

*Respondents:* Business or other for-profit entity.

*Number of Respondents:* 350.

*Estimated Time per Response:* 1.0 hours.

*Total Annual Burden:* 350.

*Total Annual Costs:* 24,150.

*Needs and Uses:* Licensees and permittees of FM Translator or FM Booster stations are required to file FCC Form 350 to obtain a new or modified station license. The data are used by FCC staff to confirm that the station has been built to terms specified in the outstanding construction permit. Data are then extracted from FCC 350 for inclusion in the subsequent license to operate the station.

*OMB Control Number:* 3060-0407.

*Title:* Section 73.3598, Period of Construction.

*Form Number:* N/A.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Business or other for-profit entities; Not-for-profit institutions.

*Number of Respondents:* 100.

*Estimate Time per Response:* 0.75-3.0 hours.

*Frequency of Response:* On occasion reporting requirements.

*Total Annual Burden:* 131 hours.

*Total Annual Cost:* \$7,000.

*Needs and Uses:* When a permit is subject to tolling because construction is encumbered due to an act of God, or when a construction permit is the subject of administrative or judicial review, Section 73.3598 requires a permittee to notify the Commission as promptly as possible and, in any event, within 30 days, and to provide supporting documentation. Tolling resulting from an act of God will normally cease six months from the date of the notification. A permittee must also notify the Commission promptly when a relevant administrative or judicial review is resolved. Any construction permit for which construction has not been completed shall be automatically forfeited upon expiration of the construction permit. The data are used by FCC staff to ensure that legitimate obstacles are preventing permittees from the construction of broadcast facilities.

*OMB Control Number:* 3060-0886.

*Title:* Section 73.3534, Period of Construction for ITFS Construction Permits and Requests for Extension Thereof.

*Form Number:* N/A.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Not-for profit institutions; and State, local or tribal government.

*Number of Respondents:* 610.

*Estimated Time per Response:* 1.0 hours.

*Frequency of Response:* On occasion reporting requirements.

*Total Annual Burden:* 519 hours.

*Total Annual Cost:* \$18,300.

*Needs and Uses:* 47 CFR Section 73.3534 allows permittees to request an extension of time to construct an Instructional Television Fixed Station (ITFS). This request should include a specific and detailed showing that the failure to complete construction was due to causes not under the control of the permittee. An extension of time to construct will be limited to a period of no more than 6 months. Any construction permit for which construction has not been completed shall be automatically forfeited upon expiration of the construction permit. The data are used by FCC staff to ensure that legitimate obstacles are preventing permittees from the construction of ITFS facilities.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 02-5276 Filed 3-5-02; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:25 a.m. on Friday, March 1, 2002, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate, supervisory, and resolution activities.

In calling the meeting, the Board determined, on motion of Director John M. Reich (Appointive), seconded by Director James E. Gilleran (Director, Office of Thrift Supervision), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donald E. Powell, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to the public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2),

(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: March 1, 2002.

Federal Deposit Insurance Corporation.

**James D. LaPierre,**

*Deputy Executive Secretary.*

[FR Doc. 02-5422 Filed 3-4-02; 11:21 am]

**BILLING CODE 6714-01-M**

## FEDERAL TRADE COMMISSION

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

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

**ACTION:** Notice.

**SUMMARY:** The FTC seeks public comments on its proposal to extend through June 30, 2005 the current Paperwork Reduction Act ("PRA") clearance for information collection requirements contained in its Children's Online Privacy Protection Act Rule ("COPPA Rule" or "Rule"). That clearance expires on June 30, 2002.

**DATES:** Comments must be submitted on or before May 6, 2002.

**ADDRESSES:** Send written comments to Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Ave., N.W., Washington, D.C. 20580. All comments should be captioned "COPPA Rule: Paperwork comment." Comments in electronic form should be sent to: [COPPApaperwork@ftc.gov](mailto:COPPApaperwork@ftc.gov), as prescribed below.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information requirements should be addressed to Elizabeth Delaney, Attorney, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Room S-4002, 601 Pennsylvania Ave., NW, Washington, DC 20580, (202) 326-2903.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. "Collection of information" means agency requests or requirements that members of the public submit reports, keeps records, or provide information to a third party. 44 U.S.C. 3502(3), 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the COPPA

Rule, 16 CFR Part 312 (OMB Control Number 3084-0117).

