketing practices of the entertainment industry. The FTC proposes to seek information from members of the following industries: (1) Motion picture; (2) recording; and (3) video, personal computer, and coin operated games. To do this, the FTC first seeks OMB clearance and additional public comment regarding this notice, which is the second of two notices required by the PRA for information collection requests.

The FTC will also seek to obtain information through proposed consumer research. The FTC will forward a separate submission to OMB regarding that research, and publish a related notice in the **Federal Register** at that time.

**DATES:** Comments on the proposed information requests must be submitted on or before December 20, 1999.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to the following addresses: Edward Clarke, Senior Economist, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503, and to Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, or by e-mail to <entstudy@ftc.gov>. The submissions should include the submitter's name, address, telephone number, and, if available, FAX number and e-mail address. All submissions should be captioned "Entertainment Industry Study"—FTC File No. P994511."

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information, such as requests for copies of the proposed collection of information (Supporting Statement and related attachments), should be addressed to Sally Forman Pitofsky, Attorney, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Telephone: (202) 326-3318, E-mail: <entstudy@ftc.gov>.

**SUPPLEMENTARY INFORMATION:** On August 25, 1999, the FTC published a **Federal Register** notice with a 60-day comment period soliciting comments from the public concerning the information collection requirements under the proposed study. See 64 FR 46392.

### Comments Received

The FTC received three comments raising questions about the impact of the study on First Amendment rights, from Professor Erwin Chemerinsky of the University of Southern California, Philip D. Harvey of the Liberty Project, and Robert M. O'Neil, Director of the Thomas Jefferson Center for the Protection of Free Expression. In addition, the Interactive Digital Software Association (IDSA) filed a comment raising several other issues and concerns regarding the proposed study.

#### 1. Comments Raising First Amendment Concerns

Professor Chemerinsky "suggest[ed] that the FTC inquiry raises grave First Amendment concerns and \* \* \* makes it highly unlikely that there is any practical utility to this inquiry." In this view, it is "highly unlikely" that "restrictions on advertising of First Amendment protected material can be devised" that would meet the standards set out in Constitutional jurisprudence. Mr. O'Neil stated that there is "grave risk" that the Commission's inquiry "may chill entirely lawful non-deceptive marketing of lawful products—entertainment materials which (unlike most objects of marketing) enjoy First Amendment protection of their own" and that "the current study does not avoid potential free speech concerns by focusing on 'marketing practices' rather than on entertainment material which is the occasion or focus of marketing programs." Mr. Harvey stated that "[a]lthough the current proceeding is merely an inquiry, the threat it undoubtedly poses of future governmental restrictions on both commercial and non-commercial speech will not only directly restrain protected commercial speech but also will begin to influence what underlying core expression is produced."

From the outset in the study, the Commission has made clear that the purpose of the study is to evaluate whether and how members of the entertainment industry are marketing violent material to children and to assess the extent to which industry members adhere to the applicable self-regulatory systems that they have set for that marketing and advertising. The study of the ways that companies advertise and market their products falls squarely within the FTC's fact-finding authority under Section 6 of the Federal Trade Commission Act. See 15 U.S.C. 46(a). In addition, the Commission can readily assess the workings of the

industries' self-regulatory systems without independently evaluating the content of the entertainment products involved, using only the ratings previously assigned to the products by the industry.

Moreover, the purpose of the study is not to enforce existing statutes or regulations. As noted by Chairman Robert Pitofsky in announcing the study, "we are not embarking on a campaign of law enforcement. Our role is to study issues and report our findings to the President, Congress, and the American public. We expect that our end product will be a report, not a cluster of charges alleging law violations."<sup>1</sup> A Commission study of the way that companies advertise and market First Amendment-protected material can and will be conducted without implicating First Amendment concerns. See generally *Penthouse v. Meese*, 939 F.2d 1011, 1016 (D.C. Cir. 1991), cert. denied, 503 U.S. 950 (1992) (footnote omitted).

Finally, the report is expected to be useful for policymakers and the public, including parents, and may provide a basis for the industry to improve its self-regulatory efforts.

#### 2. IDSA Comment

The Interactive Digital Software Association (IDSA) filed a comment raising several issues and concerns regarding the proposed study. Formed in 1994, the IDSA serves the business and public affairs needs of companies that publish video and computer games for consoles, personal computers, and the Internet. According to the IDSA, its member companies collectively account for approximately ninety per cent of the \$5.5 billion in entertainment software sold in the U.S. in 1998.

