

Trans #	Acquiring	Acquired	Entities
20021178 .....	Landry's Restaurants, Inc .....	Metro National Corporation .....	Kimberley Restaurants, Ltd., MNC Restaurant Properties, L.P., Well Seasoned, Inc.
<b>Transactions Granted Early Terminations—09/23/2002</b>			
20021122 .....	Honeywell International Inc .....	Invesys plc .....	Invesys plc.
<b>Transactions Granted Early Terminations—09/24/2002</b>			
20021135 .....	Cadence Design Systems, Inc .....	International Business Machines Corporation.	International Business Machines Corporation.
20021175 .....	MAAX, Inc .....	Aker Plastics Company, Inc .....	Aker Plastics Company, Inc.
<b>Transactions Granted Early Terminations—09/25/2002</b>			
20021164 .....	Yves Barrette .....	Ronald D. Erwin .....	Erwin Industries, LLC.
20021182 .....	G&K Services, Inc .....	Russell Waggoner, Jr .....	Rental Uniform Company, Inc., Rental Uniform Service of Somerset Kentucky, Inc.
<b>Transactions Granted Early Terminations—09/26/2002</b>			
20021133 .....	Toshiba Corporation .....	Mitsubishi Electric Corporation .....	Mitsubishi Electric Corporation.
<b>Transactions Granted Early Terminations—09/27/2002</b>			
20021154 .....	Gencorp Inc .....	General Dynamics Corporation .....	General Dynamics OTS (Aerospace), Inc.
20021167 .....	Waste Connections, Inc .....	Allied Waste Industries, Inc .....	Allied Waste Industries, Inc.
20021168 .....	RF Micro Devices, Inc. ....	Carlyle Partners III, L.P .....	Jazz Semiconductor, Inc.
20021174 .....	General Electric Company .....	Advanced Ceramics Corporation .....	Advanced Ceramics Corporation.
20021179 .....	Newco, a to-be-formed Luxembourg SARL.	Vivendi Universal, S.A .....	Houghton Mifflin Company, Vivendi Universal Publishing S.A.
20021186 .....	Groupe Editions Holding I, SARL .....	Vivendi Universal, S.A .....	Houghton Mifflin Company.

**FOR FURTHER INFORMATION CONTACT:** Sandra M. Peay or Renee A. Hallman, Contact Representative. Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

[FR Doc. 02-25758 Filed 10-9-02; 8:45 am]

**BILLING CODE 6750-01-M**

## FEDERAL TRADE COMMISSION

[File No. 022 3005]

### The National Research Center for College and University Admissions, Inc., and Don M. Muncie; and American Student List, LLC; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreements.

**SUMMARY:** The consent agreements in the two matters settle 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 both consent agreements and the terms of the consent orders—embodied in the consent agreements—that would settle these allegations.

**DATES:** Comments must be received on or before October 31, 2002.

**ADDRESSES:** Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 159-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments filed in electronic form should be directed to: [consentagreement@ftc.gov](mailto:consentagreement@ftc.gov), as prescribed below.

**FOR FURTHER INFORMATION CONTACT:** Jessica Rich or Laura Mazzarella, FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-2148.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and section 2.34 of the Commission's Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreements containing consent orders to cease and desist, having been filed with the accepted, subject to final approval, by the Commission, have been placed on the public record for a period of thirty

(30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreements, and the allegations in the complaint. An electronic copy of the full text of the consent agreements packages can be obtained from the FTC Home Page (for October 2, 2002), on the World Wide Web, at "<http://www.ftc.gov/os/2002/10index.htm>." A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Comments filed in paper form should be directed to: FTC/Office of the Secretary, Room 158-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. 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 our as an attachment to email messages directed to the following email box: [consentagreement@ftc.gov](mailto:consentagreement@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).

#### **Analysis of Proposed Consent Orders To Aid Public Comment**

The Federal Trade Commission has accepted agreements, subject to final approval, to (1) a proposed consent order from the National Research Center for College and University Admissions, Inc. ("NRCCUA") and its officer Don M. Munce ("Munce"), and (2) a proposed consent order from American Student List, LLC ("ASL"). The proposed orders are substantively identical. NRCCUA is a student survey company that supplies student data to colleges and universities and other entities for recruitment and marketing purposes. ASL is a commercial list broker that supplies names for youth marketing campaigns.