The FTC invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of 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.

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 or as an attachment to email messages directed to the following e-mail box: [COPPApaperwork@ftc.gov](mailto:COPPApaperwork@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).

The COPPA Rule prohibits unfair and deceptive acts and practices in connection with the collection and use of personally identifiable information from and about children on the Internet. Under the terms of the Act, the Commission's rules must:

(1) Require each Web site and online service operator directed to children, and any Web site or online service operator with actual knowledge that it is collecting personal information from children, to provide notice of how it collects, uses and discloses such information and, with exceptions, to obtain the prior consent of the child's parent in order to engage in such collection, use and disclosure;

(2) Require the operator to provide the parent with notice of the specific types of personal information being collected from the child, to give the parent the opportunity to forbid the operator at any time from further collecting, using, or maintaining such information, and to provide reasonable means for the parent to obtain the information;

(3) Prohibit a child's participation in a game, a prize offer, or other activity

from being conditioned on the child's disclosure of more personal information than is "reasonably necessary" for the child to participate in that activity; and

(4) require Web site and online service operators to establish procedures that protect the confidentiality, security and integrity of personal information collected from children.<sup>1</sup>

The above-described "notice" requirements do not mandate the maintenance or reporting of any records or other information for or on behalf of the government. Nonetheless, the FTC seeks OMB approval because the aforementioned provisions constitute "collection(s) of information" under the PRA.<sup>2</sup> Likewise, the FTC seeks OMB clearance regarding the information collected under the Rule's safe harbor provisions because, while the submission by operators of such requests to the agency is voluntary, the Rule includes specific information requirements that all such requesters must provide to receive Commission approval.<sup>3</sup> Thus, the safe harbor provisions include a "collection of information" under the PRA and implementing OMB regulations. *See* 44 U.S.C. 3502(3)(A), 5 CFR 1320.3(c).

*Estimated annual hours burden:* 2,065 hours.

FTC staff projects an estimated 30 new web entrants each year will fall within the rule's coverage and that each will require, on average, 60 hours per year to craft a privacy policy, design a mechanism to provide the required notice, and post it online.<sup>4</sup> Accordingly,

<sup>1</sup> 15 U.S.C. 6502(b)(1)(A)-(D).

<sup>2</sup> 44 U.S.C. 3502(3), (13); 5 CFR 1320.3(c) (identical questions or reporting requirements directed to ten or more persons). The Commission does not seek OMB approval for the COPPA requirement that state attorneys general notify the Commission when filing a civil action under the Commission's rule, since the rule does not incorporate that statutory requirement. *See* 15 U.S.C. 6504(2)(A). Likewise, the Commission does not seek OMB approval for the portion of section 312.5 of the Rule that requires operators to ensure they have parental consent before collecting information from children, since the Rule does not require that operators report or maintain any records of such consent on behalf of the government. *See* 5 CFR 1320.3(c), (m).

<sup>3</sup> *See* section 312.10(c). Under section 312.10 operators will be deemed to be in compliance with the Rule if they meet the terms of industry self-regulatory guidelines approved by the Commission after notice and comment.

<sup>4</sup> The hours estimate per new entrant is the same that staff projected in this initial PRA analysis published in the notice of proposed rulemaking. *See* 64 FR 22750, 22761 (April 27, 1999). Staff also retains its prior projection that roughly 30 new children's sites subject to the rule would be posted each year. Although staff can not determine with any degree of certainty the number of new entrants potentially subject to the rule, it believes its empirical estimate is reasonable. Moreover, the Commission received no prior comments challenging staff's prior PRA analysis

staff estimates that newly affected entities will require approximately 1,800 hours to comply with these requirements of the Rule.<sup>5</sup> Consistent with staff's prior estimated apportionment (5:1) of legal (lawyers or similar professionals) and technical (computer programmers) time spent on compliance,<sup>6</sup> staff estimates that 1,500 hours of this total would be time spent by lawyers (developing the notice policy) and 300 hours would be attributable to computer programmers' efforts (posting the policy on the Web site).

