

Maintain or analyze the functioning of the Web site or online service; (b) perform network communications; (c) authenticate users of, or personalize the content on, the Web site or online service; (d) serve contextual advertising on the Web site or online service; (e) protect the security or integrity of the user, Web site, or online service; or (f) fulfill a request of a child as permitted by §§ 312.5(c)(3) and (4); so long as the information collected for the activities listed in (a)–(f) is not used or disclosed to contact a specific individual or for any other purpose.

\* \* \* \* \*

*Web site or online service directed to children* means a commercial Web site or online service, or portion thereof, that:

- (a) Knowingly targets children under age 13 as its primary audience; or,
- (b) based on the overall content of the Web site or online service, is likely to attract children under age 13 as its primary audience; or,
- (c) based on the overall content of the Web site or online service, is likely to attract an audience that includes a disproportionately large percentage of children under age 13 as compared to the percentage of such children in the general population; *provided however that* such Web site or online service shall not be deemed to be directed to children if it: (i) Does not collect personal information from any visitor prior to collecting age information; and (ii) prevents the collection, use, or disclosure of personal information from visitors who identify themselves as under age 13 without first obtaining verifiable parental consent; or,
- (d) knows or has reason to know that it is collecting personal information through any Web site or online service covered under paragraphs (a)–(c).

In determining whether a commercial Web site or online service, or a portion thereof, is directed to children, the Commission will consider its subject matter, visual content, use of animated characters or child-oriented activities and incentives, music or other audio content, age of models, presence of child celebrities or celebrities who appeal to children, language or other characteristics of the Web site or online service, as well as whether advertising promoting or appearing on the Web site or online service is directed to children. The Commission will also consider competent and reliable empirical evidence regarding audience composition, and evidence regarding the intended audience. A commercial Web site or online service, or a portion thereof, shall not be deemed directed to

children solely because it refers or links to a commercial Web site or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

By direction of the Commission.

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

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 51

[REG–112805–10]

RIN 1545–BJ39

#### Branded Prescription Drug Fee; Hearing

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of public hearing on notice proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** This document provides notice of public hearing on proposed regulations relating to the branded prescription drug fee imposed by the Affordable Care Act.

**DATES:** The public hearing is being held on Friday, November 9, 2012, at 10:00 a.m. The IRS must receive outlines of the topics to be discussed at the public hearing by Friday, October 5, 2012.

**ADDRESSES:** The public hearing is being held in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224. Send Submissions to CC:PA:LPD:PR (REG–112805–10), room 5205, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday to CC:PA:LPD:PR (REG–112805–10), Couriers Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC or sent electronically via the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) (REG–112805–10).

**FOR FURTHER INFORMATION CONTACT:**

Concerning the regulations, Celia Gabrysh (202) 622–3130; concerning submissions of comments, the hearing and/or to be placed on the building access list to attend the hearing Funmi Taylor at (202) 622–7180 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is the

notice of proposed rulemaking by cross-reference to temporary regulations (REG–112805–10) that was published in the **Federal Register** on Thursday, August 18, 2011 (76 FR 51310).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing that submitted written comments by November 16, 2011, must submit an outline of the topics to be addressed and the amount of time to be denoted to each topic.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (room 1621) which is located at the 11th and Pennsylvania Avenue NW., entrance, 1111 Constitution Avenue NW., Washington, DC.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

**LaNita VanDyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 323

RIN 0790–A186

[Docket ID: DOD–2012–OS–0018]

#### Defense Logistics Agency Privacy Program

**AGENCY:** Defense Logistics Agency, DoD.

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Defense Logistics Agency (DLA) is proposing to amend the DLA Privacy Program Regulation. The DLA Privacy Offices have been repositioned under the DLA General Counsel; therefore, responsibilities have been updated to reflect the repositioning. In addition, DLA has adopted revisions to the DoD Privacy Program.