

Crown Court in Woodbridge. For directions please call (703) 583-3800.

• August 1st, 1:30 p.m.–3 p.m.—DEQ Piedmont Regional Office, 4949–A Cox Road in Glen Allen. For directions please call (804) 527-5020.

FOR FURTHER INFORMATION CONTACT: The Virginia 2002 303(d) Report on Impaired Waters is available for download at <http://www.deq.state.va.us/water/303d.html> throughout the public comment period, which ends on August 16, 2002. A hard copy will be made available upon request by phoning Diana Baumann at (804) 698-4310. In the United States Environmental Protection Agency, contact Mr. Thomas Henry at (215) 814-5752.

SUPPLEMENTARY INFORMATION: The purpose of Virginia's proposed 303(d) list is to identify waters in the Commonwealth of Virginia for which Total Maximum Daily Loads (TMDLs) under CWA Section 303(d) need to be developed. The proposed report identifies waters as impaired if they do not support, or only partially support, one or more of five designated uses (i.e., aquatic life, fish consumption, shellfish consumption, swimming, and drinking water). Support of the designated uses is based on attainment of Virginia's water quality standards, which include numeric and narrative criteria. Attainment is determined by the assessment of all available monitoring data and water quality information.

EPA is providing this notice in compliance with Paragraph 4(b) of the consent decree entered in the case of *American Canoe Assoc., et al. v. EPA, Civil Action No. 98-979A*, on June 11, 1999.

Jon M. Capacasa,

Acting Division Director, Water Protection Division, EPA, Region III.

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FEDERAL TRADE COMMISSION

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

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice.

SUMMARY: The FTC is seeking public comments on its proposal to extend through December 31, 2005 the current Paperwork Reduction Act ("PRA") clearance for information collection requirements contained in its Fuel Rating Rule ("Rule"). That clearance expires on December 31, 2002.

DATES: Comments must be filed by September 23, 2002.

ADDRESSES: Send written comments to Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Ave., NW., Washington, DC 20580. All comments should be captioned "Fuel Rating Rule: Paperwork Comment." Comments in electronic form should be sent to: [Fuel Rating PRA@ftc.gov](mailto:FuelRatingPRA@ftc.gov) as prescribed below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be sent to Neil Blickman, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326-3038.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (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 regulations noted herein.

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.

If a comment contains nonpublic information, it must be filed in paper form, and the first page of the document must be clearly labeled "confidential." Comments that do not contain any nonpublic information may instead be filed in electronic form (in ASCII format, WordPerfect, or Microsoft Word) as part of or as an attachment to email messages directed to the following email

box: [Fuel Rating PRA@ftc.gov](mailto:FuelRatingPRA@ftc.gov). Such comments will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 CFR 4.9(b)(6)(ii).

The Fuel Rating Rule establishes standard procedures for determining, certifying, and disclosing the octane rating of automotive gasoline and the automotive fuel rating of alternative liquid automotive fuels, as required by the Petroleum Marketing Practices Act. 15 U.S.C. 2822(a)-(c). The Rule also requires refiners, producers, importers, distributors, and retailers to retain records showing how the ratings were determined, including delivery tickets or letters of certification.

Estimated annual hours burden: 42,000 total burden hours (17,000 recordkeeping hours + 25,000 disclosure hours).

Recordkeeping: Based on industry sources, staff estimates that 200,000 fuel industry members each incur an average annual burden of approximately five minutes to ensure retention of relevant business records for the period required by the Rule, resulting in a total of 17,000 hours, rounded.

Disclosure: Staff estimates that affected industry members incur an average burden of approximately one hour to produce, distribute, and post octane rating labels. Because the labels are durable, only about one of every eight industry members (i.e., approximately 25,000 of 200,000 industry members) incur this burden each year, resulting in a total annual burden of 25,000 hours.

Estimated annual cost burden: \$739,000, rounded (\$672,000 in labor costs and \$67,000 in non-labor costs).

Labor costs: Staff estimates that the work associated with the Rule's recordkeeping and disclosure requirements is performed by skilled clerical employees at an average rate of \$16.00 per hour. Thus, the annual labor cost to respondents of complying with the recordkeeping and disclosure requirements of the Rule is estimated to be \$672,000 ((17,000 hours + 25,000 hours) × \$16.00 per hour).

Capital or other non-labor costs: \$67,000, rounded up to the nearest thousand.

Staff believes that there are no current start-up costs associated with the Rule. Because the Rule has been effective since 1979 for gasoline, and since 1993 for liquid alternative automotive fuels, industry members already have in place the capital equipment and other means necessary to comply with the Rule. Retailers (approximately 175,000

industry members), however, do incur the cost of procuring (and replacing) fuel dispenser labels to comply with the Rule. According to industry input, the price per label is about thirty-eight cents. Based on ranging industry estimates of a 6–10 year useful life per dispenser label, staff will conservatively factor into its calculation of labeling cost the shortest assumed useful life, *i.e.*, 6 years. Staff believes that the average retailer has six dispensers, with all of them being obtained either simultaneously or otherwise within the same year. Assuming that, in any given year, 1/6th of all retailers (29,167 retailers) will replace their dispenser labels, staff estimates total labeling cost to be \$66,500 (29,167 × 6 × .38).