With regard to the Rule's safe harbor provisions, staff estimates, based on industry input, that it would require, on average, 265 hours per new safe harbor program applicant to prepare and submit their safe harbor proposal in accordance with section 310.12(c) of the Rule. Industry sources have also advised staff that all of this time would be attributable to lawyers' time and costs. Based on past experience and industry input, staff believes that no more than one applicant per year (if that) will submit a request. Staff believes, however, that most of the records listed in the Rule's safe harbor provisions consist of records that marketing and online industry representatives have kept in the ordinary course of business preceding the Rule. PRA "burden" does not include effort expended in the ordinary course of business independent of a regulatory requirement. 5 CFR 1320.3(b)(2). Any incremental burden, such as that for maintaining the results of independent assessments under section 312.10(d)(3), would be, in staff's view, de minimis. Accordingly, staff estimates that total hours per year for start-up efforts and for safe harbor application would be approximately 2,065 hours (1,800 + 265).

*Labor costs:* Labor costs are derived by applying appropriate hourly cost figures to the burden hours described

notwithstanding its receipt of numerous comments on the Rule itself. Accordingly, staff retains those estimates for the instant PRA analysis.

<sup>5</sup> Web site operators that have previously created or adjusted their sites to comply with the Rule will incur no further burden associated with the rule, unless they opt to change their policies and information collection in ways that will further invoke the Rule's provisions. Moreover, staff believes that existing COPPA-compliant operators who introduce additional sites beyond those they already have created will incur minimal, if any, incremental PRA burden. This is because such operators already have been through the startup phase, and can carry over the results of that to the new sites they create.

<sup>6</sup> *See* <http://www.ftc.gov/os/1999/9906/childprivsup.htm> (text of the PRA supporting statement sent to OMB contemporaneously with publication of the proposed rule).

above. Staff conservatively assumes hourly rates of \$75 and \$25, respectively, for lawyers and computer programmers.<sup>7</sup> Based on these inputs, staff further estimates that the associated annual labor costs for new entrants would be \$120,000 [(1,500 hours × \$75/hour for legal) + (300 hours × \$25/hour for technical.)] and \$19,875 for safe harbor applicants [265 hours × \$75/hour for legal × one application per year] for a total labor cost of \$140,000, rounded to the nearest thousand.

*Non-labor costs:* Since Web sites will already be equipped with the computer equipment and software necessary to comply with the Rule's notice requirements, the sole costs incurred by the website are the aforementioned estimated labor costs. Similarly, industry members should already have in place the means to retain and store the records the Rule's safe harbor recordkeeping provisions specify (and that members likely have been keeping independent of the Rule).

**John D. Graubert,**

*Acting General Counsel.*

[FR Doc. 02-5330 Filed 3-5-02; 8:45 am]

**BILLING CODE 6750-01-M**

## FEDERAL TRADE COMMISSION

### Remedial Use of Disgorgement

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

**ACTION:** Notice; extension of public comment period.

**SUMMARY:** The Commission is extending the period for comments on the use of disgorgement as a remedy for violations of the Hart-Scott-Rodino (HSR) Act, FTC Act and Clayton Act.