The proposed consent orders have been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreements and the comments received and will decide whether it should withdraw from the agreements and take other appropriate action or make final the agreements' proposed orders.

This matter concerns representations made about how detailed, personal information collected from high school students through a survey would be used, and how the survey is funded. The proposed respondents distribute a survey to high school teachers and guidance counselors with the request that they have their students complete the survey. The survey collects from students personal information including name, address, age, race, religious affiliation, and academic, career, and athletic interests. NRCCUA and Munce then Market personal information collected through the survey primarily to colleges and universities, which use the information to target high school students for recruitment purposes. NRCCUA also provides survey information to ASL. ASL uses survey information to create lists of college-bound students that it sells to commercial entities for use in marketing. Such entities include, but are not limited to, consumer products manufacturers, credit card companies, direct marketers, list brokers, database marketing companies, and advertising agencies.

The Commission's complaint charges that the proposed respondents falsely represented that information collection from high school students through the survey is shared only with colleges, universities, and other entities providing education-related services when, in fact, such information is also shared with commercial entities for marketing purposes. The complaint also alleges that the proposed respondents falsely represented that the survey is funded solely by educational institutions when, in fact, the survey also receives substantial funding from ASL, a commercial entity.

Part I of the consent orders prohibits the proposed respondents, in connection with the collection of personally identifiable information from an individual, from misrepresenting (1) how such information is collected or will be used or disclosed, or (2) how the collection of such information is funded. Part II of the orders prohibits the proposed respondents, in connection with the collection of personally identifiable information from students for any "noneducational-related marketing purpose," from using or disclosing such information unless they disclose (1) the existence and nature of such noneducational-related marketing purpose, and (2) the types or categories of any entities to which the information will be disclosed.

The proposed orders define "noneducational-related marketing purpose" to mean for the purpose of marketing products or services, or selling personally identifiable information from or about an individual for use in marketing products or services to individuals. The definition specifically excludes the use of personal information in connection with certain activities determined to be "educational products or services" under the recently enacted No Child Left Behind Act, namely (a) college or postsecondary education recruitment, or military recruitment; (b) book clubs, magazines, and programs providing access to low-cost literary products; (c) curriculum and instructional materials used by elementary schools and secondary schools; (d) student recognition programs; or (e) any other activity expressly determined under the No Child Left Behind Act or its implementing regulations to be an "educational product or service." In addition, the proposed orders provide that when determining whether any specific activity is an "educational product or service," any official, written, publicly-disseminated interpretation by the Department of

Education regarding such activity shall be controlling.

Part III of the orders prohibits the proposed respondents from using or disclosing for any noneducational-related marketing purpose any personally identifiable information that was collected through surveys distributed prior to the date of service of the orders. In addition to the educational purposes excepted from the definition of "noneducational-related marketing purpose," Part III also permits the proposed respondents to use such information for the purpose of (a) job recruitment, (b) the provision of student loans, or (c) the provision of standardized test preparation services.

The remainder of the proposed orders contains standard requirements that the proposed respondents maintain copies of privacy statements and other documents relating to the collection, use or disclosure of personally identifiable information; distribute copies of the orders to certain company officials and employees; notify the Commission of any change in the corporation that may affect compliance obligations under the order, and file one or more reports detailing their compliance with the orders. Part VIII of the proposed orders is a provision whereby the orders, absent certain circumstances, terminate twenty years from the date of issuance.

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

These proposed orders, if issued in final form, will resolve the claims alleged in the complaint against the named respondents. It is not the Commission's intent that acceptance of these consent agreements and issuance of final decisions and orders will release any claims against any unnamed persons or entities associated with the conduct described in the complaint.

By direction of the Commission.

**Donald S. Clark,**  
*Secretary.*

[FR Doc. 02-25757 Filed 10-9-02; 8:45 am]  
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#### **FEDERAL TRADE COMMISSION**

[File No. 021 0123]

#### **Shell Oil Company and Pennzoil-Quaker State Company; Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.