SUPPLEMENTARY INFORMATION:

Before the Federal Trade Commission

Order Granting Exemption

In the Matter of a Petition for Exemption from the Trade Regulation Rule Entitled ''Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures'' filed by Freightliner Corporation.

On April 15, 1996, the Commission published a notice in the Federal Register soliciting comments on a petition filed by Freightliner Corporation (''Freightliner''). Freightliner manufactures heavy-duty and medium-duty trucks, truck parts, and military tractors, and enters into distributorship agreements with business people throughout the United States to sell and service Freightliner's trucks and parts. The petition sought an exemption, pursuant to Section 18(g) of the Federal Trade Commission Act, from coverage under the Commission's Trade Regulation Rule entitled ''Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures'' (''Franchise Rule'').

In accordance with Section 18(g), the Commission conducted an exemption proceeding under Section 553 of the Administrative Procedure Act, 5 U.S.C. 553, and invited public comment during a 60-day period ending June 14, 1996. No comments were received. After reviewing the petition, the Commission has concluded that the Petitioner's request should be granted.

The statutory standard for exemption requires the Commission to determine whether application of the Trade Regulation Rule to the person or class of persons seeking exemption is ''necessary to prevent the unfair or deceptive act or practice to which the rule relates.'' If not, an exemption is warranted.

The abuses that the disclosure remedy of the Franchise Rule is designed to prevent are most likely to occur, as the Statement of Basis and Purpose of the Rule notes, in sales where three factors are present:

(1) A potential investor has a relative lack of business experience and sophistication;

(2) The investor has inadequate time to review and comprehend the unique and often complex terms of the franchise agreement before making a major financial commitment; and

(3) A significant information imbalance exists in which the prospective franchisee is unable to obtain essential and relevant facts known to the franchisor about the investment.

The pre-sale disclosures required by the Franchise Rule are designed to negate the effect of any deceptive acts or practices where these conditions are present. The Rule provides investors with the material information they need to make an informed investment decision in circumstances where they might otherwise lack the resources, knowledge, or ability to obtain the information, and thus protect themselves from deception.

Where the conditions that create a potential for deception in the sale of franchises are not present, however, a regulatory remedy designed to prevent deception is unnecessary. Our review of the record in this proceeding persuades us that an exemption is warranted for that reason. The Petitioner has convincingly shown that the conditions that create a potential for a pattern or practice of abuse are absent; thus, there is no likelihood of unfair or deceptive acts or practices in the appointment of its truck dealership franchises.

The petition demonstrates that potential Freightliner dealers are and will continue to be a select group of highly sophisticated and experienced businesspeople; that they make very significant investments; and that they have more than adequate time to consider the dealership offer and obtain information about it before investing. We note in particular that Freightliner has a relatively small number of dealers, approximately 232; that prospective Freightliner dealers usually have years of experience in truck or other heavy duty equipment sales; that investment costs for Freightliner dealerships are approximately $4 million; and that prospective dealers participate in an extensive application and approval process, during which time a good deal of information is exchanged between the parties.

As a practical matter, investments of this size and scope typically involve knowledgeable investors, the use of independent business and legal advisors, and an extended period of negotiation that generates the exchange of information necessary to ensure that investment decisions are the product of an informed assessment of the potential risks and benefits. The Commission has reviewed the potential for unfair or deceptive acts or practices in connection with the licensing of motor vehicle dealership franchises on six prior occasions since 1980, and found no evidence or likelihood of a significant pattern or practice of abuse by any of the Petitioners. If any such evidence exists, it has not yet been brought to the Commission's attention in this or any of the prior proceedings.

Thus, both the record in this proceeding and all prior experience to date with other Franchise Rule exemptions for automobile dealerships support the conclusion that Petitioner's licensing of new truck dealers accomplishes what the Rule was intended to ensure. The conditions most likely to lead to abuses are not present in the licensing of Freightliner dealerships, and the process generates sufficient information to ensure that applicants will be able to make an informed investment decision. For these reasons, the Commission finds that the application of the Franchise Rule to Petitioner's licensing of truck dealer franchises is not necessary to prevent the unfair or deceptive acts or practices to which the Rules relates.

Accordingly, the Commission has determined that the provisions of 16 CFR Part 436 shall not apply to the advertising, offering, licensing, contracting, sale or other promotion of truck dealerships by Freightliner Corporation.

It is so ordered.

Issued: December 6, 1996.

By the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–32900 Filed 12–26–96; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: State and Tribal Plans for the Child Care and Development Fund (Child Care and Development Block Grant.

OMB No.: 0970–0114.

Description: These legislatively-mandated plans serve as the agreement between the grantee and the Federal government describing how CCDF programs will be administered in conformance with legislative requirements, pertinent Federal regulations, and other applicable instructions and guidelines issued by ACF. This information will be used for Federal oversight of the Child Care and Development Fund.

Respondents: States, Virgin Islands, Puerto Rico, Guam, District of Columbia, Samoa, the Trust of Northern Marianna Islands and Tribal Governments.

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–118, State & Territory	56	.5	30	840
ACF–118A, Tribal	240	.5	30	3,600

Estimated Total Annual Burden Hours: 4,440.

In compliance with the requirements of Section 3506(c)(2)(A) of 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, Division of Information Resource Management 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 16, 1996.

Douglas J. Godesky,

Reports Clearance Officer.

[FR Doc. 96–32940 Filed 12–26–96; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

[Docket No. 96N–0487]

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

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by January 27, 1997.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Geraldine M. Hogan, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B–19, Rockville, MD 20857, 301–827–1481.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

Title: Current Good Manufacturing Practices for Blood and Blood Components; Notification of Consignees Receiving Blood and Blood Components at Increased Risk for Transmitting human immunodeficiency virus (HIV) Infection.

Description: The final rule requires that blood establishments prepare and follow written procedures when the blood establishments have collected Whole Blood, blood components, Source Plasma and Source Leukocytes later determined to be at risk for transmitting HIV infections. This final rule requires that when a donor who previously donated blood is tested in accordance with 21 CFR 610.45 on a later donation, and tests repeatedly reactive for antibody to HIV, the blood establishment shall perform more specific testing using a licensed test, and notify consignees who received Whole Blood, blood components, Source Plasma or Source Leukocytes from prior collections so that appropriate action is taken. Blood establishments and consignees are required to quarantine previously collected Whole Blood, blood components, Source Plasma and Source Leukocytes from such donors, and if appropriate, notify transfusion recipients. The agency is issuing this final rule to help ensure the continued safety of the blood supply, to help ensure that information is provided to users of blood and blood components, and to help ensure that transfusion recipients of blood and blood components at risk for transmitting HIV will be notified as appropriate.

Description of Respondents: Blood establishments (Business and Not-for-Profit).

The total estimated annual burden is 85,528 hours. FDA estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING/DISCLOSURE BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
610.46(a)	3,015	60	180,900	.17	30,753
610.46(b)	3,015	60	180,900	.17	30,753
610.47(b)	200	16	3,200	.5	1,600
Total	.....	.....	.....	.....	63,106