William E. Kovacic,
General Counsel.

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FEDERAL TRADE COMMISSION

Public Workshop: Possible Anticompetitive Efforts To Restrict Competition on the Internet

AGENCY: Federal Trade Commission.

ACTION: Notice of Public Workshop and Opportunity for Comment

SUMMARY: The Federal Trade Commission (“FTC” or “Commission”) announces a public workshop on “Possible Anticompetitive Efforts to Restrict Competition on the Internet.” The workshop will focus on how certain state regulation may have anticompetitive effects, and how certain business practices may raise antitrust concerns, in the context of business-to-consumer e-commerce. The workshop will be held at and administered by the FTC.

DATES: The workshop will take place on October 8–10, 2002. The workshop will be transcribed and placed on the public record. Any interested person may submit written comments responsive to any of the topics to be addressed; such comments should be submitted no later than the last session of the workshop. Any written comments received also will be placed on the public record.

ADDRESSES: When in session, the workshop will be held at the FTC headquarters, 600 Pennsylvania Avenue, NW., Washington, DC. All interested parties are welcome to attend. Pre-registration is not required.

Written comments should be submitted in both hard copy and electronic form. Six hard copies of each submission should be addressed to

Donald S. Clark, Office of the Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Submissions should be captioned “Comments regarding ecompetition.” Electronic submissions may be sent by electronic mail to “ecompetition@ftc.gov”. Alternatively, electronic submissions may be filed on a 3½-inch computer disk with a label on the disk stating the name of the submitter and the name and version of the word processing program used to create the document.

FOR FURTHER INFORMATION CONTACT: Jerry Ellig, Deputy Director, Office of Policy Planning, 600 Pennsylvania Avenue, NW., Washington, DC 20580; telephone (202) 326–3528; e-mail: jellig@ftc.gov. Detailed agendas for the workshop will be available on the FTC home page (<http://www.ftc.gov>) and through Mildred Taylor, Staff Secretary, at (202) 326–2553.

SUPPLEMENTARY INFORMATION:

Overview

In the past decade, there has been growing concern about possible anticompetitive efforts to restrict competition on the Internet. In particular, many states have enacted regulations that have the direct effect of protecting local merchants from competition over the Internet. For example, some states require that online vendors maintain an in-state office, while other states prohibit online sales of certain products entirely. Some scholars have argued that these regulations are often simply attempts by existing industries to forestall the entry of new and innovative Internet competitors, much as in prior eras, other entrenched producers have benefited from regulatory effort to impede new forms of competition.

Similarly, some private companies have engaged in conduct that may raise antitrust issues. For instance, some manufacturers and dealers do not list prices for certain items online, and others do not sell certain items over the Internet altogether and urge horizontal competitors to do the same. Depending on the circumstances, some of these restrictions could be viewed as potentially anticompetitive. While much of this regulation and conduct undoubtedly has pro-competitive and pro-consumer rationales, the regulations impose costs on consumer that, according to some estimates, may exceed \$15 billion annually.

For these reasons, a workshop on possible anticompetitive efforts to restrict competition on the Internet is timely, and will build on previous FTC-

sponsored events that addressed other aspects of e-commerce.¹ In order to enhance the Commission’s understanding of particular practices and regulations, the workshop will have panels to address certain specific industries, including some or all of the following: retailing, automobiles, cyber-charter schools, real estate/mortgages, health care/pharmaceuticals/telemedicine, wine sales, auctions, contact lenses, and funerals (caskets).

Each of these industries has experienced some growth in commerce via the Internet, but according to various commentators, each also may have been hampered by anticompetitive state regulation or business practices. *See, e.g.*, Atkinson, *The Revenge of the Disintermediated* (Jan. 2001) (report of the Progressive Policy Institute); Atkinson and Wilhelm, *The Best States for E-Commerce* (Mar. 2002) (second report of the Progressive Policy Institute). In addition, these industries involve goods and services that comprise a very large portion of a consumer’s budget, such as homes, cars, schools, and health care.

It is intended that each industry panel have at least one independent analyst or academic, and also have representatives from the affected industries (on both sides of the issue). Where appropriate, the panel also will include a representative from a government agency, including (where appropriate) representatives from different states. We hope that each panel will provide all sides of the issue, including the perspectives of industry, intermediaries, consumers, and regulators.

The Commission also invites comments concerning other industries, not listed above, that may raise similar issues and merit similar examination.

Issues

Below is a non-exhaustive list of issues to be addressed by the workshop. Written comments need not address all of these issues.

1. General Issues

What role does competitive law and policy play in fostering or hindering e-commerce? From a practical business perspective, how does each foster or impede e-commerce? What do empirical studies show?

Does state regulation have protectionist effects, and if so how? What are the benefits of such regulation, and do the benefits outweigh the costs? What is the prevalence of such state

¹ For more information on previous FTC-sponsored events regarding e-commerce, see <http://www.ftc.gov/opp/ecommerce/index.htm>; <http://www.ftc.gov/opa/2000/05/b2bworkshop.htm>.