

upon the conversion of M&I Bank FSB, Las Vegas, Nevada, from a federal savings bank to a national association. In connection with the applications, Mike Merger Sub, LLC, Chicago, Illinois, has also applied to become a bank holding company by acquiring 100 percent of the voting shares of Marshall & Ilsley Corporation, Milwaukee, Wisconsin. Applicants also have filed to exercise an option to acquire up to 19.7 percent of the outstanding stock of Marshall & Ilsley Corporation.

In connection with this application, Applicants also have applied to acquire M&I Investment Management Corp., Milwaukee, Wisconsin, and thereby engage in financial and investment advisory services and securities brokerage, pursuant to sections 225.28(b)(6) and (b)(7) of Regulation Y; TCH MI Holding Company, Inc., Milwaukee, Wisconsin, and thereby engage in financial and investment advisory services, pursuant to section 225.28(b)(6) of Regulation Y; Taplin, Canida & Habacht, LLC, Miami, Florida, and thereby engage in financial and investment advisory services, pursuant to section 225.28(b)(6) of Regulation Y; North Star Trust Company, Chicago, Illinois, and thereby engage in trust company functions, pursuant to section 225.28(b)(5) of Regulation Y; North Star Trust Company, Chicago, Illinois, and thereby engage in trust company functions, pursuant to section 225.28(b)(5) of Regulation Y; North Star Deferred Exchange Corp., Chicago, Illinois, and thereby engage in real estate settlement servicing; trust company functions; tax planning and tax preparation services, pursuant to sections 225.28(b)(2), (b)(5) and (b)(6) of Regulation Y; M&I Exchange Services LLC, Milwaukee, Wisconsin, and thereby engage in real estate settlement servicing; trust company functions; tax planning and tax preparation services, pursuant to sections 225.28(b)(2), (b)(5), and (b)(6) of Regulation Y; North Star Realty Services, LLC, Chicago, Illinois, and thereby engage in real estate settlement servicing; trust company functions; tax planning and tax preparation services, pursuant to sections 225.28(b)(2), (b)(5), and (b)(6) of Regulation Y; M&I Community Development Corp., Milwaukee, Wisconsin, and thereby engage in community development activities, pursuant to section 225.28(b)(12) of Regulation Y; M&I Bank FSB, Las Vegas, Nevada, and thereby operate a savings association pursuant to section 225.28(b)(4) of Regulation Y; M&I Zion Holdings, Inc., Las Vegas, Nevada, and

thereby engage in extending credit and servicing loans, pursuant to section 225.28(b)(1) of Regulation Y; and M&I Zion Investment II Corporation, Las Vegas, Nevada, and thereby engage in extending credit and servicing loans, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, February 18, 2011.

**Jennifer J. Johnson,**  
Secretary of the Board.

[FR Doc. 2011-4183 Filed 2-24-11; 8:45 am]

**BILLING CODE 6210-01-P**

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## FEDERAL TRADE COMMISSION

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

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

**ACTION:** Notice.

**SUMMARY:** The FTC is soliciting public comments on proposed information requests to beverage alcohol manufacturers. These comments will be considered before the FTC submits a request for Office of Management and Budget (OMB) review under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501-3520, of compulsory process orders to alcohol advertisers. The compulsory process orders will seek information from those companies concerning, among other things, compliance with voluntary advertising placement provisions, sales and marketing expenditures, the status of third-party review of complaints regarding compliance with voluntary advertising codes and alcohol industry data collection practices.

**DATES:** Comments on the proposed information requests must be received on or before April 26, 2011.

**ADDRESSES:** Interested parties are invited to submit written comments electronically or in paper form, by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Comments in electronic form should be submitted by using the following Web link: <https://ftcpublic.commentworks.com/ftc/alcoholstudy2011pra> (and following the instructions on the Web-based form). Comments in paper form should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room HB113 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580, in the

manner detailed in the **SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Evans, Attorney, 202-326-2125, or Carolyn L. Hann, Attorney, 202-326-2745, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission.

### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The FTC previously published reports on voluntary advertising self-regulation by the alcohol industry in September 1999, September 2003, and June 2008. The data contained in the reports was based on information submitted to the Commission, pursuant to compulsory process, by U.S. beverage alcohol advertisers. The FTC has authority to compel production of this information from advertisers under Section 6 of the Federal Trade Commission Act (FTC Act), 15 U.S.C. 46. The Commission believes that it is in the public interest to collect updated data from alcohol advertisers on sales and marketing expenditures, compliance with the industry's imposed self-regulatory codes concerning advertising placement, the status of third-party review of complaints regarding compliance with the industry's self-regulatory advertising standards, and alcohol industry data collection practices, and to publish a report on the data obtained.

