

12. Are consumers' privacy interests implicated by the collection, compilation, sale and use of information collected by online profiling companies? If so, please describe.

13. Do online profiling companies disclose the ultimate uses of the information they collect? If so, what is the nature of such disclosures? Where possible, please provide examples of such disclosures.

14. Do online profiling companies provide effective mechanisms for a consumer to remove his or her information from their databases or otherwise control the use of such information?

15. Do online profiling companies provide consumers an opportunity to choose whether and how their information will be collected and used? If so, please describe the choices that consumers are given and how consumers can exercise these choices.

16. What is current industry practice, with respect to information already collected from individuals, when there is a later change in the company's policies? What is the current industry practice, with respect to information already collected from individuals, when there is a material change in the corporate structure or business contracts governing such information, such as through a merger, joint venture, or sale of customer lists? Do online profiling companies provide notice and choice with respect to how already-collected information is handled under changed circumstances?

17. What, if any, legal or other practical issues would be implicated in the creation of effective self-regulatory programs to govern the sorts of changed circumstances described in Question 16?

18. Do online profiling companies provide consumers the opportunity to see what information has been collected from or about them and the ability to correct errors? If so, please describe.

19. What procedures have online profiling companies instituted to maintain the security of the information they collect?

20. What self-regulatory efforts have online profiling companies undertaken to address concerns raised by their collection, compilation, sale, and use of consumer information? How do these efforts address the fair information practice of notice, choice, access, security, and enforcement? What are the costs and benefits, to both consumers and businesses, of such self-regulatory efforts?

21. Are there any efforts currently underway or planned to educate

consumers and businesses about online profiling? If so, please describe.

### 5. Form and Availability of Comments

Comments should indicate the number(s) of the specific question(s) being answered, provide responses to questions in numerical order, and use a new page for each question answered.

Written comments will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Federal Trade Commission regulations, 16 CFR part 4.9, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m. at the Public Reference Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. The agencies will make this notice and, to the extent technically possible, all comments received in response to this notice available to the public through the Internet at the following addresses: [www.ftc.gov](http://www.ftc.gov) and [www.ntia.doc.gov](http://www.ntia.doc.gov).

By direction of the Commission.

**Donald S. Clark,**

*Secretary, Federal Trade Commission.*

**Kathy D. Smith,**

*Acting Chief Counsel, National Telecommunications and Information Administration, U.S. Department of Commerce.*

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## FEDERAL TRADE COMMISSION

[File No. 991 0288]

### The Associated Ocel Company Limited; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before November 19, 1999.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** William Baer, FTC/H-374, 600

Pennsylvania Ave., NW, Washington, DC 20580. (202) 326-2932.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for September 7, 1999), on the World Wide Web, at "<http://www.ftc.gov/os/actions97.htm>." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views 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)).

### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing a proposed Consent Order from The Associated Ocel Company Limited ("Ocel"), which is designed to resolve competitive concerns arising out of Ocel's proposed acquisition of Oboadler Company Limited ("Oboadler"). Under the terms of the agreement, Ocel will be required, among other things, to supply lead antiknock compounds to Oboadler's current U.S. distributor, Allchem Industries, Inc., for resale in the United States.

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the

proposed Consent Order and the comments received, and will decide whether it should withdraw from the proposed Consent Order or make final the proposed Order.

Pursuant to a Share Purchase Agreement dated June 1, 1999, Octel has agreed to acquire 100 percent of the share capital of Oboadler for approximately \$100 million. Oboadler controls three operating companies that, collectively, are engaged in the business of manufacturing and selling lead antiknock compounds: Alcor Chemie AG, Alcor Chemie Vertriebs AG, and Novoktan GmbH. The proposed Complaint alleges that the acquisition of Oboadler, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, in the world market for lead antiknock compounds.

Lead antiknock compounds are gasoline additives that contain tetraethyl lead. The product is used to increase the octane rating of gasoline, and thereby eliminate engine knock during the combustion cycle and improve fuel efficiency. Worldwide use of lead antiknocks has declined substantially since the early 1970's, and a continuing decline in demand is forecast. Driven by public health concerns, nations around the world are requiring refiners to adopt alternative methods of increasing the octane level of gasoline. Currently in the United States, lead antiknock compounds are added to aviation fuel for piston engine aircraft, and to certain motor gasoline for racing cars.

The proposed Complaint alleges that the world market for the manufacture and sale of lead antiknock compounds is highly concentrated. Octel and Oboadler are two of only three firms in the world that manufacture lead antiknock compounds. In the United States, lead antiknock compounds manufactured by Octel are distributed by two firms: Octel America Inc. (a subsidiary of Octel) and Ethyl Corporation ("Ethyl").<sup>1</sup> In the United States, lead antiknock compounds manufactured by Oboadler are distributed by Allchem Industries, Inc. ("Allchem").