First, IDSA describes several "proactive steps" the video and personal computer game industry has taken to "address concerns about violent video games," including IDSA's Advertising Code of Conduct; IDSA's Entertainment Software Rating Board's (ESRB) program that rates websites promoting video games; ESRB programs with industry members to educate the public, particularly parents, about its rating systems; IDSA's current effort to encourage retailers not to rent or sell Mature-rated video games to children under 17 without parental permission; and ESRB's recent development of a new Advertising Review Council to

<sup>1</sup> Chairman Robert Pitofsky, "The Influence of Violent Entertainment Material on Kids: What is to be Done?," speech before the National Association of Attorneys General, June 25, 1999, Nashville, Tennessee.

review content of advertisements for games.

The Commission welcomes these actions. As noted above, the purpose of the study is to examine how industry implements its own self-regulatory systems, such as those described in the IDSA comment. The report will highlight any significant changes or enhancements that any of the studied industries make in their self-regulatory systems.

Second, IDSA asks how the FTC will decide which video or computer games with violent content will be included in the review. The Commission will use the existing ratings systems to make that determination. Namely, the Commission will examine the advertising and marketing of electronic games that, due to their violent content, were: Rated Teen, Mature, or Adults Only under the ESRB system; rated with a violence level of "2" or above using the Recreational Software Advisory Council rating system; or, given a red label under the American Amusement Machine Association coin operated system.

Third, IDSA asks that the FTC not comment on the existing research on the impact of violence depicted in games on game players. While this request does not relate to the information that the Commission will seek from industry members, the Commission will consider IDSA's views in preparing the final report.

Fourth, IDSA states that neither the IDSA nor its members have the power to control the sales policies of retail establishments, and thus do not have the ability to restrict access to their games at the retail level. The Commission recognizes that there are limits on the ability of IDSA or individual game publishers to control retailers' sales policies. On their own, however, individual retailers have adopted policies to limit or restrict access, and IDSA and other industry groups are actively encouraging retailers to adopt such policies. The Commission intends to report on the existence and effectiveness of those efforts.

Fifth, IDSA asks that the Commission put out for public comment any survey instrument used to assess consumer attitudes toward and awareness of the ESRB, and that any such research only survey those who actually buy or play video games. Consistent with the requirements of the Paperwork Reduction Act, the survey instrument used to study consumer attitudes toward and awareness of the various rating systems will be made available to interested third parties upon request to Commission staff. Because the survey is

intended to assess parents' views of the ratings systems, it will not be limited to those who play or buy video games, but will also include those whose children buy or play video games (as well as movies and music recordings).

Sixth, IDSA is concerned that the 450 person-hours estimated for compliance with the Commission's document requests will be too burdensome for some of IDSA's members. The Commission will carefully consider the burden its requests place on industry members, and will work with individual companies responding to those requests to minimize that burden wherever possible. Moreover, this burden figure constitutes the outer range of staff's burden estimate (i.e., 225-450 hours per industry member), and will likely be less for smaller companies.

*Description of the collection of information and proposed use:* The FTC proposes to send information requests to approximately 60 to 75 members of the motion picture industry, the recording industry, and the video, personal computer, and coin operated game industry ("industry members") to examine: (1) The voluntary systems used by industry members to rate or designate violent content in movies, recordings, and video or computer games; (2) how industry members market or advertise movies, recordings, and video or computer games rated or designated by industry as having violent content; and (3) whether industry members have policies or procedures to restrict access by children or teenagers under 18 to movies, recordings, and video or computer games rated or designated by industry as having violent content. The information sought will be obtained through interviews and document requests. The information will be sought on a voluntary basis, although the FTC has authority to compel production of this information under Section 6(b) of the FTC Act, 15 U.S.C. 46(b).

*Estimated hours burden:* Staff will conduct initial and follow-up interviews with individual industry members. The interviews should total no more than 8 hours for each industry member, for a maximum total of approximately 600 hours. In addition, staff will also ask each industry member to submit documents relating to the above subject areas. Because the members within each of the industries will necessarily vary in size, staff has provided a range of the estimated hours burden. This range is between 225 hours and 450 hours per member depending on the size of each. The total estimated burden of producing such documents per member is based on the following:

Organize document retrieval—25-50 hours  
Identify requested information—100-200 hours  
Retrieve responsive information—50-100 hours  
Copy requested information—50-100 hours

Thus, the cumulative hours burden to produce documents sought will be between: 16,875 hours (225 hours × 75 members) to 33,750 hours (450 × 75 members).