#### **Applicability of Paperwork Reduction Act**

The Commission plans to address its information requests to the ultimate U.S. parent of alcohol advertisers in order to ensure that no relevant data from affiliated or subsidiary companies go unreported. Because the number of separately incorporated companies affected by the Commission's requests will presumably exceed ten entities, the Commission intends to seek OMB clearance under the Paperwork Reduction Act (PRA) before requesting any information from beverage alcohol advertisers. Under the PRA and implementing OMB regulations, federal agencies must obtain approval from OMB for each "collection of information" they conduct or sponsor if posed to ten or more entities within any twelve-month period. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). "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. 3501(3); 5 CFR 1320.3(c).

#### **Request for Comments**

As required by Section 3506(c)(2) of the PRA, the FTC is providing this

opportunity for public comment before requesting that OMB approve the study. Specifically, the FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the FTC, including whether the information will have practical utility; (2) the accuracy of the FTC's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of collecting 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. The FTC encourages recipients of prior compulsory process orders to offer suggestions on how the burden of the proposed collection may be reduced. All comments should be filed as prescribed below, and must be received on or before April 26, 2011.

Please also note that because your comment will be made public, you are solely responsible for ensuring that it does not include any sensitive personal information, such as any individual's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. It is also your own responsibility to ensure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. Your comment also should not include any "[t]rade secret or any commercial or financial information \* \* \* which is privileged or confidential." See Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). No comment, whether it contains such material or not, will be given confidential treatment unless the comment has been filed with the FTC Secretary; the comment is accompanied by a written confidentiality request that complies fully with FTC Rule 4.9(c), 16 CFR 4.9(c);<sup>1</sup> and the General Counsel, in his or her sole discretion, has determined to grant the request in accordance with applicable law and the public interest.

Because paper mail addressed to the FTC is subject to delay due to

heightened security screening, please consider submitting your comment in electronic form. Comments filed in electronic form should be submitted by using the following Web link: <https://ftcpublishcommentworks.com/ftc/alcoholstudy2011pra> (and following the instructions on the Web-based form). To ensure that the Commission considers an electronic comment, you must file it on the Web-based form at the Web link: <https://ftcpublishcommentworks.com/ftc/alcoholstudy2011pra>. If this Notice appears at <http://www.regulations.gov/search/index.jsp>, you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it. You may also visit the FTC Web site at <http://www.ftc.gov> to read the Notice and the news release describing it.

A comment filed in paper form should include the "Alcohol Reports: Paperwork Comment; Project No. P114503" reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission, Office of the Secretary, Room H-113 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives, whether filed in paper or electronic form. Comments received will be available to the public on the FTC Web site, to the extent practicable, at <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at <http://www.ftc.gov/ftc/privacy.shtm>.

### Description of the Collection of Information and Proposed Use

The FTC proposes to send information requests to the ultimate U.S. parent companies of up to fourteen advertisers of beer, wine, or distilled spirits ("industry members"). The requests will seek, among other information, data regarding: (1) Sales of beverage alcohol; (2) expenditures to advertise and promote beverage alcohol in measured and non-measured media; (3) compliance with the 70% legal drinking age audience composition advertising placement standard contained in the industry's self-regulatory codes; (4) third-party or other external compliance review mechanisms; and (5) data collection efforts, including data collection in connection with digital and social media marketing, and efforts to avoid collection of data from youth under the legal drinking age of 21, to the extent industry members possess such data.

It should be noted that subsequent to this notice, any destruction, removal, mutilation, alteration, or falsification of documentary evidence that may be responsive to this information collection within the possession or control of a person, partnership, or corporation subject to the FTC Act may be subject to criminal prosecution. 15 U.S.C. 50; *see also* 18 U.S.C. 1505.

*Estimated Hours Burden:* 11,760 hours.

The staff's estimate of the hours burden is based on the time required to respond to each information request. Because beverage alcohol companies vary in size, the number of products they sell, and the extent and variety of their advertising and promotion efforts, the staff has provided a range of the estimated hours burden. As noted above, each company will receive information requests pertaining to five categories of information.