The proposed Complaint further alleges that entry into the market would not be timely, likely and sufficient to deter or counteract the adverse competitive effects of the acquisition on

competition. Entry is unlikely to occur because of the length of time and expense necessary to construct production facilities, environmental regulations, and ongoing decline in worldwide demand for lead antiknock compounds, and the cost of environmental remediation at the manufacturing site when, due to decline in demand, production is no longer commercially practicable.

According to the proposed Complaint, the effect of the proposed acquisition may be substantially to lessen competition by, among other things, eliminating direct actual competition between Octel and Oboadler in the relevant market, increasing the likelihood of coordinated interaction between the remaining competitors in the relevant market, and increasing the likelihood that consumers of lead antiknock compounds will be forced to pay higher prices.

The proposed Consent Order is designed to protect U.S. consumers of lead antiknock compounds from the exercise of market power resulting from Octel's proposed acquisition. The foundation for the Consent Order is a long-term supply agreement that Octel has entered into with Allchem, Oboadler's U.S. distributor.<sup>2</sup> The Supply Agreement provides that Octel shall provide Allchem with unlimited quantities of lead antiknock compounds for resale to customers in the United States. Further, Allchem shall have the sole right to determine the customers in the U.S. to whom the product will be resold, as well as the terms and conditions of such resale.

The proposed Consent Order requires Octel to supply product to Allchem for fifteen years in accordance with the terms and conditions of the Supply Agreement, and subject to the termination provision thereof.<sup>3</sup> (Paragraph II) In addition, Octel is prohibited from modifying certain key terms of the Supply Agreement except with the prior approval of the Commission.<sup>4</sup> (Paragraph III)

<sup>2</sup> Agreement for the Supply of Tetra Ethyl Lead Additive dated July 19, 1999, as amended by the Supplemental Agreement for the Supply of Tetra Ethyl Lead Additive dated July 30, 1999 (hereinafter collectively referred to as the "Supply Agreement"). The Supply Agreement goes into effect when Octel acquires Oboadler.

<sup>3</sup> At any time after year ten, Octel can terminate the Supply Agreement provided that Octel has ceased to manufacture lead antiknocks and has exited from the worldwide lead antiknocks business.

<sup>4</sup> The purpose of this provision is to prevent Octel and Allchem from modifying the Supply Agreement in a manner that is beneficial to each of them but harmful to U.S. consumers. To take an extreme example, the Commission would likely disapprove a proposed modification in which Allchem received

The wholesale price to be charged to Allchem for lead antiknock compounds is the product of negotiations between Octel and Allchem. If the wholesale price is too high (relative to the price at which Allchem, absent the acquisition, could have obtained product from Oboadler), then prices to U.S. consumers may likewise be supra-competitive. The proposed remedy relies upon Allchem's incentive to negotiate the lowest possible price. The Supply Agreement negotiated by the parties, should it take effect, will afford Allchem a reduction in the wholesale price of lead antiknock compounds (relative to Allchem's existing agreement with Oboadler).

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the agreement and proposed Order or to modify their terms in any way.

By direction of the Commission.

**Donald S. Clark,**

Secretary.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Meeting of the Secretary's Advisory Committee on Genetic Testing

**AGENCY:** Office of the Secretary, DHHS.

**ACTION:** Notice of meeting.

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Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Secretary's Advisory Committee on Genetic Testing (SACGT), U.S. Public Health Service. The meeting will be held at the Doubletree Hotel, Regency Ballroom, 1750 Rockville Pike, Bethesda, MD 20852, starting on October 25, 1999 at approximately 9:00 a.m. and will recess at approximately 5:30 p.m. The meeting will reconvene on October 26, 1999 at approximately 8:00 a.m. and will adjourn at approximately 5:00 p.m. The meeting will be open to the public. Attendance by the public will be limited by the space available. The committee will continue deliberations begun at its first meeting in June on questions related to the oversight of genetic testing, and it will finalize plans for gathering public perspectives on those questions. A limited period of time will be provided for public comment, and individuals

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a cash payment in return for surrendering its right to purchase and resell lead antiknocks.

<sup>1</sup> See *The Associated Octel Company Limited and Great Lakes Chemical Corporation*, FTC Docket No. C-3815 (1998) (Commission order requiring, *inter alia*, that Octel supply Ethyl with whatever volumes of lead antiknock compounds Ethyl requires for resale to U.S. customers).