

** Reviewing instructions includes all efforts performed by or for the respondent to: determine whether and to what extent the respondent is covered by an agency collection of information, understand the nature of the request, and determine the appropriate response (including the creation and dissemination of document and/or electronic disclosures).

Burden hours and costs for established entities:

Burden for established entities already familiar with the Rule

predictably would be less than for start-up entities because start-up costs, such as crafting a privacy policy, are generally one-time costs and have

already been incurred. Staff's best estimate of the average burden for these entities is as follows:

Event	Hourly wage and labor category	Hours per respondent*	Approx. number of respondents**	Approx. total annual hours	Approx. total labor costs (dollars)
Reviewing GLBA-implementing policies and practices	\$35.72 managerial/professional	4	70,000	280,000	\$10,001,600
Disseminating annual disclosure	\$13.77 clerical	15	70,000	1,050,000	14,458,500
	\$28.37 professional/technical ..	5	70,000	350,000	9,929,500
Changes to privacy policies and related disclosures	\$13.77 clerical	15	1,000	15,000	206,550
	\$28.37 professional/technical ..	5	1,000	5,000	141,850
Total				1,700,000	34,738,000

* Staff calculated labor costs by applying appropriate hourly cost figures to burden hours. The hourly wage rates used were based on mean wages for managerial/professional time (e.g., compliance evaluation and/or planning), skilled professional/technical time (e.g., designing and producing notices, reviewing and updating information systems), and clerical time (e.g., reproduction tasks, filing, and, where applicable to the given event, typing or mailing). (Bureau of Labor Statistics, Table 3, July 2003; <http://www.bls.gov/ncs/ocs/sp/ncbl0635.pdf>). Consumers have a continuing right to opt-out, as well as a right to revoke their opt-out at any time. When a respondent changes its information sharing practices, consumers are again given the opportunity to opt-out. Again, staff assumes that the time required of consumers to respond affirmatively to respondents' opt-out programs (be it manually or electronically) would be minimal.

** The estimate of respondents is based on the following assumptions: (1) 100,000 respondents, approximately 70% of whom maintain customer relationships exceeding one year, (2) no more than 1% (1,000) of whom make additional changes to privacy policies at any time other than the occasion of the annual notice; and (3) such changes will occur no more often than once per year.

As calculated above, the total annual PRA burden for all affected entities in a given year would be 2,000,000 hours and \$42,544,000.

Estimated Capital/Other Non-Labor Costs Burden: Staff estimates that the capital or other non-labor costs associated with the document requests already be equipped to provide written notices (e.g., computers with word processing programs, typewriters, copying machines, mailing capabilities). Most likely, only entities that already have on-line capabilities will offer consumers the choice to receive notices via electronic format. As such, these entities will already be equipped with the computer equipment and software

necessary to disseminate the required disclosures via electronic means.

Christian S. White,
Acting General Counsel.
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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 intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION - 02/08/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050559	Mellon Financial Corporation	DPM Holdings, LLC	Derivatives Portfolio Management, LLC
20050563	Verizon Communications Inc.	St. Cloud Wireless Holdings, LLC	Cellular Mobile Systems of St. Cloud, LLC

TRANSACTIONS GRANTED EARLY TERMINATION - 02/09/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050533	Electro-Motive Diesel, Inc.	General Motors Corporation	Electro-Motive Division Canada Acquisition Company Electro-Motive Division Locomotive Technologies Private Ltd. Electro-Motive International Corporation Electro-Motive Maintenance Operations Pty. Ltd. General Motors Overseas Corporation
20050541	Halifax Capital Partners, L.P.	Rinker Group Limited	Pipe Liners, Inc. Rinker Materials Polypipe, Inc.
20050542	Lindsay Goldberg & Bessemer L.P.	WestLB AG	Klockner & Co. Aktiengesellschaft

TRANSACTIONS GRANTED EARLY TERMINATION - 02/11/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050018	Cemex, S.A. de C.V.	RMC Group p.l.c.	RMC Group p.l.c.
20050339	L-3 Communications Holdings, Inc.	The Boeing Company	Boeing Electron Dynamic Devices, Inc.
20050362	Humana Inc.	Miguel B. Fernandez	CPHP Holdings, Inc.
20050516	Value Creation Partners, Inc.	The J. M. Smucker Company	Gourmet Baker, Inc. International Multifoods Corporation
20050530	Invitrogen Corporation	Dean Tsao	Zymed Laboratories, Inc.
20050561	McDATA Corporation	Computer Network Technology Corporation	Computer Network Technology Corporation
20050571	Almendral S. A.	Telecom Italia S.p.A.	Empresa Nacional de Telecomunicaciones S.A.
20050572	Eastman Kodak Company	Dainippon Ink and Chemicals, Incorporated	Kodak Polychrome Graphics LLC
20050574	Nutreco Holding N.V.	Marine Harvest N.V.	Marine Harvest N.V.
20050576	Vestar-AIV Holdings A L.P.	Mr. Ferruccio Fiorucci	Casare Fiorucci S.p.A.
20050578	Lillian Trust	EPI Corporation	EPI Healthcare, LLC EPI Investments, LLC Kentucky Healthcare Training Institute, Inc.