Based upon its knowledge of the industry, the staff estimates, on average, that the time required to gather, organize, format, and produce responses to categories (1), (2), (4), and (5) will range between 20 and 130 hours for most companies, but that the largest companies could require as many as 560 hours for the most time-consuming category, *i.e.*, category (3) (placement information). The total estimated burden per company is based on the following assumptions:

<sup>1</sup> In particular, the written request for confidential treatment that accompanies the comment must

include the factual and legal basis for the request, and must identify the specific portions of the

comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

(1) Identify, obtain, and organize sales information, prepare response:	30–70 hours
(2) Identify, obtain, and organize information on advertising and marketing expenditures, prepare response:	50–130 hours
(3) Identify, obtain, and organize placement information, prepare response:	240–560 hours
(4) Identify, obtain, and organize information regarding compliance review, prepare response:	20–40 hours
(5) Identify, obtain, and organize information regarding data collection, prepare response:	20–40 hours

The staff anticipates that the cumulative hours burden to respond to the information requests will be between 360 and 840 hours per company. Nonetheless, in order to be conservative, the staff estimates that the burden per company for each of up to fourteen intended recipients will be 840 hours. Accordingly, the staff estimates a total burden for these companies of approximately 11,760 hours (14 companies × 840 average burden hours per company). These estimates include any time spent by separately incorporated subsidiaries and other entities affiliated with the ultimate parent company that has received the information request.

*Estimated Cost Burden:* \$252,000.

It is difficult to calculate with precision the labor costs associated with the information requests, as the costs entail varying compensation levels of management and/or support staff among companies of different sizes. Financial, legal, marketing, and clerical personnel may be involved in the information collection process. The staff has assumed that professional personnel and outside legal counsel will handle most of the tasks involved in gathering and producing responsive information, and has applied an average hourly wage of \$300/hour for their labor. Thus, the staff estimates that the total labor costs per company will range between \$108,000 (\$300 × 360 hours) and \$252,000 (\$300 × 840 hours).

The staff estimates that the capital or other non-labor costs associated with the information requests will be minimal. Although the information requests may necessitate that industry members maintain the requested information provided to the Commission, they should already have in place the means to compile and maintain business records.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 2011-4196 Filed 2-24-11; 8:45 am]

**BILLING CODE 6750-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the National Coordinator for Health Information Technology; Recommendations Received From the HIT Policy Committee

**AGENCY:** Office of the National Coordinator for Health Information Technology (ONC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** Section 3002(e) of the Public Health Service Act, as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act, requires the National Coordinator for Health Information Technology to publish in the **Federal Register** and post on the internet all policy recommendations made by the HIT Policy Committee.

Policy recommendations presented at the February 2, 2011 HIT Policy Committee meeting have been transmitted from the HIT Policy Committee to the National Coordinator and are available on the ONC Web site: [http://healthit.hhs.gov/portal/server.pt/community/healthit\\_hhs\\_gov\\_policy\\_recommendations/1815](http://healthit.hhs.gov/portal/server.pt/community/healthit_hhs_gov_policy_recommendations/1815).

Dated: February 14, 2011.

**Judith Sparrow,**

*Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.*

[FR Doc. 2011-4290 Filed 2-24-11; 8:45 am]

**BILLING CODE 4150-45-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS-2326-FN]

### Medicare and Medicaid Programs; Approval of the Joint Commission for Deeming Authority for Psychiatric Hospitals

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Final notice.

**SUMMARY:** This notice announces our decision to approve the Joint

Commission for recognition as a national accreditation program for psychiatric hospitals seeking to participate in the Medicare or Medicaid programs. This initial 4-year approval is effective February 25, 2011, through February 25, 2015.

**DATES:** *Effective Date:* This final notice is effective February 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** L. Tyler Whitaker, (410) 786-5236; Patricia Chmielewski, (410) 786-6899.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a psychiatric hospital provided certain requirements are met. Section 1861(f) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as a psychiatric hospital. The regulations at 42 CFR part 482, subpart E specify, among other things, the conditions that a psychiatric hospital must meet to participate in the Medicare program. Regulations concerning provider agreements are located at 42 CFR part 489 and those pertaining to survey and certification of facilities are at 42 CFR part 488.

Generally, in order to enter into a provider agreement, a psychiatric hospital must first be certified by a State survey agency as complying with the conditions or requirements set forth in section 1861(f) of the Act, and 42 CFR part 482, including the special provisions applying to psychiatric hospitals in subpart E of our regulations. Thereafter, the psychiatric hospital is subject to ongoing review by a State survey agency to determine whether it continues to meet the Medicare requirements. However, there is an alternative to State compliance surveys. Accreditation by a nationally-recognized accreditation program can substitute for ongoing State review.

Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by an approved national accreditation organization (AO) that all applicable Medicare conditions are met or exceeded, we may “deem” that provider entity as having met the requirements. Accreditation by an AO is