**DATES:** Comments must be received by March 29, 2002.

<sup>7</sup> Previously, staff's stated estimates for such labor, were \$65.33/hour for legal and \$23.18 for computer programmers, based on adding ten percent to 1996 statistics found in "Occupational Compensation Survey: National Summary 1996," U.S. Department of Labor, Bureau of Labor Statistics. In September 2001, however, the Department of Labor published its "National Compensation Survey: Occupational Wages in the United States 2000," which integrates data from the Occupational Compensation Survey, the Employment Cost Index, and the Employee Benefits Survey. According to this more recent compilation, the mean hourly earnings of lawyers and computer programmers, based on a survey of all 50 states from June 1999 to April 2001, was \$38.70 and \$23.33, respectively. More generally, regarding most other Commission information collection activities that invoke the PRA, Commission staff has estimated lawyer's national average hourly rates to be \$75, which staff will also apply here. The \$25 estimate for computer programmers is merely a rough rounding based on the above-noted data.

**ADDRESSES:** An original and twelve (12) copies of any 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 [disgorgementcomment@ftc.gov](mailto:disgorgementcomment@ftc.gov), as described below.

**FOR FURTHER INFORMATION CONTACT:** John Graubert, Office of General Counsel, FTC, 600 Pennsylvania Avenue, NW, Washington, DC 20580, (202) 326-2186, [jgraubert@ftc.gov](mailto:jgraubert@ftc.gov).

**SUPPLEMENTARY INFORMATION:** In a notice published at 66 FR 67254 (Dec. 28, 2001), the Commission solicited public comment on the factors the Commission should consider in applying disgorgement in competition cases and how this remedy should be calculated. In consideration of a request from a potential commentor, the Commission has determined that it would be in the public interest to extend the original deadline of March 1, 2002, so that all interested parties have the fullest opportunity to prepare and submit their comments on the questions set forth in the previously published notice. Accordingly, the Commission invites public comment until March 29, 2002, which may be submitted as specified above in the **ADDRESSES** section of this notice.

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 159-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 or as an attachment to e-mail messages directed to the following e-mail box:

[disgorgementcomment@ftc.gov](mailto:disgorgementcomment@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).

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 02-5328 Filed 3-5-02; 8:45 am]

**BILLING CODE 6750-01-P**

## FEDERAL TRADE COMMISSION

### Public Workshop: Consumer Information Security

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

**ACTION:** Notice announcing public workshop and requesting public comment and participation.

**SUMMARY:** The FTC is planning to host a public workshop to explore issues relating to the security of consumers' computers and the personal information stored in them or in company databases.

**DATES:** The workshop will be held on Thursday, May 16, 2002, from 9:00 a.m. to 5:00 p.m., and Friday, May 17, 2002, from 9:00 a.m. to 2:00 p.m., at the Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

*Pre-registration:* The event is open to the public and there is no fee for attendance. However, attendees are strongly encouraged to pre-register, as seating will be limited. To pre-register, please e-mail your name and affiliation by April 29, 2002, to [securityworkshop@ftc.gov](mailto:securityworkshop@ftc.gov).

*Requests to participate as a panelist:* As discussed below, written requests to participate as a panelist in the workshop must be filed on or before April 1, 2002. Persons filing requests to participate as a panelist will be notified on or before April 22, 2002, if they have been selected to participate.

*Written comments:* Whether or not selected to participate, persons may submit written comments on the Questions to be Addressed at the workshop. Such comments must be filed on or before April 29, 2002. For further instructions on submitting comments and requests to participate, please see the "Form and Availability of Comments" and "Requests to Participate as a Panelist in the Workshop" sections below. To read our policy on how we handle the information you may submit, please visit <http://www.ftc.gov/ftc/privacy.htm>.

**ADDRESSES:** Written comments and requests to participate as a panelist in the workshop should be submitted to: Secretary, Federal Trade Commission, Room 159, 600 Pennsylvania Avenue, NW, Washington, DC 20580. Alternatively, they may be e-mailed to [securityworkshop@ftc.gov](mailto:securityworkshop@ftc.gov).

**FOR FURTHER INFORMATION CONTACT:** L. Mark Eichorn, Division of Advertising Practices, 202-326-3053, Ellen Finn, Division of Financial Practices, 202-326-3296, or Laura Berger, Division of Financial Practices, 202-326-2471. The above staff can be reached by mail at: