

**SUMMARY:** This notice amends the notice of a major disaster for the State of Minnesota (FEMA-1175-DR), dated April 8, 1997, and related determinations.

**EFFECTIVE DATE:** June 13, 1997.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Lawrence L. Bailey of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Robert S. Teeri as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**James L. Witt,**

*Director.*

[FR Doc. 97-18534 Filed 7-14-97; 8:45 am]

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1174-DR]

### North Dakota; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State North Dakota (FEMA-1174-DR), dated April 7, 1997, and related determinations.

**EFFECTIVE DATE:** June 18, 1997.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated June 18, 1997, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 51521 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of North Dakota,

resulting from severe flooding, severe winter storms, heavy spring rain, rapid snowmelt, high winds, ice jams, ground saturation due to high water tables, and fires beginning on February 28, 1997, and continuing through May 24, 1997, is of sufficient severity and magnitude that special conditions are warranted regarding the cost sharing arrangements concerning Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act").

Therefore, I amend my previous declaration to authorize Federal funds for Public Assistance at 90 percent of total eligible costs, except for direct Federal assistance costs and debris removal and emergency protective measures (Categories A and B) under the Public Assistance program which were authorized at 100 percent Federal funding. This 90 percent reimbursement applies to all eligible Public Assistance costs (Categories C through G).

This adjustment to State and local cost sharing applies only to Public Assistance (Categories C through G) costs eligible for such adjustment under the law. The law specifically prohibits a similar adjustment for funds provided to the State for the Individual and Family Grant program, mobile home group site development under Section 408, Temporary Housing, and Hazard Mitigation Assistance. These funds will continue to be reimbursed at 75 percent of total eligible costs.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**James L. Witt,**

*Director.*

[FR Doc. 97-18536 Filed 7-14-97; 8:45 am]

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## FEDERAL TRADE COMMISSION

[File No. 972-3024]

### Kave Elahie d/b/a M.E.K. International; 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 September 15, 1997.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Klurfeld, Federal Trade

Commission, San Francisco Regional Office, 901 Market Street, Suite 570, San Francisco, CA 94103, (415) 356-5270.

**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 agreement 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 accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the Commission Actions section of the FTC Home Page (for June 26 1997), on the World Wide Web, at "http://www.ftc.gov/os/actions/htm." A paper copy can be obtained from the FTC Public Reference Room, Room H-130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326-3627. Public comment is invited. 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 has provisionally accepted an agreement to a proposed consent order from respondent Kave Elahie doing business as M.E.K. International, a California company that markets the NutraTrim Bio-Active Cellulite Reduction Cream and the NutraTrim Weight Loss tablets.

The proposed consent order has been placed on the public record for sixty (60) days for receipt 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 agreement and the comments received and will decide whether it should make final the agreement's proposed order, or withdraw from the agreement and take other appropriate action.

This matter concerns the advertising of the NutraTrim brand products. The advertising of the NutraTrim Bio-Active Cellulite Reduction Cream, which contains aminophylline, claims that the product will eliminate cellulite and fat, even in the absence of general weight loss. The advertising for the NutraTrim

Weight Loss tablets, which contain chromium picolinate, claims that the product will cause weight loss, reduce cholesterol levels, control appetite, and increase metabolism. The Commission's complaint charges that the respondent did not possess and rely upon a reasonable basis that substantiated the claims at the time they were made.

In addition, the complaint alleges as false respondent's claim that these claims were based on competent and reliable scientific studies.

Lastly, the Commission's complaint charges that respondent represented, without a reasonable basis, that the testimonials or endorsements from consumers appearing in advertisements for its Nutra Trim brand products reflect the typical or ordinary experience of members of the public who use its cellulite reduction cream and weight loss tablets.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondent from engaging in similar acts and practices in the future.

Part I of the proposed order prohibits the respondent from making unsubstantiated claims that its aminophylline-based cream can cause or contribute to cellulite reduction and fat loss and that its chromium picolinate weight loss tablets can cause or contribute to achieving body fat loss, weight loss, reduction in cholesterol levels, increase in metabolism, or appetite control. Part II of the proposed order prohibits the respondent from making any claims regarding the performance, benefits, efficacy, or safety of its products unless it has competent and reliable scientific evidence to substantiate such claims. Part III of the proposed order prohibits the respondent from making any misrepresentation regarding any test or study.

Part IV of the proposed order addresses claims made through endorsements or testimonials. Under Part IV, the respondent may make such representations if the respondent possesses and relies upon competent and reliable scientific evidence that substantiates the representations; or the respondent must disclose either what the generally expected results would be for users of the advertised products, or the limited applicability of the endorser's experience to what consumers may generally expect to achieve. The proposed order's treatment of testimonial claims is in accordance with the Commission's "Guides Concerning Use of Endorsements and Testimonials in Advertising," 16 CFR 255.2(a).

Parts V and VI of the proposed order harmonize the requirements of the order with the requirements of the Nutrition Labeling and Education Act of 1990 and with Food and Drug Administration procedures.

The proposed order also requires the respondent to maintain advertising materials and materials relied upon to substantiate claims covered by the order; to provide a copy of the consent agreement to certain personnel in the company; to notify the Commission of any change in his employment; and to file one or more reports detailing compliance with the order.

Under Part XI, the order terminates 20 years from the date of issuance, except under certain specified conditions.

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

**Donald S. Clark,**  
Secretary.

[FR Doc. 97-18442 Filed 7-14-97; 8:45 am]

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Human Services Transportation Technical Assistance Project

**AGENCY:** The Assistant Secretary for Planning and Evaluation and the Director of the Office of Intergovernmental Affairs (IGA) of the Department of Health and Human Services (HHS).

**ACTION:** Requests for applications for technical assistance in the area of human services transportation from national organizations with a record of assisting rural and special transportation needs.

**SUMMARY:** This announcement solicits applications and describes the application process for the award of the cooperative agreement. It is the intent of HHS to fund one project which addresses the various task areas in this announcement. The project period will be for three years. However, an award will be funded only for the first year with funding for years two and three subject to the government's determination to continue the project.

**DATES:** The closing date for submittal of applications under this announcement is August 29, 1997.

**ADDRESSES:** Send application to Grants Officer, Department of Health and

Human Services, ASPE/IO, 200 Independence Avenue, SW., Room 405-A, Washington, DC 20201. Attn: Adrienne D.B. Little.

**FOR FURTHER INFORMATION CONTACT:** Technical Questions, Dianne L. McSwain, HHS/IGA, 200 Independence Avenue, SW., Room 630-F, Washington, DC 20201, Telephone: (202) 401-5926. Questions may be faxed to (202) 690-5672 (applications may not be faxed for submission). Application Instructions and Forms, Copies of applications should be requested from and submitted to: Grants Officer, Department of Health and Human Services, ASPE/IO, 200 Independence Avenue, SW., Room 405-A, Washington, DC 20201, phone (202) 690-8794. No faxes will be accepted. Questions concerning the preceding information should be submitted to the Grants Officer at the same address.

#### Eligible Applicants

Eligible applicants are national organizations or large institutions with a record of assisting rural and special transportation needs. Congress has indicated that the funded organization should have experience in administering a national toll-free hotline and electronic informational bulletin boards. It should regularly publish a national technical assistance periodical, maintain a national network of local and State affiliates, and have demonstrated experience in providing information and technical assistance on human services transportation to local agencies and programs.

#### Part I. Supplementary Information

##### *Legislative Authority*

The Transportation Coordination Technical Assistance Project cooperative agreement(s) are authorized by section 1110 of the Social Security Act (42 U.S.C. 1310) and awards will be made from funds appropriated under Public Law 104-208.

##### *Project History and Purpose*

In FY 1990, Congress authorized \$250,000 for the provision of technical assistance to human service transportation providers. This effort included the compilation of data on specific target populations, the development of mechanisms for dissemination of information, and the preparation of a report to the Secretary on the provision of transportation services to human service clients. For FYs 1991 through 1996, the Congress authorized \$500,000 for this effort, adding funding for specific technical assistance in the implementation of the requirements of the Americans with