Rehab of El Paso, LLC

Rehab of El Paso, Ltd.

20050580 Max Media LLC Chesapeake Bay Broadcasting LLC Chesapeake Bay Broadcasting LLC

TRANSACTIONS GRANTED EARLY TERMINATION - 02/15/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050548	Sterling Capital Partners, LP	Robert L. Mattocks, II and Carol J. Mattocks	Jenkins Gas and Oil Co., Inc.
20050570	Tinicum Capital Partners II, L.P.	Penn Engineering & Manufacturing Corp.	Penn Engineering & Manufacturing Corp.

TRANSACTIONS GRANTED EARLY TERMINATION - 02/17/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050372	L-3 Communications Holdings, Inc.	General Dynamics Corporation	General Dynamics Land Systems Inc.
20050524	Lincoln Electric Holdings, Inc.	Joseph W. Harris	Autobraze, Inc. Harris-Euro Corporation J.W. Harris Co., Inc.
20050588	Maple Acquisition LLC	MeadWestvaco Corporation	Escanaba Paper Company Mead Delivers Corp. Mead Leasing U.K., Inc. MeadWestvaco Energy Services LLC MeadWestvaco Kentucky, LP MeadWestvaco Maryland, Inc. MeadWestvaco Oxford Corporation MW Custom Papers, LLC Rumford Cogeneration, Inc. Rumford Falls Power Company Upland Resources, Inc.
20050590	Comcast Corporation	Liberate Technologies	Liberate Technologies

TRANSACTIONS GRANTED EARLY TERMINATION - 02/18/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050521	Cisco Systems, Inc.	Airespace, Inc.	Airespace, Inc.
20050564	Carl C. Icahn	Temple-Inland Inc.	Temple-Inland Inc.
20050565	Icahn Partners Master Fund LP	Temple-Inland, Inc.	Temple-Inland, Inc.
20050567	Icahn Partners Master Fund LP	Kerr-McGee Corporation	Kerr-McGee Corporation

20050586 Valeant Pharmaceuticals International Xcel Pharmaceuticals, Inc. Xcel Pharmaceuticals, Inc.

TRANSACTIONS GRANTED EARLY TERMINATION - 02/22/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050566	Carl C. Icahn, c/o Icahn Associates Corp.	Kerr-McGee Corporation	Kerr-McGee Corporation
20050577	Dominion Resources, Inc.	WPS Resources Corporation	Wisconsin Public Service Corporation
20050579	Dominion Resources, Inc.	Alliant Energy Corporation	Wisconsin Power and Light Company
20050591	CCG Investments BVI, L.P.	MAPICS, Inc.	MAPICS, Inc.
20050596	Synovus Financial Corp.	Visa U.S.A. Inc.	Vital Processing Services L.L.C.
20050597	Equifax Inc.	APPRO Systems, Inc.	APPRO Systems, Inc.
20050599	Microsoft Corporation	Sybari Software, Inc.	Sybari Software, Inc.
20050600	Plains All American Pipeline, L.P.	Koch Industries, Inc.	Koch Hydrocarbon, L.P. Koch Pipeline Company, L.P.
20050601	Marian Ilitch	Mandalay Resort Group	Circus Circus Michigan, Inc. Detroit Entertainment, L.L.C.
20050602	Time Warner Inc.	ECI Holdings, Inc.	ECI Holdings, Inc.
20050610	John H. Harland Company	Intrieve, Incorporated	Intrieve, Incorporated
20050611	Lee Enterprises, Incorporated	Voting Trust Agreement dated March 18, 1999	Pulitzer, Inc.

TRANSACTIONS GRANTED EARLY TERMINATION - 02/23/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050584	Pfizer Inc.	Rigel Pharmaceuticals, Inc.	Rigel Pharmaceuticals, Inc.
20050595	XTO Energy, Inc.	Antero Resources Corporation	Antero Resources Corporation
20050612	Cytc Corporation	Proxima Therapeutics, Inc.	Proxima Therapeutics, Inc.

TRANSACTIONS GRANTED EARLY TERMINATION - 02/25/2005

<u>TRANS #</u>	<u>ACQUIRING</u>	<u>ACQUIRED</u>	<u>ENTITIES</u>
20050614	Bruckmann, Rosser, Sherrill & Co. II, L.P.	ICV Partners, L.P.	ICV Marshall Holdings, Inc. The Marshall Retail Group, LLC

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.

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FEDERAL TRADE COMMISSION

[File No. 051 0007]

Cemex S.A. de C.V.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.