*Estimated cost burden:* Staff has assumed that mid-management level personnel will handle the responses to interviews and has applied an average hourly wage of \$150/hour for their labor. Thus, the total cost per member for the interviews should not exceed of \$1,200 or \$90,000 for the 75 respondents. The interviews are unlikely to require any capital expenditures.

It is not possible to calculate precisely the labor costs associated with this document production as they entail varying compensation levels of management and/or support staff among many companies of different sizes and in different industries. Individuals among some or all of those labor categories may be involved in the information collection process. Nonetheless, staff has assumed that mid-management level personnel will handle most of the tasks involved in gathering and producing responsive information, and has applied an average hourly wage of \$150/hour for their labor. Staff also has applied an average hourly wage of \$10 for the labor of clerical employees who will copy the responsive materials. Thus, the total labor cost per member should range between \$26,750 and \$53,500 per member depending on the size of each: \$26,750 (175 hours to assemble and review the production × \$150 per hour + 50 hours for copying × \$10 per hour) to \$53,500 (350 hours to assemble and review the production × \$150 per hour + 100 hours for copying × \$10 per hour).

Accordingly the total labor costs for the 75 members should range between approximately \$2 million to \$4 million.

Staff estimates that the capital or other non-labor costs associated with the document requests are minimal. While the document requests may necessitate that industry members store copies of the requested information provided to the Commission, industry members should already have in place the means to do so. Industry members may have to purchase office supplies such as file folders, computer diskettes,

photocopier toner, or paper in order to comply with the Commission's information requests. Staff estimates that each industry member would spend \$500 for such costs regarding the information requests, for a total additional non-labor cost burden of \$37,500 (\$500 × 75 members).

By direction of the Commission.

**Benjamin I. Berman,**

*Acting Secretary.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**Agency Information Collection Activities: Proposed Collection; Comment Request**

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104-13), the Health

Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443-1891.

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.

**Proposed Project: Application for the National Health Service Corps (NHSC) Scholarship Program (OMB No. 0915-0146): Extension**

The National Health Service Corps (NHSC) Scholarship Program was

established to help alleviate the geographic and specialty and other health practitioners in the United States. Under this program, health professions students are offered scholarships in return for service in a federally designated Health Professional Shortage Area (HPSA). The Scholarship Program provides the NHSC with the health professionals it requires to carry out its mission of providing primary health care to HPSA populations in areas of greatest need. Students are supported who are well qualified to participate in the NHSC Scholarship Program and who want to assist the NHSC in its mission, both during and after their period of obligated service. Scholars are selected for these competitive awards based on the information provided in the application and during the semistructured personal interview that is conducted by a team of two interviewers who use a structured scoring procedure. Awards are made to applicants that demonstrate a high potential for providing quality primary health care services.

The estimated response burden is as follows:

Form	Number of respondents	Responses per respondent	Hours per response	Total burden hours
Application .....	3,000	1	1	3,000
Interview .....	900	1	1.67	1,503
<b>Total .....</b>	<b>3,900</b>	<b>.....</b>	<b>.....</b>	<b>4,503</b>

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14-33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: November 10, 1999.

**Jane Harrison,**

*Director, Division of Policy Review and Coordination.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

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

Periodically, the Health Resources and Services Administration (HRSA)

publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)-443-1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

**Proposed Project: Employment Sites of Nursing Graduates Supported by the Professional Nurse Traineeship Program: New**

Under Section 830 of Title VIII of the Public Health Service Act, Professional Nurse Traineeship (PNT) grants are awarded to eligible institutions for the support of students in advanced nursing education. Traineeships are then awarded by the institutions to individuals enrolled in graduate

programs to prepare for practice as advanced practice nurses. These funds are distributed to institutions based on a formula that incorporates three statutory funding factors. The factor to be studied is the funding preference which is given to institutions that can demonstrate either a high rate of placing graduates in medically underserved communities (MUCs), or achieving a significant increase in the rate of placing graduates in such settings.

This study is intended to assess the influence of funding preference on program performance and to determine program success in placing PNT graduates in MUCs. Approximately 5,000 graduates who received Master's or Doctoral degrees in academic years 1996-1997 and 1997-1998, including 1,200 who received PNT funds but were not graduates of the schools receiving the preference, will be included in this survey. Data will be obtained on the graduates place of residence and place